

**COUNTRY REPORTS ON HUMAN RIGHTS
PRACTICES FOR 1999**

HEARING
BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
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CONTENTS

	Page
WITNESSES	
The Honorable Harold Hongju Koh, Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State	9
Ms. Elisa Massimino, Director of Washington, DC Office, Lawyers Committee for Human Rights	52
Carlos Salinas, Advocacy Director for Latin America, Amnesty International USA	60
Nina Shea, Director, Center for Religious Freedom, Freedom House	67
Alison DesForges, Consultant, Human Rights Watch/Africa	72
APPENDIX	
Prepared statements:	
Hon. Christopher H. Smith, a U.S. Representative in Congress from the State of New Jersey, Chairman, Subcommittee on International Operations and Human Rights	82
Hon. Harold Hongju Koh	86
Ms. Elisa Massimino	96
Mr. Carlos M. Salinas	109
Ms. Nina Shea	127
Dr. Alison DesForges	135
Additional material submitted for the record:	
Prepared statement of the Hon. George Radanovich, a U.S. Representative in Congress from the State of California	140
Insert from Amnesty International USA	141

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U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL, OPERATIONS AND
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COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.,

The Subcommittee met, pursuant to notice, at 10:07 a.m., in room 2360, Rayburn House Office Building, Hon. Christopher H. Smith, (Chairman of the Subcommittee) presiding. Mr. SMITH. The Subcommittee will come to order. Good morning.

I am very pleased to convene this hearing of the Subcommittee on International Operations and Human Rights for the purpose of reviewing the country reports on human rights practices for 1999.

Our distinguished witnesses this year include Assistant Secretary for Democracy, Human Rights and Labor, Harold Koh, and the representatives of four leading human rights organizations.

Secretary Koh, I am particularly pleased to welcome you back to the Subcommittee, now that we have been successful in our effort to enact legislation requiring the State Department to spend at least \$12 million per year more on the Bureau of Democracy, Human Rights and Labor.

As you know, this almost doubles the Bureau's budget, but it is still less than one-half of 1 percent of the Department's salaries and expenses and just a little more than what the Department spends on its Public Relations Bureau. I know that as a State Department official, you strongly disapprove of such Congressional micro management, but I believe Congress occasionally needs to help the executive branch get its priorities right.

One such occasion is when Congress finds out that the State Department is spending more on PR than on human rights. So this reordering of priorities was a long overdue step and we believe a necessary step, although certainly not a sufficient one, toward giving the protection of human rights the leading role it deserves in the foreign policy of the United States.

This year's country reports have already been the subject of well deserved praise. Last year's reports were quite strong and this year's contain even more information and pull even fewer punches. I know this takes not only hard work, but also courage on the part of the people who work on the reports, especially when an honest and unvarnished statement of the facts might create difficulty for the Department or the Administration.

For instance, the China report does not attempt to conceal the deterioration of the human rights situation in that country. More arrests of political and religious dissenters, more bad news for the people of Tibet and East Turkestan, more evidence of forced labor and complicity of government officials in sex trafficking, more forced abortions and forced sterilizations. All this cannot help but lend support to those of us who believe that 6 years of the Administration's constructive engagement policy have harmed rather than helped the long-suffering people of China.

This pattern of honest reporting extended even to some of our strongest allies. For instance, the treatment of Northern Ireland is fair and even-handed, even when the approach requires scrutiny of our friend and ally, the British Government.

In addition to describing acts of violence by the republican and loyalist paramilitary groups, the report also asserts that, "members of the Royal Ulster Constabulary police force committed human rights abuses" during this year. Similarly, when discussing the case of murdered defense attorney Rosemary Nelson, the text reports "doubts about the RUC's impartiality" in the investigation of Ms. Nelson's original harassment charges against the police.

Unfortunately, there are still a few holdovers from the pattern of a few years ago, in which the country reports often appeared to be the product of guerrilla warfare between human rights advocates within the State Department and their colleagues whose primary interest was to avoid "damaging the relationship" between the U.S. and some horrible dictatorship. This old pattern is still strongly evident in this year's reports on Cambodia, Laos, and Vietnam. Although a careful reading of the Cambodia report makes clear that the government's human rights violations during 1999 were numerous and severe, the first few paragraphs of the report contain a number of positive statements about the government, most of them having little or nothing to do with human rights, which tend to deflect the reader's attention from the government's egregious human rights record.

For instance, the report begins by saying that the new government headed by serial murderer Hun Sen has brought political stability to the country. Hun Sen and others like him around the world will be encouraged by the implication that there is an internationally recognized human right to political stability, but the object of the country reports on human rights practices should not be to encourage the likes of Hun Sen.

The report then goes on to take the controversial position that despite numerous electoral irregularities and systematic harassment of opposition parties, up to and including murder, the formation of the new government reflected the will of the electorate, the report says.

Finally, we are still in the first three paragraphs of the report. It states that Cambodia is an impoverished country and that the stagnant economy began to improve following the formation of the coalition government.

Why does this statement about the government's economic accomplishments belong in a human rights report? Surely, the Human Rights Bureau does not intend it to excuse or perhaps mitigate the government's human rights record. At best it is distracting

and irrelevant, and at worst it suggests that while the government of Cambodia may be breaking some eggs, it may also be making some tasty omelets.

The Laos report is noteworthy not for what it says, but for what it omits. Among the most disturbing events in that troubled country during 1999 was the disappearance of two United States citizens, both members of the Hmong ethnic minority, near the border between Thailand and Laos. An eyewitness reported that he saw the two men cross into Laos in the company of a Lao government official, and there was another report that the Lao government had captured both men and executed one of them.

Yet, the country report states only that there were conflicting accounts of the incident, without providing any further detail.

Assistant Secretary Koh, I know you will agree that whenever a tyrannical government captures or kills an innocent person, it is absolutely predictable that there will be conflicting accounts of what has happened, because such governments tend to lie. Yet a human rights report issued by the U.S. cannot simply take the word of the alleged killers at face value and close the books with the case permanently unsolved.

At the very least, the report should have given the details of the eyewitness accounts, along with the denial by the government of Laos.

This year's Vietnam report reads a lot like the China report used to read back in the bad old days. It honestly states the facts about a wide range of human rights violations, but it follows each terrible fact with a gratuitous and exculpatory editorial comment, such as "there have been improvements in some areas." If you slice your areas thin enough and have an optimistic outlook on life, you can always find improvement in some areas.

The report also pays the government of Vietnam backhanded compliments such as that it exhibited greater freedom for different views on nonpolitical subjects than for political ones. Unfortunately, the Vietnam report also puts a spin on issues in which the Department or the Administration has a strong interest. For instance, as in prior years, this year's Vietnam country report repeats the conclusion of the UNHCR monitors that none of the thousands of people returned to Vietnam from refugee camps under the comprehensive plan of action were persecuted upon their return.

In reaching this conclusion, UNHCR monitors had to decide what to do among thousands of returnees who were subjected to extensive interrogation by security police about their anti-Communist activities before and after leaving Vietnam, who were threatened with severe retribution if they engaged in similar activities after their return, and who were denied the household registration which we all know is necessary to receive basic necessities of life.

Some of these people were imprisoned on return, allegedly for crimes they committed before they left, and at least one was executed. In every single case, the monitors decided either that such ill treatment did not constitute persecution or that it was inflicted for some nonpolitical reason.

The State Department has been given information on a number of these cases, both by human rights organizations and by Members of Congress. Rather than uncritically repeating the UNHCR

conclusions in future reports, I strongly urge the bureau to investigate these cases and decide whether these people are telling the truth about suffering serious harm upon return to Vietnam.

In another particularly unfortunate mischaracterization, the report cites the creation by the Vietnamese government of a committee to govern the Hoa Hao Buddhist Church, as evidence of the improvement in religious freedom, although the report also notes that some Hoa Hao do not accept the committee as legitimate.

I met with members of this denomination on a recent trip to Vietnam and I am informed that nearly all of the Hoa Hao believers reject the new committee. Its leader is a prominent communist cadre and its first acts were to prohibit various Hoa Hao ceremonies.

If the U.S. Government were to organize an 11-member committee to govern the Catholic Church or the Methodist Church or any Buddhist Church, nobody would claim this enhanced freedom of religion for Catholics or for Methodists or for Buddhists. We should not make the same mistake in the case of the Hoa Hao.

Vietnam, Laos and Cambodia are small countries in which U.S. diplomats are keen to build a better relationship with an egregious government. Because the United States business interests do not have the same economic stake in these countries as they do in China, severe and well publicized human rights violations may present a serious obstacle to the U.S. trade concessions, foreign assistance and other diplomatic building blocks.

The argument that has worked in the case of China that the government consists largely of thugs, but that they will eventually stop being thugs if we only trade with them and trade some more, does not work for these countries and it doesn't work for China.

We should send the same message day in and day out to every human rights violator in the world. If you abide by certain minimum standards of decency, then you will be welcomed by the United States as an equal member of the community of free and civilized nations, and good things will flow to you from the U.S. If you do not abide by these minimum standards, you will not receive these benefits.

I have often quoted the remarks of a witness who represented Amnesty International at our first hearing of this Subcommittee under my chairmanship. He stated, "Human rights is a island off the mainland of U.S. foreign policy," unconnected to anything else.

Unfortunately, we still have a long way to go in order to integrate human rights into the mainstream of our foreign policy. We should start by denying Permanent Most Favored Nation status to China or to any other government that systematically brutalizes its own people.

I'd like to yield to my good friend and colleague from Georgia, the Ranking Member of our Subcommittee, Cynthia McKinney.

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

Ms. MCKINNEY. Thank you, Mr. Chairman. I would like to thank you for convening this panel, as well as your strong leadership on the issue of human rights, particularly human rights practices in China.

I am very pleased to welcome back our Assistant Secretary Harold Koh and I look forward to your presentation of this year's State Department Country Reports on Human Rights Practices.

I also look forward to hearing from the representatives of the distinguished human rights organizations from whom we will also be hearing.

I'd like to express my appreciation to those people not here today who contributed to the production of this report. In Secretary Koh's February 25th statement regarding the release of the 1999 country reports on human rights practices, he correctly points out that the simple act of human rights reporting is difficult and sometimes even dangerous work.

Last year, this Subcommittee, under the leadership of Chairman Smith, reported out the Embassy Security Enhancement Act of 1999. I want to assure you that, working with the Chairman, we will continue to do our part to provide a safe and effective environment for your colleagues who are working on our behalf in embassies and consulates around the world.

The issues with which the country reports deal are among the most important that our government faces in the conduct of its foreign policy. We have come to realize that governments that mistreat their own people are not likely to treat foreigners much better and, therefore, that it's both easier and safer to work with governments that respect human rights.

We have also discovered that countries that respect labor rights tend to have effective, satisfied and productive workers. Observance of human rights has thus become not merely a lofty ideal for us to urge on others, but a very practical consideration in the way we do business.

I want to begin my discussion of the particular reports by first drawing attention to the record on China and the report with respect to an issue that's before Congress, national normal trade relations status. I have seen administration after administration use the tired old excuse of constructive engagement for rewarding brutal and repressive regimes with everything from diplomatic recognition, taxpayer finance largess, arms sales, or as is now the case, Most Favored Nation trading status, based on the false promise of social change through engagement.

Not once from the old apartheid regime of South Africa to the killing fields of Guatemala and El Salvador, to the burned ruins of East Timor, not once has engagement ever been constructive in bringing about anything other than more repression, a more entrenched oligarchy, more death, and more despair.

Social change comes from the dedicated, persistent and often dangerous work of activists, working for social change, many of whom are in this room—never once from arms dealers and bankers who tout engagement as a sale for the public conscience over doing business with butchers.

In addition, I would like to turn to the situation in Iraq and recognize two activists who have worked and sacrificed in the face of overwhelming odds for the lives and dignity of others. They are Hans von Sponik, the former humanitarian coordinator in Iraq, and Jutta Burkhardt, the former Chief of the U.N.'s World Food Programme in Baghdad.

Both resigned in protest over the continued sanctions on Iraq. Von Sponik's resignation follows his predecessor, Dennis Halladay, who also resigned in protest and has become one of the outspoken critics of the sanctions regime.

To put the issue in perspective, the total number of Americans killed in war during the last century is less than the number of Iraqis that have died due to the sanctions regime. The sanctions themselves have become a weapon of mass destruction. I applaud and honor Mr. Von Sponik and Ms. Burkhardt for their courage, their conviction, and their humanity.

It is time to bring an end to this dreadful episode in American foreign policy. I am also deeply disappointed by the situation in the Great Lakes Region. The territorial integrity of the Democratic Republic of Congo must be protected. The U.S. must become an honest broker in this war and should begin by severing any covert military relationships with the armed groups and factions that are committing crimes against humanity.

The United States and its allies must be examples of transparency, democracy, respect for human rights, and sustainable development. Instead, Rwanda and Uganda continue to raid the Democratic Republic of Congo, occupying large amounts of that country's territory and stealing its resources.

Has the United States condemned these actions? Will you condemn these actions today? Will you call for an immediate withdrawal of Uganda and Rwanda from the DRC?

If not, then we are doing nothing more than hiding behind a policy that condones the partition of the Democratic Republic of Congo by African allies of the United States.

In her opening statement to the U.N. Security Council, Secretary of State Albright cited an incident of 12 women who were buried alive in the eastern Democratic Republic of Congo. The U.S. Special Rapporteur on Human Rights in the DRC reported that these massacres perpetrated by Rwandan Rebels in 1998 and 1999, where more than 800 were killed, are the cruelest and most violent incidents of the war.

These sorts of massacres are taking place in rebel-held areas of the DRC, as the U.S. lamely asserts that it doesn't support the rebels.

In Rwanda, we know the Clinton Administration actively worked to prevent anyone from responding to pleas from the U.N. forces on the ground attempting to prevent or contain the 1994 Rwandan genocide. Both France and Belgium have taken an introspective look at what went wrong and why and the United States needs to do the same.

This summer, Ugandans will vote on whether to establish democracy or continue the present arrangement, which your own human rights report in 1997 called a one-party state.

The position of the Administration has been that it will support any result if the election process is fair. Human Rights Watch strongly argued that the one-party system violates basic human rights, such as freedom of expression and political association, principles to which the U.S. is rhetorically committed.

However, Human Rights Watch made very clear that since mid 1997, the U.S. has been nearly silent on the issue. Shouldn't we

care if Ugandans get to practice democratic freedoms and is it not true that the security problems of Uganda, Burundi and Rwanda won't be solved until they develop democratic institutions?

In addition, I want to call particular attention to the close collaboration of the Colombian military with paramilitary groups that are responsible for massacres and widespread human rights violations against the civilian population.

I question the Administration's plan to put more guns into the hands of known killers. Based on the State Department report on Colombia, it is clear that a massive influx of weapons will do nothing to quell the Colombian government's thirst for violence.

I emphatically agree with the new universal sentiment of the NGO community on the generally high quality of the Bureau of Democracy, Human Rights, and Labor's work. Although the Department has increased DRL's resources over the last few years, it is still inadequately funded.

The budget should reflect the importance of the issues with which it deals, and I will continue to work with the Chairman until it does.

Finally, Mr. Chairman, an aside. We all treasure the role and importance of the United Nations in the international community. It was created to rid the world of suffering, to prevent armed conflict, and, most important of all, to guarantee that never again would the world permit rogue states and mass murderers to commit genocide and crimes against humanity.

But unfortunately, I regret to say that in the last 6 years, the United Nations has repeatedly failed the world. In April 1994, the U.N. turned a blind eye to genocide in Rwanda and allowed an estimated one million men, women and children to be exterminated in 100 days. Just 1 year later, in July 1995, the U.N. surrendered its own U.N. declared safe haven of Srebrenica to the Serbian Army and in the following week, an estimated 7,400 men and young boys perished.

Then last year, in August-September 1999, the U.N. completely was ill-prepared to deal with violence in East Timor and the destruction of Dehli.

With respect to each of these tragedies and only after considerable complaint from concerned people, the U.N. apologized for its abject failure. But weakly worded statements of regret are not enough for these grave injustices and violations of fundamental human rights.

Just last December, in 1999, I facilitated a meeting between two Rwandan families in the U.N.'s independent inquiry into its handling of the 1994 Rwandan genocide. At that meeting, I heard the most extraordinary accounts from two families, for the first time in history, that U.N. troops themselves were accused of complicity and genocide.

In one instance, U.N. troops remained at one of the houses and drank stolen beer while Rwandan Presidential Guard troops tortured a woman and her children. In each of these instances in Rwanda, Srebrenica and East Timor, the victims of the U.N. have been left to piece their lives back together again. Certainly, little that we discuss today will rival the colossal failures experienced in Rwanda, Srebrenica and East Timor.

Just as we listen today about human rights conditions around the world, we should know that some of the greatest international crimes of the century are not to be found within these U.S. human rights documents. We still have a long way to go.

Once again, I would like to express my thanks to Mr. Koh, to his staff and DRL, and to all the embassy officers whose consistent attention to human rights issues has made these reports possible. We are the only government that does this thing and in so doing, we make a strong statement about what we as a country are about.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you for your statement. Before I yield to Mr. Tancredo, I want to associate myself with your remarks, because we have examined those issues in this Subcommittee over the last several years, and you have been right there in every one of those hearings and fact-finding trips and efforts to make a difference, whether it be in the former Yugoslavia or in Rwanda.

As we all know, there was an early warning heads-up that the killing fields were about to erupt in Rwanda. Regrettably, the General who was in charge of peace keeping faxed Kofi Annan and his admonitions that action be taken were unheeded, and we held a hearing, heard from people, actually had the fax in front of us and read it, and it was another black mark in opportunity missed and, as a result, as you pointed out so well, the killing fields ensued.

So I want to thank you for your very, very strong statement.

Mr. Tancredo.

Mr. TANCREDO. I have no opening.

Mr. SMITH. Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman. I welcome Mr. Koh here today. Your appearance here is timely, particularly given the context that this body will shortly be considering a rather large package of assistance to Colombia.

There's been a lot of discussion during the course of the past several weeks about the package and recently there was an article that appeared in the Washington Post, written by Karen DeYoung, and I'm going to quote from that article, because my line of questioning would pursue the concerns that have been articulated by the human rights community regarding the package. It's quoting a Miguel Vivanco, who is Executive Director of the Latin American Division of Human Rights Watch.

He is quoted as saying that "Human Rights Watch is not calling for Congressional rejection of the \$1.6 billion 2-year Colombian aid package." Rather, the report urges that strict new conditions be placed on all U.S. security assistance to Colombia, including the civilian prosecution of all military personnel implicated in human rights abuses and restrictions, and restrictions on intelligence sharing with Colombia Army units.

My first question, and I would give you an opportunity to reflect on this, is your department, your division's, your bureau's involvement in the development of the package put forth by the Administration. I will ask you a series of questions regarding amendments that myself and other Members intend to offer during the course of the process as this package comes forward.

I would also just ask one other question, and it was brought to my attention just recently by a member of my staff, who noted that

while the FARC, the major guerrilla group within Colombia and the second major guerrilla group in surgency was in Colombia, the ELN, are both listed on the foreign terrorist organization list.

The AUC, which is an umbrella group for paramilitary units within Colombia, headed by one Carlos Castanyo, is not listed and I would be interested in hearing why Mr. Castanyo and the AUC has failed to be listed on the foreign terrorist organization list.

It would appear to me, upon reading the statute, that this particular organization meets all of the criteria.

I yield back, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Delahunt. Mr. Ballenger.

Mr. BALLENGER. I have no opening statement.

Mr. SMITH. Thank you. I would like to now present to the Subcommittee Harold Koh, who serves as Assistant Secretary of State for Democracy, Human Rights and Labor.

Before his appointment, Mr. Koh served both as Professor of International Law and the Director of the Center for International Human Rights at Yale Law School. Assistant Secretary Koh, who earned both his BA and law degrees from Harvard University, has authored numerous articles on international law and human rights, and he is most welcome before the Committee.

Please proceed as you wish.

STATEMENT OF THE HONORABLE HAROLD HONGJU KOH, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE

Mr. KOH. Thank you, Chairman Smith and Members of the Subcommittee, for holding this valuable hearing regarding the 1999 country reports on human rights practices.

I have a written statement, which I offer for the record, which I would like to summarize.

Mr. SMITH. Without objection, your full statement will be made a part of the record.

Mr. KOH. Thank you. Mr. Chair, over the course of my 15 month tenure as Assistant Secretary for Democracy, Human Rights and Labor, I have traveled to some 35 countries, some of them several times. I have testified before you regarding numerous human rights issues and I have developed a great respect for this Committee's bipartisan support for human rights.

I hope that in the months ahead, we can continue to work together to promote freedom and human rights, wherever they are at risk.

Simply put, the goal of these annual reports remains unchanged to tell the truth about human rights conditions around the world. We believe that these reports create a comprehensive, permanent and accurate record of human rights conditions worldwide in calendar year 1999. I recognize that these reports have been read very carefully, but we continue to believe that they are the most comprehensive, permanent, and accurate record of human rights conditions around the world, obtainable from any single source.

These reports represent a massive official monitoring effort that involves hundreds of individuals, including human rights officers from each of our embassies, country desk officers from our regional and functional bureaus, officials from other U.S. Government agen-

cies, and a wide range of foreign sources, including foreign government officials, opposition figures, journalists, nongovernmental organizations, dissidents, religious groups, and labor leaders.

Let me pay special tribute to Secretary Albright, under whose leadership the coverage of the reports has greatly expanded, to include broader coverage of such key issues as religious freedom, trafficking in persons, women's rights, worker rights, violence against gays and lesbians, and the rights of the disabled.

You have said that human rights are not in the mainstream of our foreign policy. I would question that and point directly to the personal commitments of Secretary Albright, who I think stands in everything she does and in every statement she makes with the centrality of democracy, human rights and labor as her core commitments. Let me also give very special thanks to the dedicated and splendid country reports team in my own bureau, a number of whom are here in the audience to back me up, and especially to thank the talented and committed director of that bureau, Mark Susser, and his deputy director, Jeanette DuBrow, for bringing this year's report to fruition with such care and integrity.

Mr. Chair, you and the other Members of the Committee have highlighted some of the grim news in the report, but the news is not all grim. Because 1999 saw no defining human rights moment, like the fall of the Berlin Wall, few analysts noticed that 1999 saw as profound positive trend toward freedom as in 1989.

Thanks to democratic elections in two of the world's most populous states, Indonesia and Nigeria, more people came under democratic rule in 1999 than in any other recent year.

In addition, the NATO intervention in Kosovo and international intervention in East Timor demonstrated that the international community has the will and the capacity to act against the most profound violations of human rights.

Yet, these significant gains in democracy and human rights cannot overshadow a number of profound challenges to human rights that arose last year. Serbia's expulsion of 850,000-plus Albanians, the Indonesian military's complicity in the military rampage through East Timor, and the horrors perpetuated by rebels in Sierra Leone all show the world still has a long way to go before it fully adheres to the precepts of the Universal Declaration of Human Rights.

Too many authoritarian governments continue to deny basic human rights to their citizens, including the all important right to democracy. Throughout these reports, we continue to resist requests to rank order countries, but because time is short, let me touch on a handful of the country reports in which Committee Members have expressed special interest.

In China, authorities broadened and intensified their efforts to suppress those perceived to threaten governmental power or national stability. Citizens who sought to express openly dissenting political and religious views faced widespread repression. In the weeks leading up to both the tenth anniversary of Tienanman Square massacre and the 50th anniversary of the founding of the People's Republic, the government moved against political dissidents across the country, detaining and formally arresting scores of activists nationwide. Beginning in May, dozens of members of

the China democratic party were arrested in a crack down and both leaders and followers of the Falun Gong movement faced harassment, beatings, arrest, detention and sentences to prison terms for protesting the government's decision to outlaw their practice.

China continued to restrict freedom of religion and intensified controls on some unregistered churches, and for that reason, Mr. Chairman, last October, Secretary Albright designated China as one of five countries of particular concern under the new International Religious Freedom Act.

Unapproved religious groups, including Protestant and Catholic groups, continue to experience varying degrees of official interference, repression and persecution. Some minority groups, particularly Tibetan Buddhists and Muslim Uighurs, were subjected to increased restriction of fundamental freedoms. Other segments of Chinese society also faced abuse. Coercive family planning practices sometimes included forced abortion and forced sterilization.

Many women contended with domestic violence. The government continued to restrict tightly worker rights, and forced labor, particularly in penal institutions, remained a serious problem.

Our report also sites instances of extra judicial killings, torture, forced confessions, arbitrary detention, lengthy incommunicado detention, and denial of due process.

In many cases, particularly in political cases, the judicial system denied criminal defendants basic legal safeguards and due process.

For these and other reasons, the Administration announced in January, earlier than ever before, it's intention later this month to pursue a resolution against China before the U.N. Human Rights Commission in Geneva.

Similarly, Cuba's human rights record also deteriorated sharply over the past year. The Castro regime continued to suppress opposition and criticism and denied citizens freedom of speech, press, assembly and association. Cuban authorities routinely harassed, threatened, arbitrarily arrested and imprisoned human rights advocates.

The government denied political dissidents due process and subjected them to unfair trials. Many remained imprisoned and after our report was released last week, one prominent dissident, Oscar Bissette, was sentenced to an unjust sentence of 3 years.

Independent journalists faced internal travel bans, brief detentions, acts of repudiation, harassment, seizures of office equipment and repeated threats of prolonged imprisonment. As you know, Mr. Chair, in Russia, the seizure by armed insurgent groups from Chechnya of villages in the neighboring Republic of Dagestan escalated by years and into a full-fledged attack by Russian forces on Chechen separatists, including the Chechen Capitol of Grozny. The Russian attack included air strikes and the indiscriminate shelling of cities predominantly inhabited by civilians.

These attacks, which, in turn, led to house to house fighting, led to the death of numerous civilians and the displacement of hundreds of thousands more. There are credible reports of Russian military forces carrying out summary executions of civilians in Alkhan-Yurt, and in the course of the Grozny offensive. Credible reports persist that Russian forces are rounding up Chechen men

of military age and sending them to so-called filtration camps, where they are allegedly tortured.

Chechen separatists also reportedly committed abuses, including the killing of civilians. We acknowledge that the Russian government has a duty to protect its citizens from terrorist attacks, but at the same time, the Russian Federation must comply with its international commitments and obligations to protect civilians and must not engage in extra judicial killing, the blocking of borders to prevent civilians from fleeing, and other violations in the name of internal security.

As Congresswoman McKinney also pointed out, defenders and dissidents in Africa also faced severe challenges. In Sudan, the government continues to restrict most civil liberties, including freedom of assembly, association, religion and movement.

Government security forces regularly tortured, murdered, disappeared, harassed, arbitrarily arrested and detained deponents or suspected government opponents.

In the Democratic Republic of Congo, government forces lost control of more than half of the country's territory to rebels supported by troops from Rwanda and Uganda.

Government security forces increasingly used arbitrary arrest and detention throughout the year and were responsible for numerous extra judicial killings, disappearances, torture, beatings, rapes and other abuses.

Anti-government forces also committed serious abuses, including murder, robbery, harassment of human rights workers and journalists, and the recruitment of child soldiers.

Mr. Chair, let me also discuss the human rights record of two allies that have received significant media attention these last few weeks. In Colombia, despite the Pastrana administration's efforts to negotiate and end hostilities, widespread internal armed conflict and the rampant political and criminal violence persisted. Government security forces, paramilitary groups, guerrillas and narcotics traffickers all continued to commit numerous serious abuses, including extra judicial killings and torture.

Although overall human rights conditions remain poor, the government took important steps toward ending collaboration by some security force members with the paramilitaries. President Andre Pastrana and Vice President Gustavo Bell, who I met with twice in the last 2 months and again yesterday, have assured me that they will not tolerate active or passive collaboration by members of the security force or paramilitary groups.

Last year, the President removed from service four generals and numerous mid level officers and noncommissioned officers for collaboration, for failing to confront paramilitaries aggressively, or for failing to protect the local population.

In Turkey, which has an active and growing civil society movement, the government still continued to limit freedom of assembly and association and the police harassed, beat, abused and detained large numbers of demonstrators.

In general, the government continued to intimidate, indict, and imprison individuals for ideas they had expressed in public forums. The Ecevit government did adopt a series of initiatives during the year designed to improve human rights conditions, including re-

moving military judges from state security courts, increasing maximum sentences for torture or for falsifying medical records to hide torture, and passing legislation making it more difficult to close political parties.

But only 2 weeks ago, a new cause for concern arose when three Kurdish mayors were arrested, charged and briefly removed from office, although they have recently been reinstated pending trial.

These are only a few of the country situations of concern to the human rights community. I would be happy to answer any specific questions you might have about these and other country situations.

But, Mr. Chairman, I cannot conclude without noting two points. First, today, March 8, is International Women's Day. While we honor the past and recognize the progress that's been made, we must also look toward the future and acknowledge how much needs to be done.

In Afghanistan, for example, women continue to face the most serious women's human rights crisis in the world. Elsewhere, women daily face violence, abuse, rape and other forms of degradation. Female genital mutilation continues to be practiced in much of sub-Saharan Africa and to varying degrees in some countries in the Middle East.

In Kuwait and elsewhere, women continue to be denied the right to vote and to seek election to the legislative bodies.

Today, let me also reaffirm, Mr. Chairman, the Administration's unequivocal support for ratification of CEDAW, the Convention for the Elimination of All Forms of Discrimination Against Women. Ratification of CEDAW is central to maintaining our position as a leading advocate for human rights. It would strengthen our global efforts to advance the status of women and we have proposed a number of reservations and declarations to ensure that the ratification complies with all U.S. Constitutional requirements.

One hundred sixty-five countries have now ratified or acceded to the convention and the United States is the only country in this hemisphere, the world's only democracy and the only NATO nation that has not ratified the convention.

Mr. Chair, it is now 5 years since the Beijing Women's Conference. For the Senate to hold hearings on ratification and move swiftly to advise and consent to the ratification of CEDAW would be no more than simple justice.

Second, International Women's Day reminds us of the deeply related problem of trafficking and persons. Trafficking, as Secretary Albright recently said, is a growing, "global problem that each year robs millions of their rights, their loved ones, and often their very lives."

It affects people from all walks of life, of every age, religion and culture, and nearly every country in the world is either a source, transit or destination country. As I have testified before this Committee, trafficking represents the antithesis of universal declaration of human rights, where, by treating its victims as objects, it denies their very humanity.

To highlight the U.S. Government's intensified focus on this problem, this year, for the first, the State Department established a separate section in each of the 194 country reports to highlight this pressing issue and to bring about efforts for reform.

Mr. Chairman, let me close by saying that as the introduction to our report explains, the global right for human rights is a team effort in which the U.S. Government is only one player. The struggle requires creative partnerships that cross partisan religious, ethnic and public/private lines. I know that you and other Members of the Subcommittee share this Administration's deep commitment to promoting democracy, human rights, labor, and religious freedom worldwide.

In the months that remain in my tenure, I pledge again to give my all to work with you and your Committee to continue strengthening these vitally important human rights partnerships.

Thank you. I now am ready to answer any questions you might have. Mr. SMITH. Thank you very much, Mr. Secretary, for your fine testimony and for the good work that you do and your staff. There's a great deal of respect for that on this Subcommittee on both sides of the aisle.

I would like to raise a couple of questions on very specific countries, beginning with the People's Republic of China. In reading this voluminous report, which continually uses the word "intensifies" and words like that to indicate that the bad is actually getting worse in China, and it leads some of us who are concerned about the upcoming battle to make MFN permanent, which would take away all economic leverage that we might have, that the trend line is seriously going in the wrong direction, whether it be the issue of religious persecution, which is on the rise, as you pointed out. Falun Gong have been rounded up, they've been beaten, their noses have been broken, their legs have been kicked out, and they've actually killed a few of their practitioners. We know that there has been a roundup of Catholic believers, including Bishops and Priests and the Evangelical Church continues under siege. Tibetans, Buddhists, the iron fist continues to hurt them in a very, very serious way. Of course, the Uighurs, we had a hearing on this just a few days ago, spoke of the rising tide of repression against the Muslim Uighurs.

In looking at the report, there was one thing that—a reference that I had not seen before, perhaps it was in another, talking about the high female suicide rate and points out that it's a serious problem.

According to the World Bank, Harvard University and the World Health Organization, some 56 percent of the world's female suicides occur in China, about 500 per day, 500 Chinese women die from suicide a day, according to the country reports on human rights practices.

That's outrageous, that's astonishing. The World Bank estimated the suicide rate in the country to be three times the global average among women and it's estimated to be nearly five times the global average overall.

Research indicates that the low status of women, the rapid shift to a market economy, and the availability of highly toxic pesticides in rural areas are among the leading causes.

Frankly, Mr. Secretary, what's missing from this, which I find to be a crass omission, is what many of us believe to be the real reason—or at least a major contributing reason—and that is the one child per couple policy in the People's Republic of China.

I'd like to read you something that was in the New York Times on April 25, 1993. It was by Nicholas Kristoff. He states, "She should be taking her 2-month-old baby out around the village now proudly nursing him and teaching him about life. Instead, her baby is buried under a mound of dirt and Li spends her time lying in bed, emotionally crushed and physically crippled. The baby died because under China's complex quota system for births, local family planning officials wanted Ms. Li to give birth in 1992 rather than in 1993, so then on December 30, when she was 7 months pregnant, they took her to an unsanitary first aid station and ordered the doctor to do the abortion."

There at least ten million abortions per year, some say the number is even higher, 90 percent of which are coerced in some way, not unlike that woman who has been hurt by the government.

The article goes on to say, "Ms. Li's family pleaded, the doctor protested, but the family planning workers insisted. The result, the baby died, and the 23-year-old Ms. Li is incapacitated," and it talks about how emotionally she is totally distraught.

I've had hearings at my Subcommittee, Mr. Secretary, where we have heard from women who were forcibly aborted, some of whom had the great fortune of making their way to the U.S., only to be incarcerated in Bakersfield because they came in on the Golden Venture or came in in some other way. They finally did get out, thankfully, but they told of the emotional trauma, the absolutely debilitating emotional trauma, and yet in the country reports, it notes "highly toxic pesticides." And you would think that if it affects women, it would also affect men, and you would see a great increase in men killing themselves from pesticides.

"A rapid shift to a market economy." We're being told, especially with the upcoming Most Favored Nation status debate, that this is the greatest thing since sliced bread, that somehow China is going to matriculate into a market-oriented economy and that everybody will benefit, and yet that's being cited as a reason for the suicide rate.

Then "the low status of women." In China, as we all know, women have had an incredibly low status for a millennium, for several millennia. This is nothing new. Bound feet and all of the other terrible things that have been done against women over the years.

Now we have something new. Ever since 1979, with the full complicity of the population and family planning community, including the United Nations Population Fund, you're only allowed one child, and women are fined, they have children on the run, there is a gross disparity between the births of boys versus girls, as we know, and that's pointed out in this document as well, and yet we see this alarming rise of female suicides.

Obviously, there is a great emotional pain being felt by the women of China. Why was that left out? I would respectfully submit that there needs to be more research done on the real reasons, since one witness after another that we've had—and, again, let me just go back to that Nicholas Kristoff article. I raised that in 1994 with the head of the family planning program in Beijing and that family planning group with whom I met to run the program said Kristoff had made it all up, the New York Times was simply lying. Yet the evidence that we have gotten from one person after an-

other—we had a woman who used to run a family planning program in Fujian Province, you might recall, Bill and Tom, last year, who testified she ran the program in Fujian, in one of their areas, for a dozen years. She self-described herself as a mother by night, a monster by the day, and talked about the emotional pain and suffering, not to mention this theft of children and the killing of children by way of forced abortion, but she talked about the emotional pain.

I suggest that what's missing here is the fact that women are crying out, so much so that they're taking their lives, and this is glossed over in the report, it's glossed over by the population control community, who want to ascribe it to pesticides or some other situation like that.

If you could respond to that, I'd appreciate it.

Mr. KOH. Mr. Chairman, I think you've accurately painted the overall picture. As we said, the human rights situation deteriorated markedly throughout the year, and we highlighted in the report many of the points that you made, the increasing crack down on political dissent, the China democratic party, some 35,000 incidents against the Falun Gong, restrictions on religious freedom, not just with regard to Tibetan Buddhists, Muslim Uighurs, also Christians and, as you pointed out, the well publicized case involving the investiture of Catholic Bishops.

We also pointed to forced and prison labor situations, arbitrary detention and internet restrictions.

The issue of the status of women and the devaluation of women in Chinese society is something that we've reported on consistently over the years and the very issue that you mentioned, which is the coercive family policy, is one on which we have reported with great detail and indeed in which we've engaged the Chinese directly in our human rights dialogue

Let me just read to you from pages 33 through 37 of the report, which address it. We say the government continued to implement comprehensive and often intrusive family planning policies—jumping ahead to page 34—these population control policies rely on education propaganda, economic incentives, as well as on more coercive measures, including psychological pressure and economic penalties.

On the next page, we describe the policies in a number of the different provinces and then say intense pressure to meet family planning targets set by the government has resulted in documented instances in which family planning officials have used coercion, including forced abortion and sterilization, to meet government goals, and we go on and discuss this matter at considerable length in the remainder of the report.

As you know, Congressman, when Gao Shoa Dwan, who has been testifying before this Committee about these practices and how they function, we have ourselves, in our bureau, taken a special interest in trying to reunite Gao with family members and to bring about a reunification of this issue.

So this has not been something on which we believe there to be an omission in the report.

The specific point that you raise, which is with regard to suicide rates, let me point out that we tried to put this in the context of

a range of different factors which have created pressure and problems for women in Chinese society.

I should also point out that the suicide rate among men has been very high this year, disturbingly high, but that in particular, challenges from economic restructuring have contributed to this problem and have created a situation in which the low status of women has been translated into them being particular victims of societal dislocation as the society starts to change.

So my point would be that I have read the Kristoff article, that we understand the concerns that you raise. These are ones that we report on in considerable detail in our report.

We believe that your overall statement of the human rights record rings true and indeed the statements you made both at the recent testimony on Tibet and your other recent hearing in the past few weeks on the relationship between human rights issues and other issues are ones which we think accurately reflect our report.

But we would disagree that we have made some omission here. I think we have tried to put the grievous status of women 5 years after the Beijing women's conference into the context of a range of factors that have caused this, and those are outlined in considerable detail in the report.

Mr. SMITH. Let me ask you, again, Mr. Secretary, 500 women per day commit suicide in China, an absolutely staggering number, if these figures are accurate. Even if it's half of that, even if it's a third of that, it's a staggering number of lost lives due to incredibly emotional stress that has to be coming from somewhere.

Forced abortion is absolutely pervasive in China—I've been fighting this for 20 years. I've been in Congress for 20 years, found about it in the first couple of years of my tenure in office, and I have been sickened by the international community's pooh-poohing of the issue, glossing it over, saying that that was yesterday, not today.

There's always light at the end of the tunnel, even though the internal documents that we keep copies of, and the evidence that we see in the field shows that women are being dealt with so cruelly.

A woman wants to protect her own baby. We also have heard from men who testified about the agony of seeing their sons or daughters killed by the family planning cadres and they couldn't do anything to stop it. When you can't protect your own family members that might lead one to commit suicide or to take some other drastic action.

I think it is a serious omission when the only things that are mentioned are toxic pesticides, low status, and a shift to a market economy. That's missing the mark by a mile, it would seem to me.

I've had close to 15 hearings, maybe even more, on the issue, focused exclusively or in part on the forced abortion issue. I think it's an outrage to women that they are so mistreated. That's why I argued against the Beijing venue for the Beijing women's conference. It could have been held somewhere else. Because I saw what happened there. They were touted in their own press as being somehow enlightened with regard to women. That is like having a civil rights conclave in South Africa during the height of Apartheid, and

somehow suggesting that they were the beacon of hope for racial harmony.

The same thing goes for China with regard to women and forced abortion and forced sterilization, breaking up families the way they do. To not look into this as a factor contributing to the suicide rate is a serious oversight. We've had so many people recount the terrible, deleterious, emotional consequences of this forced abortion policy and its impact on women. Its nowhere to be found.

I would hope and I ask you, plead with you, to go back and check this. If the people that do the investigating are part of the population control community, forget it, you'll get a tainted report. They have been whitewashing the crimes against China for so long, I've lost count. I go back and I look at the hearings and—the floor statements—I do have a long memory when it come to this and whether it be Dr. Sadik of the UNFPA who said the Chinese Program is totally voluntary, or someone else. Wei Jingsheng, when he testified before us immediately after his release, said he was outraged when he saw the U.N. workers were working side by side with the family planning cadres in going after their families and forcibly aborting these women.

Children are precious. Abortion is violence against children and it's also violence against women and when it's forced abortion, the emotional consequences are devastating.

Please, this has to be fixed. Fixed with the facts, I would respectfully submit, because this doesn't tell the story of why those suicides occur. These women are the walking wounded and we need to at least accurately tell the world why they're wounded and there's ample evidence out there and we can put you contact with sources—and I'm sure you have your own.

There is also something in the report dealing with——

Mr. KOH. If I can respond.

Mr. SMITH. Yes.

Mr. KOH. Mr. Chairman, we admire your passion and commitment on this issue, which I think has done an important job in highlighting this issue and it's one on which we have devoted a lot of energy in our own bureau and in the department to investigating.

I think the facts, as you say, are depressing. This is a very, very large country in which there is a very, very high suicide rate on the part of both men and women and we've tried to identify a number of the facts throughout the report. As we said, all of the population of China is living under a markedly deteriorating human rights condition.

But I do think that when the question comes as to why 500 women commit suicide in an average day in the largest country in the world, as a lawyer and as someone who has to be very careful with the facts, I have to take care to make sure that I fully understand the causes before I assign causation to it.

China is a closed society. We do not have as much information as we would like and I——

Mr. SMITH. With all due respect, you have assigned causes here such as the low status of women in China. There has been a low status for women, like I said, for thousands of years, as women in other nations around the world have suffered from low status,

which did not lead to mega suicides like we're seeing in China today.

There is a reason to be found if an honest investigation is instigated, I believe, based on tons of anecdotal evidence that we have, including from victims. We had a woman testify who was being held, regrettably, by the administration in Bakersfield, we had to subpoena her to come and speak. She was a passenger on the Golden Venture, who said she found a baby girl who had been abandoned and that she was told by the family planning cadres that her time was up, that now she would be forcibly aborted and sterilized, because she had her one child.

She broke down crying. She couldn't even finish her testimony, she was in such agony. Yet this goes unreported. You have ascribed reasons and I believe that they have missed the mark by a mile.

We had a hearing just a few days on China, again, one in a long series. One of our witnesses took issue with the assertion. In direct answer to a question right out of the country reports that I quoted, that ethnic minorities, such as the Muslim Uighurs and the Tibetans, are subject to less stringent population controls. Those who testified, both on behalf of the Tibetans and the Muslim Uighurs, said that was absolutely false. What is the evidence to back that up?

Mr. KOH. That's based on the best evidence we have. If it's something which is subject to challenge by your witnesses, we'd welcome more information.

I would point out that the factors that you noted are ones that we said were among the leading causes and we obviously have to be careful, in my case, lawyerly, about what we assign as causes.

I take your point, Congressman. We will endeavor to investigate the issue further and if we think that we can make an objective statement about both of these issues, the issue with regard to the Uighurs and the one that you have raised, then we will do so and correct it for the future report.

Mr. SMITH. Before I move on to another question, let me ask—as a lawyer, do you find it obvious or somehow proven that, “pesticides, toxic pesticides” are more likely to cause suicide than forced abortion?

Mr. KOH. The statement says research indicates that the low status of women, the rapid shift to a market economy and the availability of highly toxic pesticides are among the leading causes. I think that can mean that there are other causes as well, but that's what we have encountered as the leading examples and that's what we relied upon.

Mr. SMITH. But, again, who are the researchers? This is why we need an absolutely unbiased group of researchers to interview these women, and there are several in our own country. We've had many at our hearings, although that's anecdotal, but it's certainly very suggestive.

Over the years, I've been in contact with many women who have had forced abortions. They break down and say that it's an agony that is almost unbearable when the state says the baby you're carrying must be destroyed because it doesn't fit into the quota system.

The weakness, the sense of vulnerability that they couldn't even protect their own child and the state has stolen and killed their child is a major contributing cause to this, I believe, based on 20 years of dealing with the issue.

Mr. KOH. I understand your point and with the help of the Committee and with the sources that you have, we'll try to move toward as full accuracy as we can obtain in these reports.

Mr. SMITH. My Chief Counsel makes a good point. We'd like to see the studies that led to that and see what was omitted and part of coming to that conclusion.

I have, and you have it, as well, I'm sure, volumes of evidence to show the forced abortion policy is central policy. They say one thing to the public, for the crowd, so to speak, and for the international community, but the internal documents clearly say you have your one child, sometimes two, and that's it.

Let me ask you another question, and then I'll yield to my colleagues and go to a second round. On Chechnya, in Russia, we've had some hearings in the Helsinki Commission, which I Chair. You are a distinguished commissioner on that, as well.

Obviously, to many of us, it seems like dejavu all over again, as Yogi Berra said. Here it goes again. The United States has at least spoken out this time. We didn't do it last time with any real conviction. As a matter of fact, Al Gore, at a crucial time—and we actually convened a hearing on this—said that it was an internal affair during that first Chechen war. Many people, including Elena Bonner, wife of Sakharov, Nobel Peace Prize winner, said at one of our Helsinki Commission hearings that that gave the green light to the Russians to commit the terrible crimes which led to about 80,000 people dead in Chechnya.

There are many people in Russia, and this came out in our most recent hearings, who see a moral equivalence to what we did in Kosovo or in Serbia and actually don't feel they need to listen to the U.S., that our moral standing or stature has been at least tainted by the fact that when we bomb, it's OK, when they bomb, it's not.

But right now, as you know, the atrocities the number of people killed, the number of displaced people are sickening.

My question, bottom line, is do you think there needs to be a war crimes tribunal investigation to hold the Russians and the Chechens, anyone who has committed atrocities in that war, accountable?

Mr. KOH. We think that there needs to be a full transparent and objective investigation leading to the punishment to those individuals who are responsible. Secretary Albright, today, in the Washington Post, on page A-31, says "we have called for a full and transparent investigation with international observers and punishment for those responsible" and has recounted her own discussions about this issue with acting President Putan and an issue that she raised directly with Foreign Minister Igor Ivinov in Lisbon last Friday. It has been the subject of intense discussion within our own bureau and, again, with the goal of trying to get to the bottom of these reports, particularly the reports of summary executions, indiscriminate shelling of civilians, massacres that have been recounted in Alkhan-Yurt.

Last week, as you know, there was a videotape, whose authenticity is still under discussion, which purported to show mass grave sites and then, of course, the conditions in the filtration camps.

The point, I think, is will the Russians themselves open up the situation and permit a full, transparent and fair investigation to go on. Acting President Putan has pointed Vladimir Kolomonov as his human rights ombudsman. He has invited Council of Europe observers, including the new Council of Europe Human Rights Commissioner Mr. Alvaro Hill Robles.

I met with Mr. Hill Robles last Friday and we discussed this issue. They have now invited Mary Robinson, the U.N. High Commissioner for Human Rights, and also OSCE representatives to come to visit the region. Human Rights Watch Executive Director Ken Roth is on his way and I spoke to him last night.

So my own view is that what is gradually happening is a shift in the Russian policy from a total exclusion of international observation and a statement that's only an internal affair, to a recognition that they do need to get to the bottom of the question.

We have said repeatedly that we believe that this raises very fundamental questions of international humanitarian law and we believe that those investigations need to get to the bottom of those questions.

Once those investigations get underway, only then will we have a sense of whether what has been unearthed is an example of a war crime or a crime against humanity. As you know, those are legal terms of art and we have to see where the evidence leads.

Mr. SMITH. I'd like to yield—thank you, Secretary Koh—to Cynthia McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. Assistant Secretary Koh, you lucked out, because my voice is giving out on me. I will be very brief. I'm just concerned about balance in the reporting.

For instance, I have perused the Democratic Republic of Congo report and unfortunately, the situation in Eastern Congo I don't believe is given enough attention, where most recently Robert Geraton has actually used the words "crimes against humanity" as having been committed there.

I understand that the United States has allied with Uganda and Rwanda, but it seems to me that in these reports, at least, we ought to be calling a spade a spade.

In the Uganda report, you mention concerns about regional security causing the country's intervention in DROC. Why did you use the word "intervention" and not "invasion?"

Mr. KOH. Let me say, Congresswoman McKinney, that we have struggled in all these reports to do exactly what you say, to call a human rights abuse a human rights abuse. I think we have made it clear in our own report on the Democratic Republic of Congo that rebel forces and their Rwandan backers have committed extra judicial killings, disappearances, torture, rape, and illegal detention, the point that I made in my opening statement.

We've also pointed out that in rebel areas, observance of civil rights are often nonexistent. As I know you know from briefings that members of my office and bureau have given to your office, we have pressed on these with great detail, particularly in the case of

the Moinga burials, the women who were buried alive, and also in relation to issues with regard to the Hema and Lindu fighting.

The U.S. Government in this situation is committed, as you know, to trying to bring peace to what is really a genuinely volatile situation. In January, as you know, numerous Members of Congress were present when Ambassador Holbrooke held, in his Month of Africa, the Month of the U.S. Security Council leadership, an entire week that was devoted to discussion of issues in the DROC. President Kabila came and participated in those meetings and the question was how to move to enhance the Lusaka process to bring about real peace in this extremely troubled region.

Now, I think we have made the point repeatedly that we will not tolerate human rights abuses by any side. We have publicly and privately denounced abuses. The situation on the ground is extremely difficult to determine because, as you know, many parts of the country are in open warfare. We've called for investigation of massacres, accountabilities for abuses in security and access for both humanitarian workers and for human rights monitors, where they occur. We work closely with human right NGO's, particularly Silomon Baldo of Human Rights Watch Africa, and Alison DesForges who will be appearing here later.

I think our goal is not to make statements with regard to political actions, but simply to call human rights abuses human rights abuses, and that that is what we do in all of the reports, the DROC report, the Uganda report and the Rwanda report. I don't think we let anybody off the hook.

Ms. MCKINNEY. Have we called for an investigation of the plane crash in 1994 that set off the Rwandan genocide?

Mr. KOH. I think that has been the subject of extensive examination and inquiry and still a lot of answers that have yet to be obtained.

But I do think with regard to the DROC situation—

Ms. MCKINNEY. Has it been the subject of substantive inquiry in the United States?

Mr. KOH. I'm the human rights officer and this is a little bit out of my rubric. It was both before the time I came and it regards a situation in which I have not personally been engaged, but I do want to say that with regard to the Great Lakes Region and the entire set of human rights issues, we have been extraordinarily energetic on the question.

I know that in your opening statement, Congresswoman, you said that our statements with regard to Rwanda were—I forget how you put it—but I remember quite a strenuous criticism of what we have done.

But I do think that in this region, we recognize how volatile that situation is and we have devoted extraordinary energies in my time in office to what we have called atrocities prevention. Indeed, that was the entire purpose of the Month of Africa and the focus that was given by Ambassador Holbrooke on this issue with regard to Angola, Burundi, Sudan, Sierra Leone, and the Democratic Republic of the Congo.

There was an effort to bring together those key political players to try to head off these disputes and prevent them from erupting into another genocide.

I think particularly the case of Burundi, in which Nelson Mandela made an extraordinary appearance before the Security Council, where, in the URUSHA process, President Mandela has brought his huge moral authority to bear, where President Clinton participated by video link in an effort to try to bring the parties to the table and head off another round of killings.

This is an area in which we are really trying to put our resources to prevent atrocities from breaking out. I went to Africa with Secretary Albright in November and the entire discussion was on these two issues. First, how to build democracy in the region, in countries such as Nigeria, support democracy in Mali, to hold peace together in fragile countries such as Sierra Leone, at the same time, how to prevent there from being future outbreaks of violence of this nature.

Sometimes it's hard to prove an atrocity that's been averted, but I will say that this Administration has really given Africa, I think, unprecedented attention in an effort to really try to make Rwanda and similar kinds of events not happen again.

Ms. MCKINNEY. There have been recent revelations from a Canadian newspaper, Steven Edwards, of the National Post, about the goings on of the U.N. Rwanda tribunal. One of the things that was mentioned was the fact that there is currently an investigation underway to investigate the leaders, the current leadership of the government of Rwanda for having committed human rights abuses in the past, that there also is an investigation of the plane crash as well. Now, in the area of atrocities prevention, we know that Vice President Kagame was trained in the United States and we also understand that current members of the Rwandan military are receiving training in the United States.

Do we know the extent to which they have subscribed to atrocities prevention curricula and whether or not our students have been involved in human rights abuses in Democratic Republic of Congo or in Rwanda?

Mr. KOH. Congresswoman, I am a professor and have been a professor for the last 15 years. Many of my students have gone on to do things that I don't approve of and, frankly, I don't take the blame for all of that. I think I teach them well, and then they go off and do what they're going to do with the training we give them.

Ms. MCKINNEY. But, now, the question was are we making an effort to understand just exactly what it is that our students and former students are doing in Rwanda or Uganda, and for that matter, the Democratic Republic of Congo?

Mr. KOH. We not only make it a point to know. We consider it to be a critical part of our legal duties in this regard. I know Congressman Delahunt has already signaled to me some of his questions with regard to all of our security assistance. We work as hard as we can on the question to try to make sure that human rights training is done, that those people who train in the United States have rigorous human rights training and understand those issues.

What they go off to do, that is sometimes beyond our control. I understand the concerns that you have about the Rwanda tribunal. It has not functioned perfectly and on numerous occasions, we have pointed out the difficulties both in setting up the operation and for

it to move into an effective tribunal for investigations and prosecutions.

We're happy to get back to you on the specifics of the questions that you asked, but I will say that on this issue, we acknowledge the concerns that you have about the tribunal itself. We simply point to the fact that there is no alternative to a well functioning Rwanda tribunal, and we have to move as hard as we can to try to beef it up.

There's a new prosecutor there, Carla Del Ponte, who has committed herself to make new commitments on the issues. There are new judges on the tribunal, including a new Sri Lankan judge, Justice Osaka Gunarwahduna, who is a person of considerable reputation. Our hope is that the Rwanda tribunal can move forward and start to deliver real justice in important cases.

Ms. MCKINNEY. It's my understanding that there are some people who are very fearful for their personal security as they conduct these investigations of events surrounding the plane crash and what happened in 1996 in Democratic Republic of Congo.

What are we doing to make—to assure the protection of those investigators as they go about the important business of letting us know, letting the world know just exactly what indeed did happen there?

Also, I have a question about the Gersoni report and I would like to know if you've read the Gersoni report and if you have, would you please make sure that I could get a copy of it?

Mr. KOH. In fact, I do think the Gersoni report was something that we provided to your office through our legislative—

Ms. MCKINNEY. I requested it, but we have not yet received it.

Mr. KOH. I'm sorry. After the meeting that we had in your office with the members of my bureau, they were not able to get a copy of it because it has not yet been published. We will continue our effort to try to get that report and make it available to you.

Ms. MCKINNEY. And what is it that we're doing to protect those people who are conducting these investigations of very sensitive issues concerning the events in 1994 and 1996?

Mr. KOH. I don't have the current information, so let me get back to you on that one.

Ms. MCKINNEY. I guess I'm done, Mr. Chairman.

Mr. SMITH. Thank you very much, Ms. McKinney. Mr. Delahunt.

Mr. DELAHUNT. Yes. Mr. Secretary, my first question is, in terms of the assistance package that will be shortly considered by Congress relative to Colombia, could you describe your involvement? Not necessarily your personal involvement, but the engagement of your bureau in terms of the development of the package?

Mr. KOH. Yes. It's consumed a very large part of my personal time and also the time of many members of my bureau. I think this is illustrated by the fact that yesterday, when we got together with Vice President Gustavo Bell, who is the point person for the Colombian human rights program. We probably had 15 members of my bureau in the room, each of whom had worked on some aspect of this.

Let me go back. As you know, Congressman, I went to Colombia last April and spoke at a conference in Medellin, in which we outlined the five human rights concerns that the Administration has;

first, the need to bring about peace; second, the need to end impunity, which I know has been a great concern of yours; third, the need to reestablish the rule of law; next, to protect human rights defenders; and then, critically important, to end paramilitary/military ties. At that conference, which was in April 1998, I called for the arrest of Carlos Castanyo, which, given that he was in Medellin, I don't think made me very popular and made the ride to the airport a very enjoyable one.

Since then, the government of Colombia has come forward with Plan Colombia and it is a Colombian plan, but it is one on which they sought input from both the U.S. Government and from other foreign donors.

As you know from hearings that Under Secretary Pickering has given up here, it's a massive plan. It's some seven billion plus of which the Colombian contribution is four billion and the U.S. contribution, depending how it would be measured and which is before this body on the aid packages, between 1.3 and 1.6 billion.

Now, early on, identified was the need for both social and economic development to be part of this plan, which means nationwide; namely, building human rights institutions and the rule of law. The Fiscalea, the prosecutor's office, the Procuradorea, the creation of houses of justice, so-called cases judiciales, and it was our bureau, particularly our office of democracy promotion, working together with the Agency for International Development, that developed what could be called the nationwide elements of the human rights, building of the human rights rule of law infrastructure and discussing this and relating it to the Plan Colombia Program.

Mr. DELAHUNT. Now, let me interrupt, because there are aspects of the plan clearly that I think are very positive in nature, and your reference to them, the funding for alternative crop substitution, or I think a better way to describe it is economic development in rural areas, infrastructure needs, the funding for judicial reform, support for the attorney general's office, as well as the chief prosecutor.

These are all very favorable. From my perspective and my opinion, they are very attractive.

Mr. KOH. Right.

Mr. DELAHUNT. And I think it's important to understand, too, that they, in many cases, are new to Colombia, because historically Colombian governments have not invested in the more rural areas. Only recently has the concept of alternative crop substitution been embraced by the government and that's under the leadership of President Pastrana. It has not existed. So we find these very attractive.

But you are clearly aware of many of the concerns that have been articulated by the human rights community regarding the military, the security assistance package, and that's what I want you to address.

I'm sure you're as familiar with those reports as I am.

Mr. KOH. I may even be more familiar with them than you are, Congressman.

Mr. DELAHUNT. I'm sure you are.

Mr. KOH. Let me say this. The separate issue that you raise is the extent to which support for an increased counter-narcotics ef-

fort in the south part of Colombia, particularly the Putumayo and the Kakaita regions, will itself create or enhance human rights problems because of concerns that we have about the human rights record of the Colombian government, and that has been a primary concern for me, because, Congressman, I'm not going to be in this job for the rest of my life and for me, I am not going to participate in anything which I think makes the human rights situation in the country worse.

Now, I think—

Mr. DELAHUNT. But don't we have—let me interrupt you again, Mr. Secretary, because I would suggest that if we strengthen, if you will, the conditions or we amend—if we subject the military, the security assistant to certain conditions, in fact, there is the potential to improve the record of the Colombian military.

I have a variety of amendments that myself and other colleagues will be proposing, but I think there is an opportunity here to do something in terms of the military as an institution within the society, to strengthen it in terms of its record on human rights, which, until recently, has been poor, and that very well might be an overstatement.

Some would describe it, I think appropriately, as abysmal. While I'm speaking here, I think it's important to know that really it has been the government of President Pastrana, as well as the leadership of General Tapias and General Mora and other certain selected members of the military that have made an effort, and I think it would be remiss of us not to know that they—that some progress has been made.

But I think and I believe that we have an opportunity here, in fact, to move that agenda, the agenda of the respect for human rights by the military further if we strengthen, by a series of conditions, the proposal when it comes to security assistance.

Mr. KOH. The first part of your statement, which is that we ought to work with the Pastrana government to try to promote their structural efforts to improve what we acknowledge is a poor human rights record, I couldn't agree with more.

The question is whether the imposition of human rights conditions on aid is the best way to achieve that, and then there I think we may have differences.

Let me go back, because, Congressman, I went with Secretary Albright to Carahania in January. I went with Under Secretary Pickering to Bogatah in February, just a few days before you got there. I met with the Plan Colombia team and the human rights elements of it, both when they came up here in mid February and I met again with Vice President Bell yesterday to go over a range of issues.

I think the key is the extent to which the civilian leadership in Colombia, which has a demonstrated commitment to trying to address what they recognize is a problem, which is the persistent ties between the paramilitary and the military, and how they can move forward with a credible, practical program for severing those ties.

Now, on February 25, Vice President Bell announced the creation of an interagency coordinating commission that would try to receive inputs about pending paramilitary activities and to try to head them off. Defense Minister Ramirez announced that there

would be an effort to give to General Tapias, who I think we all agree is a man of great credibility in this effort, authority to clean house that would be parallel to that given to General Serrano, the head of the national police.

Mr. DELAHUNT. May I interrupt? Because that happens to be exactly one of the amendments that I intend to offer in terms of this particular package is that the authority that was conferred upon General Serrano, which I suggest and submit has had a very positive impact as far as the Colombian national police, also be conferred on General Tapias.

Mr. KOH. Congressman—

Mr. DELAHUNT. And I think that's an important condition prior to the delivery of any security assistance, Mr. Secretary.

Mr. KOH. The question is, does that need to be an external condition, when I believe that that is an internal condition that will be imposed by Colombian law. The Colombian government has passed a military justice reform act and is moving to the passage of implementing legislation and decree authority has already been given, and I think the critical—

Mr. DELAHUNT. Again, I think you and I are on the same page, Mr. Secretary, but that hasn't been passed by the Congress. It's still pending and it has been pending for some time.

Mr. KOH. I agree.

Mr. DELAHUNT. And I, for one, am not ready to support a military assistance until that occurs, until that is done.

Mr. KOH. You are—

Mr. DELAHUNT. You call it an external condition. These are American taxpayers' dollars and we need reassurance.

Mr. KOH. I think the key condition is the one which is already there, which is the Leahy amendment, and which I think is designed to make sure that U.S. security assistance does not flow to forces that have not taken effective measures to prevent human rights abuse. I think that's been a salutary condition, it's been one that my office is devoted to monitoring and it's one that we continue to think is hugely important.

My own view is that you don't have to sugar-coat the human rights record of the government, because our report does not do that. We call a human rights abuse a human rights abuse.

But I think you can still conclude that the current conditionality regime, which is the Leahy amendment, coupled with the government's own stated commitments and efforts to modify and change domestic Colombian law, which include we are pressing them very strongly on the enactment of law enforced disappearances, implementing legislation to the code of military justice, we then create the internal conditions that make the imposition of these external conditions unnecessary.

I think President Pastrana put it well when he said that the key condition is the condition within his own government, namely, his own no tolerance policy for human rights abuses, and my view is you can recognize that he has only gotten a certain amount of traction on these issues in his time in office and still say that our best hope of bringing real human rights change to Colombia is to support the Pastrana administration in bringing about a genuine

human rights action plan to address these issues, and that's where I stand on the question.

Mr. DELAHUNT. Again, I would just note for the record that in Colombia, we have an administration that merely has a little more than 2 years at this point in terms of its existence.

What I'm concerned about, not so much as what the Pastrana government may do or not do, but after the Pastrana administration is concluded and legislation that cannot be changed by decree, I would suggest and submit to you, is absolutely essential.

Mr. KOH. I happen to believe, Congressman, that most change of human rights has to come from within the country, driven by the domestic democratic process, and a commitment to this which is then embodied in the constitution and laws of that government.

That's the way human rights change comes about here and that means both strengthening internal structures—namely, structures of internal military discipline—and external structures—namely, structures of prosecution and judicial independence and also rule of law questions, and I think that's where our resources need to go.

My own view is that that will be the key. The point I think that you made very well, Congressman, is there is a problem with democracy in Colombia and it's not elections. They have elections regularly. It's that they simply do not have the kind of legal infrastructure and institutional infrastructure that we see in countries that have more well developed systems of checks and balances, judicial independence, the rule of law, and that's what they need to build.

I think it's a very daunting challenge for the Pastrana government. I think they have a credible action plan as part of Plan Colombia to deal with it, both on a nationwide level and in regard to the particular concerns in the Putumayo and Kakaita and I think we ought to support them in that effort.

I think that the conditionality of the Leahy amendment, coupled with the internal conditions that they are imposing on themselves through law, are, in our judgment, sufficient to meet the concerns that you and I share.

Mr. DELAHUNT. I'm sure we'll be talking, and I'll yield back.

Mr. SMITH. Thank you very much. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. My concerns go back to, I think, some comments or reflect the kind of comments that have been made earlier in terms of not a concern about what is in the reports, the country report, but in this case, specifically Sudan, what is not there.

I think that there is an absolutely egregious lack of information, an egregious fault here that has been characterized by a lack of attention to some of the most pressing, most incredible human rights violations that the world has ever seen. I know that that's a fairly dramatic statement and some might even call it bombastic, but the fact is that we are reaching proportions now with two million dead, over four million dispossessed people, and I think you can characterize the situation in Sudan in the kinds of terms that I have used.

Certainly you could characterize the situation in Sudan in terms far more severe than were used in your country report.

For instance, there is no mention of genocide. That term is often thrown around far too loosely, I believe, and in using it incorrectly, it tends to actually demean its real effect. In reality, this can be absolutely and accurately applied to what has been happening in Sudan, yet it does not appear in your report.

Nothing in your report reflects the government, the Khartoum government attempt and successful attempts at blocking food aid. The fact is that this is perhaps one of the most significant parts of the problem there, causing more deaths than many other things in Sudan at the present time. Yet there is no mention of it, at least certainly not enough to actually bring it to the attention necessary, I think, for our Committee to reflect on it. There is no mention of the effect of the oil money that is now falling to Khartoum as a result of the pipeline that has been opened and the scorched earth policy that has been implemented by Khartoum around the pipeline. They are attempting, of course, to prevent attacks on the pipeline, but the money that is now coming into Khartoum, we see the effects of that.

We have observed an increase in the number of incidents and in their severity. Not that bombings are new, but some of the characteristics here of the bombings in Sudan would indicate that there is a greater level of severity and a greater level of technological application here that could only come about as a result of the money that the Khartoum government is obtaining as a result of the pipeline. There is no condemnation of the companies running the pipeline, no condemnation of Talisman, no condemnation of the China National Petroleum Corporation for what they are doing there and what is happening as a result of the money that's flowing in to Khartoum.

There is no mention, to the extent that I was able to review here, no mention of Joseph Coney and his Lord's Resistance Army, which has been responsible for large-scale abductions of children. The Khartoum regime has been harboring and supporting Mr. Coney. Children are forced to serve in his, "army" either as child soldiers, laborers or sex slaves.

In the past, Coney has promised mass release of children, which never materialized.

Is there anything that the United States can do to help secure the release of those children or help slow the pace of these awful kidnappings?

I'm not surprised that this certainly wasn't mentioned in the report, but am I to gather that because you have chosen not to emphasize these things, not to accurately reflect the situation in Sudan, not to reflect the egregious outrages being perpetrated by Khartoum on the south, this is a reflection of Madeleine Albright's statement of September 15, 1999, where she said "the human rights situation in Sudan is not marketable to the American people."

Now, if that is the case, if that's the reason, then I would suggest to you that it is not proper and it is a flagrant admission of this Administration's policy of heating polls rather than facts.

I would suggest to you that whether or not the human rights situation in Sudan is marketable to the American public should not be a criteria for the State Department, in terms of the way it ad-

dresses the situation there. It should address the situation in Sudan on the basis of the fact that we know genocide is actually going on and all of the other things that I have mentioned.

So I am very, very concerned, of course, about first, the lack of emphasis that I think should have been placed on the situation there, and also maybe the reason for that lack of emphasis. I'd like you to comment.

Mr. KOH. Congressman Tancreda, we share your deep concern about the human rights situation in Sudan. Secretary Albright and I have talked about it on many occasions and spent a particular amount of time in November, when we traveled to Nairobi, Kenya, met with members of Sudanese civil society, also met with members of the EGAD process, which is an effort to try to bring about this issue.

Your former colleague, Congressman Harry Johnston, who I think we would all agree is a man of tremendous integrity and as the former chair of the Africa Subcommittee, extraordinarily knowledgeable about this, has come back to try to bring about peace in Sudan to end this 16-year civil war, which we acknowledge is one of the world's greatest humanitarian tragedies. It's claimed the lives, as you said, of some two million Sudanese civilians and internally displaced four million others.

Where I would differ with you, Congressman, is about the statements that you say that we have not made. Blocking of food aid is something that we have discussed at tremendous length, as mentioned in Section 1G of our report. The scorched earth policy is discussed in Sections 1A, 1C and 1G of the report. Bombing of innocent civilians in Part 1A, 1C, 1G and 2C of the report.

Joseph Coney and the Lord's Resistance Army, that whole situation came to light because of a Human Rights Watch report which was authored by the person who is now my special assistant. It's covered not only in Section 5, 6C, 6F, 6D and 1G of the report, but also at great length in the Uganda report, where we point out that the Lord's Resistance Army operates in the north from bases in southern Sudan, viciously abusing human rights, continuing to kill, torture, maim and rape, et cetera.

Secretary Albright has herself—I think the context in which she made the statement, it is not marketable, was followed by the statement, but nevertheless, she will continue to mention it every turn.

On February 16, after her meeting with Bishop Max Gossis, who I think many of you up here have met, who is the charismatic and courageous Bishop from the Nuba Mountains, we issued a statement in which the Secretary expressed her outrage at the Khartoum government's bombing of a school on February 8 and called on them to cease the aerial bombardment of civilian targets, pointing out that 14 young children and one teacher had been killed, and again committing ourselves to reenergize the EGAD process and to carry on the work of Harry Johnston.

On these issues, the particular issues, slavery, religious persecution, blocking of humanitarian life lines, indiscriminate bombing of civilians, we have mentioned this at every turn.

Now, the two points that you mentioned, the effect of oil money. We have read the Harker report from Canada, which just came out

in February, and, therefore, is not discussed in our report for the simple reason that our report ends in December. It will be discussed in next year's report.

It's also the subject of discussion by the special Rapporteur. We are very concerned about the extent to which U.N.—I'm sorry—that oil money will continue to fuel the conflict and it's something on which we have engaged with the Canadians already with regard to the Talisman energy issue.

When we were in Cartahana, Secretary Albright met Foreign Minister Axworthy and discussed this issue with him. Foreign Minister Axworthy was here last week and she discussed it with him again.

Obviously, the Chinese have not been as responsive to us on this question as they have on other human rights concerns, but it's nevertheless an issue that we raise with them.

I think in the end, the one point on which you point is the question of genocide. Should we use the term genocide? And I think you yourself made the good point that it's a term that has both a legal and a political connotation. The legal connotation flows from the 1949 genocide convention, which the Senate ratified. As a Justice Department attorney, I worked on the ratification process.

It's a standard which is met by any number of situations around the world. It's the intent to destroy, in whole or in part, a race or ethnic group.

But I think what we also understand is that the political understanding of the term genocide is something that we reserve for extremely grave and egregious situations and the question is what does this mean, how should we respond, if we're going to use a term like genocide. I think that's something that we have been extremely concerned about.

I think the question in the State Department is are we taking a hard tough look at our Sudan strategy and try to make it work better, recognizing the difficulties we have had up until now in having a real impact on the situation.

I would say that I have been in meeting after meeting on the Sudan policy, some of them have been extremely difficult, but I think that Secretary Albright has made it clear that this is really one of her top human rights priorities and not because of welcome political and public attention to the question, not because it's marketable, but because it's something on which we as an Administration would really like to get some traction before the end of our time in office.

Mr. TANCREDO. Thank you, Mr. Secretary. Mr. Secretary, you mentioned you would like to get some traction on it and, of course, the Congress gave you an option in that regard. It gave you an opportunity, which you chose not to use, in terms of the ability to use food aid to support the south.

I assume that you still believe that that is a correct path to follow, but I guess I wonder under what conditions do you consider. Would you consider that a change in your policy vis-a-vis the food aid to the south should be considered?

Mr. KOH. As you said, this was an opportunity that was given to us that we are still contemplating how to act on and that I do

think the question of how food aid can or should be used in an ongoing conflict is a subject of very extensive disagreement.

I think that if you call humanitarian NGO's here and ask them about the impact of this and whether it would potentially have an impact on Operation Life Line in Sudan, they might give you questions that would raise concern for you as to whether this is the best way to go. I think in the end, our focus is on revitalizing the EGAD process and trying to bring the relevant parties to the table, trying to use special envoy Harry Johnston, who is a person of tremendous integrity, to try to deal with all sides of the issue, to try to call the SPLA on human rights abuses when they occur, and we've just had an incident with regard to John Gurang, where Secretary Albright called him last weekend to encourage him to relent from the signing of a memorandum of understanding which led a number of leading humanitarian organizations, including CARE and World Vision, to withdraw from the process, and to keep the public focus on the very issues that you've mentioned, slavery, religious persecution, interference with humanitarian aid, and the indiscriminate shelling of civilians.

This is something that we're trying to do at the U.N. Human Rights Commission in Geneva, we're trying to do in all of our bilateral discussions, and it's an issue that we will not let drop.

Mr. SMITH. Thank you, Mr. Tancredo. I just have a few followup questions and my colleagues may want to pose a few more, and we do thank you for your generosity of time, Mr. Secretary.

Last year, as you may know, the House of Representatives passed my resolution H. Res. 128, which condemned the murder of human rights lawyer Rosemary Nelson and specifically called on the British Government to launch an independent investigation into her murder, as well as a public judicial inquiry into the possibility of state collusion in the murder of defense attorney Patrick Finucane in 1989.

Similarly, in Section 405 of our bill H.R. 3427, which the President signed, the State Department authorization bill, the full Congress expressed its concern about the violence or threat of violence against defense attorneys in Northern Ireland and, again, highlighted the murders of Rosemary Nelson and Patrick Finucane. Rosemary Nelson herself testified, as you know, before our Subcommittee in September 1998 and asked the U.S. Government to do more on behalf of attorneys like herself who continued to receive death threats for discharging their duties on behalf of those clients charged with political offenses.

She said, and I remember she said this very clearly on the record, "No lawyer can forget what happened to Patrick Finucane," and explained further that allegations of official collusion in his murder, which U.N. Special Rapporteur Param Cumaraswamy found credible, are particularly disturbing.

Rosemary Nelson asked us to communicate to the British Government how important a public inquiry into the Finucane case would be to the peace process and for the rule of law in Northern Ireland.

In response, several members joined me in writing Tony Blair, urging an independent public inquiry. We passed legislation calling on the British to do more for defense attorneys in the north and

mandated a reform FBI/RUC police training exchange program, a vetting process.

I see in the report much discussion about the Nelson and Finucane cases, especially the new developments in the Finucane case, which seem to substantiate the charges of RUC collusion in this murder.

My question is, is the Administration now prepared to join the House and, in fact, the Irish Prime Minister Bertie Ahern who just 2 weeks ago called for an independent judicial inquiry into the murder of Patrick Finucane and, I would add, as well, Rosemary Nelson.

Mr. KOH. Congressman, as you know, this has been something of great concern to me. We discussed it last time I was here for the country reports. This past week, and I was in Dublin at a gathering of human rights lawyers, in which this was very much the subject of discussion, I discussed it with Mr. Martin O'Brien, a leading human rights attorney there, Jane Winter of the Irish Human Rights Center has been here and has raised this issue with both of us.

The Finucane and Rosemary Nelson killings were, in our view, a savage assault on the independence of lawyers and it was very clear that the Rosemary Nelson murder following 10 years on the death of Mr. Finucane, a still unsolved case, has only made the point again.

I understand next week, Mr. Chairman, you're holding a hearing at the Helsinki Commission to hear from Mr. Finucane's widow on the range of issues that are raised by this.

I think we believe that there must be an objective and independent investigation to the question. I think we have called on—we have identified in the human rights report our concerns about the independence of these issues in the past.

Obviously, the peace process continues to be a prime concern. Jim Steinberg, the Deputy National Security Advisor, and Mr. Norland, are there now in Ireland on this question and as you know, Bertie Ahern and the other leading players in the peace process will be coming here on St. Patrick's Day for a major meeting at the White House.

In our view, the range of issues to be implemented have to be folded into the peace process. You had a hearing before this Committee in which Chris Patton, who is now the Foreign Relations Commissioner of the European Union, appeared and he was discussing the results of his own report on policing. I know you will be hearing later this afternoon from Elisa Massimino from the Lawyers Committee on Human Rights, which has played a leading role on the question.

I think our belief is in this process, we have to move toward getting to the bottom of these two cases, which are not only egregious cases in themselves, but have a broader significance, and to use the peace process in a way to energize the human rights process in Northern Ireland that will prevent such cases from happening again.

Mr. SMITH. Thank you very much for that and, hopefully, as a Commissioner, you will join us at that hearing.

As I think we have had five hearings on human rights in the north of Ireland. We had, as you pointed out, Patten himself. Frankly, while he's a very clever and articulate diplomat, having read the report twice and made a number of notations in reading it, and then, more importantly, having asked him a number of questions, I was very, very disappointed in the fact that there will be no vetting whatsoever of those who may have committed atrocities, may have been a part of the collusion.

Just for the record, our hearing will be held on Tuesday, March 14th. The Committee on the Administration of Justice, Martin O'Brien's group, will be part of that, Geraldine Finucane, as you pointed out, Rosemary's brother will also be here.

So it should hopefully bring additional focus and we hope that the Administration will be very bold, as it has been on other Irish issues, in asking for that independent inquiry.

There seems to be a cover-up, an unseemly cover-up, if you will, and the suggestion of that, we don't know for sure, came out during our hearing with Patten. Just why not, why not go wherever the evidence takes us on these cases. To think that people who may be very high in the RUC may have been complicity in these crimes and other crimes makes for justice denied, as well as perhaps other acts which could be committed in the future.

Let me just turn our attention briefly to Peru. Although it doesn't reach a firm conclusion, the country report for Peru lays out the strong case for the unconstitutionality of President Fujimori's effort to win a third term.

A recent report by the highly respected ombudsman, Jorge Santistevan, also suggests evidence of massive fraud and manipulation by the government officials on behalf of the Fujimori candidacy.

In light of the Administration's frequently stated commitment to democracy in the western hemisphere, and it's a commitment we all share, what specifically is the U.S. Government doing to ensure free and fair elections, with the media being very heavily put upon?

We know that the government controlled news media has attacked the ombudsman. There have been attacks on *El Comercio*, the newspaper that broke the story on the election fraud, and I know there are probably some people who think the opposition party shouldn't even participate rather than participate in a fraudulent election.

What are we doing to ensure that this does not happen? We know that there was a Fuji coup before. Now, in daylight, we may be seeing something that is parallel to that by rigging the process.

Mr. KOH. One of the themes of our introduction to our human rights report is about threats to Latin democracy that occurred in 1999 and efforts to deal with those. In Ecuador, in Paraguay, concerns that we have in Venezuela, and, of course, the issue of Peru.

I think that we have said in our report that we're in a situation in which the separation of powers has been dramatically undermined. The executive branch dominates the legislature in the judiciary. Congress removed three judges so that the constitutional tribunal there is unable to function, and questions remain about openness and fairness of electoral process and about due process, the well known Lori Berenson case.

We have also seen inhibitions of media freedom, continuing impunity, torture and poor prison conditions, and issues of arbitrary arrest and detention.

In November, I went to Costa Rica for the 30th anniversary of the Inter-American Court of Human Rights, and there we engaged with the Vice Foreign Minister of Peru about the questions of the relationship between Peru and the Inter-American human rights system. As you might know, they have withdrawn from the Inter-American Court of Human Rights and we believe that this is an extremely negative trend.

Recently I met with both the Vice Minister and the Foreign Minister—I'm sorry—the Justice Minister and the Foreign Minister, Mr. Bustamonte, and raised again our concern about these issues, and he actually commented about the meeting later in criticizing our human rights report.

Now, we have been trying to deal with this by funding programs for electoral and democracy building in Peru and particularly we've funded pre-electoral observation missions that are run by the National Democratic Institute and the Carter Center and the funding of local observation and voter NGO education programs through approving NGO called Transparencia.

We've also tried to build approving civil society organizations by funding them to promote voter education and turnout, especially in the rural areas, to build political participation among women and young people and promote greater debate about the issue of democratic reforms.

U.S. programs have also been used to strengthen the program of the human rights ombudsman and to support the work of human rights NGO's.

I think it's fair to say that Latin democracy, in many cases, is a fragile institution, as we've seen. Many times, the people prefer the strong leader to the strong democratic institutions, and it's a long-term struggle on which I think we need to unite hands and work on a bipartisan basis over the years to come.

Mr. SMITH. Thank you very much, Mr. Secretary. Hopefully, those organizations that you mentioned, the Transparencia and the Carter group and the Democratic Institute, will be very proactive, because it's not just—as we all know—the day of election. We've seen a growing theft, the growing evidence at least that there may be a theft of the presidency by President Fujimori.

So hopefully more can be done. It's only a month away or so. April 8th, I believe is the date for the election. So that there is a real honest to goodness lead-up to and then actual casting of ballots.

Mr. KOH. One of our most skilled Ambassadors, John Hamilton, a former Deputy Assistant Secretary for Western Hemisphere Affairs, has been posted to Lima and has been working these issues extremely aggressively.

I spoke to him about this, about 2 weeks ago, and the embassy is deeply committed to pressing and working on the issue, as is everybody in the department.

Mr. SMITH. I appreciate that, and thank you for your statement. Let me ask, again, with regard to Peru, the country reports noted that there were serious charges of involuntary sterilizations in the

Peruvian government's family planning program in 1997 and 1998, but it lists only cases involving offers of food or other benefits or which people were sterilized without being fully informed of the nature of the operation.

Why does the report fail to mention even more serious charges, such as sterilization of women after caesarian sections without any attempt at all to get the woman's consent?

You might recall, we had a hearing, at which time we heard from two women who had been sterilized against their will and at great risk to themselves, flew up here and spoke out, and also a doctor who was a whistleblower, who also made very strong statements with regard to Fujimori's war on poverty, which was to sterilize the poor, using denial of benefits and other—and then more coercive means of doing so.

The report notes that the ombudsman has received numerous complaints of instances that are said to have occurred after March 1998, when the government stated that it was changing its policies to eliminate coercion. The country report notes that the ombudsman has continued to investigate these complaints. In light of the substantial U.S. cooperation with and support of the Peruvian government program, have we conducted our own investigation of these complaints? What have we concluded? What changes will result in our policy of cooperation with the Peruvian government if we discover that coercive practices are continuing in the program?

Mr. KOH. Congressman, these were of concern to me at the time of my confirmation. You and I discussed this in your office when I first came up to meet you and it's something on which we've asked for special examination.

On the specifics of this particular question, I prefer to take the question and give you a written answer.

Mr. SMITH. I would appreciate that. Let me ask you with regard to Mexico, again, and just staying with this issue of forced sterilization, which in our hemisphere, the southern hemisphere, in such close proximity.

The report says, building on the reports of last year, that the largest number of complaints against health care institutions involved forced sterilization. This year's Mexico report states that there continue to be credible allegations of forced sterilization in the country.

Has the United States taken any independent steps to investigate the extent of the forced sterilization problem in Mexico? On one fact-finding trip that I took, I asked the human rights groups, and, frankly, all of the human rights groups, while my words are being translated into Spanish, as they were being translated, were shaking their heads "yes" and then one right after another spoke of it.

Yet our person from AID dismissed the whole thing and said, "no, that's not a problem." I have raised that before with you. Last year's report did note that several NGO's monitored the family planning practices, and yet that's absent this year.

Who are the groups that are monitoring? Are they the family planning groups themselves who always seem to deny that there is any coercion, or was it an independent, nonbiased, nongovernmental organization, like one of the human rights groups? And in

light of this, especially since Mexico was a major recipient of U.S. Government population control money, what are we doing as a major donor to see that these practices end completely and no woman is sterilized against her will?

Mr. KOH. Again, on the specifics and which groups are doing the monitoring, I would prefer to submit an answer, along with the Peruvian answer.

I will say that we have an extremely robust bilateral human rights dialogue with the government of Mexico. It's been conducted over the last couple of years by my principal Deputy Assistant Secretary Leslie Gerson, who, unlike myself, is a Spanish speaker. It happens at the Deputy Assistant Secretary level, it happened last year in Washington. She went then to Mexico for a period of about 5 days, including trips to Chiapas and dealing with her opposite numbers there.

I had discussions with Foreign Minister Rosario Green when I was in Costa Rica and saw her again at the Guatemalan Presidential inauguration in February and Secretary Albright met with Rosario Green and raised human rights issues, among others, in Wauhauka, in early January.

Our Ambassador in Mexico, Jeff Davidow, is a former Assistant Secretary for Western Hemisphere Affairs and has made sure that these bilateral dialogues at the high departmental, inter-departmental level are carried forward on a day to day basis.

Mr. SMITH. I appreciate that. Let me ask you with regard to Cuba: There have been reports that there has been a crack down, especially with Elian's case being so high profile, on dissidents, using the cover of Castro's professed concern about family reunification, which would be very novel. But there's this crack down that we've had some evidence of.

If you could speak to that, what do we know about that, of dissidents being rounded up? And, second, the Cuban report notes that under the terms of the May 2, 1995 U.S.-Cuba migration accord, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters or from the U.S. Naval base as a consequence of their attempt to immigrate illegally.

However, it does not say whether the Castro regime did, in fact, prosecute or retaliate against any of those returnees.

Specifically, has there been any retaliation? I've seen reports that there has been. What is your finding? How many people did the U.S. return to Cuba during 1999 under that agreement? How many of the total number of returnees since 1995 are now in prison and how do we go about monitoring their treatment or mistreatment if they are indeed in prison?

Mr. KOH. We'll be happy to supply you with the specific numbers. I think as you and your senior counsel know, I had represented Cuban refugees in litigation as a private attorney and this is an issue on which I feel very concerned because of the human rights conditions to which they are being returned.

On the Ilion Gonzalez case, because of my responsibilities as the asylum—in our asylum office and dealing with asylum questions, there is a possibility that that case may come before me in a form in which I'm going to have to provide a legal opinion, and, there-

fore, I would prefer not to address it. I do think that the broader issue of Cuban human rights abuses is one that we discuss in great detail in the report, the continuing crack down on political dissent, the continuing detention of the four dissidents, of the dissident working group, including Marta Beatrice Roques, who is now very ill, Vladimir Roka, who is the son of the famous Mr. Roka, the leader of the—the original leader of the communist party and as I mentioned in my own original testimony, the sentencing of Oscar Bissette.

There was a hope that the Ibero-American summit might give an opportunity for the Castro regime to let up and indeed during that summit, which was held in Havana, some nine delegations met with dissidents, including three heads of state, and I think it's telling that in the aftermath of that, the Cuban government, as opposed to letting up, has, in fact, continued its crack down, bans on journalists, as I recounted in my oral statement, new restrictions, harassment efforts, and that it is for that reason that we supported the Czech and Polish government in their introduction last year of a resolution on the human rights conditions in Cuba that passed and we believe that there will be another resolution this year.

U.S. interest section personnel do visit returnees to monitor their condition. Vicky Huddleston, who is the principal officer in that interest section, is someone with whom I've worked closely. She has a deep commitment on these issues, as well as the head of our Cuba desk, Mr. Charles Shapiro. So we will be happy to get back to you on specific numbers.

Mr. SMITH. In that answer, could you say why the report doesn't say whether any harm has come to those returnees? Is it because there hasn't been any harm? Unless I missed something in the report, I didn't see any mention of that.

Mr. KOH. We'll clarify that in our answer.

Mr. SMITH. Appreciate that. You mentioned Dr. Biscet. There was an Associated Press article on February 25, just a few days ago, talking about his recent arrest. The AP points out that he became an activist after protesting late term abortions at a government hospital where he worked and that he was eventually fired.

There was a staff delegation that went down from the Senate and House about a year ago and one of their bottom line findings was that Cuban doctors say that the regime employs a policy of coercive abortion to eliminate social risk pregnancies and that some of the criteria include hypertension and even diabetes, and that accounts, according to the staff delegation report, why they seem to have a low rate of death among newborns, because they kill children who manifest any of these problems, like diabetes or the mother might have diabetes or some other problem.

What can you tell us about the issue of coercive abortion and sterilization in Cuba? Because it has not gotten much attention in the past and yet there are people like Dr. Biscet, who is well known, very credible, who is very much of an activist against the policies of his Cuban government because of that very thing.

Mr. KOH. I'm restricted in the sense that I cannot visit Cuba. That's something that we do not do at the Assistant Secretary level. I've been, of course, to Guantanamo Bay in my refugee capacity on numerous occasions, but I have not been to Havana.

However, the head of our Office of Country Reports, in fact, the master editor of the entire volume, Mr. Mark Susser, and Susan Kovalich, who one of the officers in our country reports section, did visit Havana and have been looking into these issues and discussing the whole set of issues.

Now, I know that they have the—I think—I'm not sure that they went down until after the staff delegation report was produced and so I'm not sure they have a chance to actually test and check the particular information that you have provided, but let me check with them and ask them to give me some information so I can give you an answer to that specific question.

Mr. SMITH. Let me ask briefly, and then I'll yield to my distinguished friend from Georgia, with regard to Burma. A recent editorial by Fred Hyatt in the Washington Post summarized this year's country reports on Burma as follows; "Soldiers kill and rape, forced child labor, trafficking women and girls from China for prostitution, 1,300 political prisoners, universities closed since 1996," and it goes on and on and on and the report goes on and on as well in chronicling those abuses.

Although we don't supply direct assistance, we do so, as we all know, through NGO's and through organizations like the UNDP, and we are concerned that there may be a new program that UNDP would like to undertake that would build roads, bridges, other kinds of infrastructure which would probably be of very great benefit to the military.

Now, my question is whether or not that is something that is in the offing, whether or not that is under consideration, as far as you know? Will the U.S. use its influence to ensure that U.N. organizations and international financial institutions limit their activities to activities in Burma, that address the needs of the poor and do not assist the military or government in Burma, and will they work with the National League for Democracy and the National Coalition of Government of the Union of Burma, which all of us know ought to be the ruling government in that country?

Mr. KOH. I think we have expressed on many occasions over the last 5 to 10 years our unqualified support for Onsunsu Shi and her efforts to bring democracy to Burma in the face of what is now the SPDC. My own engagement on the issue came from the fact that before I was in this position, I knew Onsunsu Shi's husband, Mr. Michael Aris, and the outrageous conduct of the Burmese government last year as he attempted to be reunited with her during the period when he was dying with something, I think, again shows the really appalling human rights insensibility of the regime.

I think on this point, our strategy has been one of multi-lateral sanctions, working closely with our allies. We have suspended economic aid, we've ended GSP, and overseas private investment, we have blocked lending by international financial institutions, we have banned new investment by U.S. persons, and we've worked to build a broad multi-lateral coalition.

At the same time, I think we all understand that Burmese refugees, and particularly students, are the future of Burma and that it's important that when this all ends, that there be a cadre of civil society that's capable of supporting democracy, and for that reason we have earmarked some six and a half million dollars for democ-

racy and humanitarian activities for Burmese refugees along the Thai border for scholarships for Burmese students and to support democracy-based activities inside Burma.

When I traveled with Secretary Albright last March to Bangkok, I met there with a group of Burmese students who have been focused on this issue, were deeply supportive of Onsunshi Shi.

Now, I know that there is a continuing concern about the question of humanitarian aid. One of my own students from Yale, who now works inside of Burma, has been talking to me about this question and raised the particular set of concerns that at what point should the multi-lateral sanctions regime need to be adjusted because of concerns about humanitarian impacts.

I think this is obviously something that a multi-lateral sanctions regime has to adjust to try to make sure that they are smart sanctions, that they're not impacting negatively on the people, but at the same time, that they're actually affecting the regime that's the cause of the problem.

Mr. SMITH. But the specific concern is that the UNDP will be ratcheting up its support and there may not be the adequate check-offs by the people who care most intimately about what happens there. They have not had a stellar record in the past and there are concerns by myself and many of us that this will be aiding and abetting the military dictatorship.

Mr. KOH. We have worked closely with them and I met with the Director, Mr. Mark Mallick Brown, in September. I think he has done an outstanding job with UNDP and is very focused on these questions. I can try to find out more about the specifics of the program and get back to you on that.

Mr. SMITH. Let me ask you about Indonesia. We have had a number of hearings, again, in this Committee. I have gone over there. My staff director, Joseph Rees, has also visited, just recently got back from East Timor. But one of the issues that we focused on was the government or military-to-military collaboration in the past and we understand that there may be a step in that direction again under the Wahid Administration. Could we get your feeling about the Wahid Administration's human rights record, whether or not the military to military is about to be resumed. We heard from Pius Lustrilanang one of the people who was tortured. He believes and we believe, although we can't prove it absolutely, he was tortured by the military. Under the JCET's Program, we were training members of the Kopassus in sniper training and urban guerrilla warfare at a time when ultimately there were people being killed in the street using those very tactics.

There are deep concerns about, again, a vetting process and whether or not people we may be training again could be human rights abusers.

Is there something that is going to be announced anytime soon, do you know, and is your bureau involved in the decision with DOD?

Mr. KOH. Yes. I went to Indonesia actually the day that I took office in November 1998. I returned with Secretary Albright in March and then I returned again to both Jakarta, West Timor and East Timor in early October, both to look into the situation in Delhi and also to look into the plight of refugees in West Timor,

and I know that you and your chief counsel Mr. Reese have played an important role in highlighting those issues and getting Congressional attention paid to them.

I think everybody understands and acknowledges the role that the TNI had played in paramilitary abuses and the need for thorough military reform and for accountability.

Indeed, our new Ambassador Bob Gelbard has been a leader on this issue, as has Assistant Secretary Stanley Roth, and Secretary Albright herself has designated Indonesia as one of her key priority countries for democracy issues for this year.

In September 1999, the President suspended mil-mil relations or military to military relations, which were already restricted, including initiating new training under the expanded IMET Program. As was reported in the paper, there were some very small number of former IMET students are here, I think seven of them. They are allowed to continue and finish their training with non-IMET funds.

Then the Leahy amendment conditions resumption of IMET on an important set of conditions which have been the guideposts for the executive branch's actions on this.

I would say the U.S. has not initiated any IMET, EIMET Programs in fiscal year 2000, nor have we conducted DOD JSEP Programs with Indonesia, since they were frozen in 1998. I think the best thing we can say at this point is the Administration is going to continue to consult with Congress to determine when it would be appropriate to resume any kind of training and any plan for re-engagement would be developed in response to concrete changes. I the government of President Wahid has faced huge challenges. This is the fourth largest country in the world. They have very little tradition of civilian government. They have a new cabinet, many of whom are new to government. Nevertheless—and they're facing not just East Timor, but also situations in Ochi, Ambonne, the Malucas, as well as domestic accountability issues, as now presented by both the international commission of inquiry report on East Timor and the domestic commission report. So they have their hands full.

Only a few weeks ago, three of the ministers of Indonesia, the new attorney general, Marzuki Daruzmon, the new human rights minister, Mr. Hasbal Asad, and the minister for legislation, came over and we talked to them about how to address and deal with these human rights issues.

In our bureau, we're trying to find ways to support the new human rights ministry under Mr. Asad's leadership and we're also looking for ways in which we can support the human rights monitoring effort of the U.N. transitional authority in East Timor, headed by Sergio Veradamela.

So we are very focused on the challenges both in Indonesia and in its regions and our committed to keeping this country in the democratic column.

Mr. SMITH. Let me ask you briefly about Egypt. Nina Shea, in her testimony, makes a very important point with regard to the Coptic Church, and I have myself met with President Mubasak, raised the issue of Al Kosheh and we've recently had a number of Members who actually went to Egypt and raised the issue with high government officials.

There seems to be a very serious deterioration of respect for the Coptic Church. It is a very, very large minority of Christians in the Middle East, and yet the violence is growing.

There is not a prosecution strategy that we can see to get the perpetrators of these crimes, and the human rights report, as Nina Shea points out, asserts that the government's human rights record, we're talking about Egypt, again, improved somewhat over the previous year. This assessment carries great weight.

She testifies or will testify, "to our knowledge, it has been cited by asylum officials in two recent cases to deny Copts petitions. It is misleading in that it fails to take into consideration the fundamental fact that government-sponsored intolerance against a religious minority in the context of religious extremism."

I have met with a number of Copts myself. I spoke to Bhoutros-Ghali, who was giving the opposite view, on behalf of the government, who made it sound like for the Coptic Church, everything was just dandy, and yet the evidence clearly points in the other direction in a profound way.

What is your response to her testimony and those assertions, which are shared by this Chairman?

Mr. KOH. We have concerns about the government of Egypt's treatment of Coptic Christians, and that has been a special subject for Ambassador Robert Seiple, our Ambassador at Large for International Religious Freedom, whose office is in our bureau.

He's given it a lot of attention and has visited Egypt to discuss these issues.

I have myself raised the issue with Ambassador Fami here. I know Secretary Albright has raised it with Foreign Minister Musa, and the Alkoush case obviously is, in both of its manifestations, one in 1998 and the more recent incident, a particularly troubling event.

There is a particular issue with regard to this year's report, which is, again, we have to cutoff the report on December 1999. Some of the violence which started Alkoush two started on New Year's Eve, and it continued into the next year, and, therefore, we report on it in our introduction.

It will be reported at great length, I'm sure, in this year's international religious freedom report, which will issue in September.

In the meantime, Ambassador Dan Kirtzer and our embassy in Cairo continued to press on the issue and this is something on which the Commission for International Religious Freedom, on which Nina Shea sits, has done a good job in highlighting. We think that that issue will continue to receive a lot of well deserved attention.

Mr. SMITH. Can that information also be gotten to asylum officers, I'm not sure what your mechanism is, so they're not making decisions based on guidance that is either outdated or wrong?

Mr. KOH. As we say, Mr. Chairman, I'm glad you mentioned that issue. We have a valiant staff of 12 who do human rights reporting. They now do a country report which, as you know, is, this year, 6,000 pages. They finished it at the end of February. They have to then move quickly to the international religious freedom report, which is then due in September.

We have expanded reporting requirements on a number of issues. They also bear the burden of revising asylum profiles and, frankly, many of them are so exhausted that it's something that we really don't have a chance to update these profiles as much as we'd like.

This is not for lack of commitment on the issue, and we do appreciate the enhanced resources that we have this year, but I think it's a continuing concern to us as to how we can keep handling new Congressionally mandated reports which really tax our resources and keep doing the job that we're supposed to do in so many different areas.

Mr. SMITH. I do have other questions, but I will yield. Congressman Radanovich has asked that his statement be made part of the record and he does ask about a constituent. He says, just briefly, "I am primarily concerned with statements made by the State Department that there are no reports of politically motivated disappearance," and he's talking about Laos.

"You may be aware of the case of my constituent, Michael Vang, and his co-traveler." I wonder—and I raised this in my opening comments, Mr. Secretary—if you might touch on that, and then I'll yield to Cynthia McKinney.

Mr. KOH. Yes. The case of the two Americans, Woa Li and Michael Vang, has been a great concern to us. When we first learned of the disappearances, our embassies in Laos and Thailand worked closely with the FBI to try and pursue all credible leads. We sent a joint fact-finding team to the border area twice, first in November 1999, then in November 1998 and July 1999, and were unable to reach conclusions.

You mentioned this in your opening statement. There were conflicting reports and it was difficult to resolve them and the inconsistencies between them. We tried to get to the bottom of it. Our embassy raised the issue. Ambassador Seiple visited Laos and again raised the issue. Assistant Secretary Roth has pursued the question here in D.C., and Neil Silver, who is the head, the Office Director for our Laotian Affairs Bureau, has been pursuing this.

The lead on this has been taken by our consular affairs bureau, which, of course, has responsibility for the whereabouts of all American citizens.

The fact remains that the reported disappearances occurred in the Golden Triangle area, which is very rugged terrain. We have incomplete reports, which complicate the investigation. But it continues to be a very high priority for us in terms of resolving the issue. Secretary Albright has met with both the Lao Ambassador and also the Lao foreign minister to underscore the concern and our charge in Vientiane has repeatedly pressed on the question. We know that staff from this Committee and also from the Foreign Relations Committee went and have been trying to get to the bottom of the question.

I'm happy to say that we are hoping that the next deputy chief of mission in Vientiane will be an alumnus of our own office and will, I'm sure, be taking this question on board.

Mr. SMITH. Thank you, Mr. Secretary. Cynthia McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. I just have a few questions. First of all, what is the position of the State Department

with respect to a tribunal to investigate the crimes against humanity that have been committed in East Timor?

Mr. KOH. I think we don't always move first to the question of international tribunal, if a credible domestic process can function. As you well know, Congresswoman, it was so difficult to create both the international tribunal for the former Yugoslavia and for Rwanda—

Ms. MCKINNEY. Are you suggesting that a credible domestic opportunity exists to bring the Indonesian military to justice for the crimes that they have committed in East Timor?

Mr. KOH. When the International Commission of Inquiry issued their report, which they did on January 31, on the same day, KPP Hahm, or so-called Komnisom, the National Human Rights Commission issued a report which was in many senses reaffirming and confirming the same information. That national report has now gone to the Attorney General's office, under Marzuki Darizmon, who as I mentioned, was here a few weeks ago.

He is a former leader of the National Human Rights Commission and that office is currently exploring the question of whether prosecutions can be brought against some of these individuals. As I understand it, there are three issues at stake now; one is the extent to which these can be brought under existing Indonesian law, a second question about the new human rights law, which the Wahid government is attempting to enact. My understanding is that that law is in its eighth reading at the moment. Then there is the question of how to work together closely with the U.N. transitional authority to gather evidence and information.

We have a number of staff people, including my own special assistant, who are in Jakarta and East Timor now working on the issue, and I think it's too early to say where all this evidence will lead.

What I will say is that the new government is attempting to take the National Commission report, and use the information from that report to try to move to a credible process of prosecution, investigation and conviction. I think we ought to support them in that effort.

Ms. MCKINNEY. I'm interested in the attitude in the department as it relates to corporate behavior, U.S. corporate behavior. You very well know the activities of Chevron Oil Company in the Niger Delta and their complicity in massacres and in torture.

What is the attitude of the department in the inclusion of corporate behavior in its human rights report?

Mr. KOH. Ours is principally a report on the activities of governments. Also, we do mention behavior of corporate actors. You will see mention of this throughout the reports.

I will say that our own view is that corporate actors are an important transmission belt for human rights values, the fact of the matter is that in many countries around the world, it is the corporations that have the lead and many corporate executives are committed on these issues. This was something that Kofi Annan raised in Dvos last year, and what we have done at the Department is to try to forge closer ties with corporations to try to bring their best practices to bear.

One thing that was mentioned by Secretary of State Albright in Dvos on January 28 is an effort that we're trying to do to work

with corporations, particularly U.S. corporations, on promoting higher standards and highlighting best practices in the extractive industries.

I know my deputy Bennett Freeman came up and briefed you on this issue. There are three countries that we have identified, Colombia, Indonesia and Nigeria, on which we're going to be doing substantial work.

Obviously, the situation in the Niger Delta is of grave concern and we have also met with members of Mosup, the Algoni people and particularly Owen Zwila, the brother of the martyr Ken Sarowiwa, to discuss those continuing concerns.

But this is something in which we are trying to get corporations to agree to make a commitment on promoting the basic principals of the Universal Declaration of Human Rights and, in particular, practices in the extractive industries, particularly with regard to their security arrangements, to make sure that they are part of the solution and not part of the problem.

Mr. SMITH. Mr. Delahunt.

Mr. DELAHUNT. I mentioned in my opening remarks that I was going to ask you about the fact that both of the guerrilla groups, the ELN and the FARC, are listed on or named on the list of foreign terrorist organizations, and the AUC is not.

Can you give me a response to that question?

Mr. KOH. I think we're going to have to get back to you with the specifics about the terrorist list. I don't do terrorism, I do human rights, so that's really another part of the program, of the Department.

I will say that with regard to paramilitary abuses, I think they're chronicled at great length in the report.

Mr. DELAHUNT. Yes, and I applaud you on that and it's clear that the vast, the majority of human rights abuses are, in fact, committed by paramilitaries. They far exceed those committed by the insurgent groups and I think in the 1998 report, I don't know what the statistic is this year, but there was 3 percent was claimed that was committed by security forces.

I presume those percentages haven't changed much, Mr. Koh.

Mr. KOH. This is something in our report. We've looked at both reports of the NGO's, particularly the NGO Sinap. We've looked at the report of the Ministry of Defense and there are some discrepancies in the numbers. Where they all agreed is that extra judicial killings by paramilitaries last year were in the range of 700 to 850. Both the NGO's and the Ministry of Defense agree on those numbers, and those are higher than either abuses—extra judicial killings that were committed by the guerrillas or by the security forces.

The number of killings were in the zero to 24 range, depending on who you believed.

Mr. DELAHUNT. But you haven't incorporated within the report a specific percentage, I take it. I haven't had a chance to peruse the report.

Mr. KOH. Again, it's a question of how we—

Mr. DELAHUNT. I'm sure these are estimates, also. I mean, I understand that.

Mr. KOH. Sometimes—

Mr. DELAHUNT. But what I find disturbing, and I presume that there is a sound basis for not listing the AUC, but our own General McAfree has indicated that the flow of drugs into the United States is a threat to our national security and if it comes to the definition of definitions within that language, I presume that if, in fact, we consider the flow of cocaine and heroin into the United States to be in our national interest, that the reality is that the AUC, which has been described by DEA, INL and other agencies, as to be more implicated into the drug trade than even the guerrillas, that appropriately they ought to be listed, with the consequences that ensue by that listing.

So I know that's not within your particular province, but I would ask that you take it back to the appropriate official and provide us with an answer, and, at the same time, encourage them to look at it with a liberal interpretation.

Mr. KOH. We agree.

Mr. DELAHUNT. Of the statutory language.

Mr. KOH. We agree, Congressman, that both the paramilitaries and the guerrillas commit large-scale abuses of international human rights and humanitarian law and that they ought to be outlawed.

I think they do have a difference in tactics. Paramilitaries more frequently engage in massacres of civilian groups, whereas the guerrillas have engaged in a variety of tactics, including kidnappings, massacres, extra judicial killings, recruitment of child soldiers and other kinds of abuses.

I do think that both engage in profit from the drug trade and they're both part of the problem that the Pastrana government has to get on top of if they're going to bring this country into a new period in terms of human rights.

Mr. DELAHUNT. I thank you, Mr. Secretary. I would ask, at this point in time, the Chairman, and I applaud him for having a hearing next week in terms of the situation in Northern Ireland, but I think it's particularly timely if we would consider to have—consider having a full hearing on the situation as it exists in Colombia.

This is a—clearly, this package has multiple aspects of it, some of which I find very attractive, others concern me.

But in particular, the area of human rights, I think it would be most timely to have a full hearing. I think it's important and I think it would assist a lot of Members to have the ability to ask some questions, not just from the Secretary, but from a variety of groups, both here in the United States and from Colombia.

Mr. SMITH. Thank you very much. We will look into that, but I understand that the Appropriations Committee is moving fast in terms of a markup. So it's something we ought to, as soon as we're done here today, talk about.

There is another issue I'd just like to raise, and you've been very, very generous, Mr. Secretary, unlike some people who come down and speak before the House and always have to be somewhere else, so they're running out the door. You have been very generous and we deeply respect and appreciate that.

Mr. KOH. It's my job and that's why I get the big bucks.

Mr. SMITH. You are a person who cares so much about it, as evidenced by your previous work and the fact that you are so infatigable in your efforts on behalf of human rights.

Amnesty International, in their testimony, Carlos Salinas will be testifying momentarily, makes the point again. He calls you a good friend and has nothing but respect for you, as we all do, but the problem, as I said in my opening statement, is this idea of a compartmentalized approach—separating policy from the issue of reporting. He points out that when you scratch beneath the rhetorical surface, you find a complex substratum where human rights concerns are compartmentalized and rationalized out of key decisions. You might want to comment on that again, because I think that's our main problem.

If you were running the show, I think we'd have very few questions about human rights being integrated with our overall foreign policy, which brings us to Turkey. I know I wanted to join you at the OSCE meeting. We unfortunately had a session of Congress and much work on our plate here and I couldn't join you. I know you did a good job there.

But Amnesty points out and many of us have concerns about the Administration's apparent gearing up to provide an export license for four billion dollars for attack helicopters. We all know the incredible carnage that has been committed against the Kurdish minority. There were some human rights benchmarks that were laid out by the Turkish Prime Minister and our President in December 1997, and if you look at those benchmarks, it looks like they have not been realized and are not in the process of being realized, and maybe you have other information that you could provide to us on that.

But what is the situation in Turkey in general and your view on this proposal to sell attack helicopters? Have those benchmarks been realized?

Mr. KOH. As I understand it, the government of Turkey has narrowed the field in terms of the manufacturers who are still competing on that bid and so we're not at the point yet where they've selected an American bidder or an export license is actually being requested.

I think it's pretty clear that if Turkey does choose a U.S. manufacturer, our export license decision is going to be based on the full range of considerations that are required by law, our arms export control policy, as well as a thorough review and evaluation of Turkey's progress on improving human rights.

This has been one of the prime areas in which I have devoted my time. In August 1999, I went to Turkey for 10 days. I think that's the longest trip I've spent in any single country, including a number of days in the southeast. I went to Komlerfa, Diarbakur, the whole region in which the set of human rights concerns have been raised.

I returned for the review conference in Istanbul and I returned with the President and Secretary Albright at the end of November. During that period, I opened up a human rights dialogue with the state human rights minister, Mehmet Ali Irtemcelik, with the justice minister, Mr. Sami Turk. I visited Layla Zana, Akin Birdal, and have continued to focus on these questions.

You had a hearing of the Helsinki Commission on the road to Istanbul in which Mark Grossman, the Assistant Secretary for European Affairs, and I both testified in which I reviewed the human rights situation.

You are correct that in 1997, in December, President Clinton and then President Ilmas did discuss the issue of attack helicopters and identified a number of important benchmarks with regard to decriminalization of freedom of expression, the release of journalists, prevention of future prosecution of journalists, addressing of the problem of torture and impunity, reopening of human rights NGO's, the implementation of the 1995 constitutional amendments regarding political participation, meaningfully ending the state of emergency in the southeast and allowing refugees of evacuated villages to go home.

Now, I discussed a number of these in March 1999 when I testified before the Helsinki Commission and we have tried in our country reports to give the basis on which an assessment can be made in these areas.

I think it's fair to say that with regard to torture, the government has announced some important policies, a no tolerance circular, but that, in fact, on the ground, there are serious continuing problems with regard to torture. President Demirel said, when President Clinton was there, we do have a torture problem, and just last week the parliamentarian in charge of the human rights commission there, Mrs. Selma Piskins, reported that there were, in a raid on a local police station, torture instruments discovered.

In the area of freedom of expression, this continues to be a serious problem. There have been efforts to bring about legislative reform, particularly the lifting of Article 8 and 312, but, in fact, the net result has been two new laws with continuing restrictions.

There have been raids on newspapers, harassment of journalists and a number of high profile journalists, particularly Andrew Finkel of Time Magazine and Nadira Mater, who is the author of a well known book about the plight of the southeast, have continued to be subject to continuing restrictions.

With regard to NGO's, there have been a number of NGO's that have been reopened, but a number which continues to be closed, particularly branches of the human rights association in Malatya. The Mersin Migrants Association was, however, recently allowed to open. Mr. Birdal, who I met in Istanbul and I think we were helpful in securing his release, had been released on medical grounds, but he continues to face supervision.

On the political participation question, I think the question of whether the government will seize the opportunity presented by the arrest of Mr. Ochelon remains very much up for grabs. Three of the Kurdish mayors from the Hadab party, particularly Mr. Ferdin Chellick, with whom I spent time in August, were arrested, and as I mentioned in my oral statement, were released, but are still pending trial.

As I said when we released the country reports, we find this to be a very puzzling, very disturbing set of events. There are allegations that they were tortured while in detention. When there were protests about their detention, there were restrictions on freedom of expression.

I think the general issue of the Kurdish question and the conditions in the southeast remain a very serious concern. We think that the government needs to move forward on this question, to recognize Kurdish language rights and cultural rights. The state of emergency has been lifted in the Province of Sert, but continues in five other provinces, and although a number of people have been evacuated forcibly, only a small percentage have been resettled.

So I think we do have continuing concerns about these issues. I will say, as I said in my oral testimony, that the Ecevit government has had a number of important statements and recognitions of the need to address these questions. Foreign Minister Jihm, Ismael Jihm said that he was firmly of the belief that the Kurdish issue ought to be addressed. Sami Turk and the human rights minister have spoken out aggressively on the torture issue.

I met with Prime Minister Ecevit in August and he is himself a former journalist who I think is committed to progress on this issue. I think the Helsinki, of which I and you are Commissioners, will continue to look into the question and make sure that the human rights record remains under careful review.

Mr. SMITH. The Chair recognizes Joseph Rees, the Staff Director, and Chief Counsel.

Mr. REES. I have what I hope will just be a couple of very brief questions. Assistant Secretary Koh, you mentioned the asylum advisory opinions, the asylum profiles that your office produces, and I think we've talked about these before.

The last I checked—and I hope that things have changed since shortly after last year's hearing, when we looked into this—some of those profiles contained information that was years old.

The quality of the profiles is not nearly as high as the quality of the country reports. Often, there is boilerplate that tends to talk about how many fraudulent cases there are. They really look, in some cases, like a recipe for denial in asylum cases.

Specifically on the forced abortion cases from China, although these comments are not limited to that, there was information which has long since been discredited about how there aren't many forced abortions and so forth. If you could only do one thing in a timely way to eliminate the lag time between information that might tend to help asylum applicants that your office has—and I know you appreciate with this, with your own background—getting it into the hands of asylum officers and immigration judges should be a top priority, because it's not like nothing is happening while you're waiting to eliminate that lag time.

People are being denied and it is of course, wrong for them to be denied on the basis of information which is not correct.

I know that I speak for the Chairman in asking that you put in place, if you haven't already and maybe you already have, a system to ensure that outdated information will not be used to deny asylum claims if subsequent information in the possession of the bureau would tend to support those claims.

Mr. KOH. Mr. Reese, you and I have both spent most of our careers representing asylum seekers, and so I completely share your sentiments. I do think that we, in our bureau and particularly the office of country reports and asylum, are struggling to deal with a massive workload, much of which is imposed on us by bills that

have been passed by Congress, salutary bills, in many respects. But without a full awareness of the kinds of burdens that it imposes on us, and there are other bills that are pending which would impose new reporting requirements and, frankly, which make it difficult for us even to spend the enhanced resources that we have to do all the things that we need to do.

On the China asylum profile, your point is something we completely accept, it's one that we have discussed in the past. We are sending one of our officers from the country reports and asylum team to China to make sure that all the information there reflects not just the country report, but also the most current information. But frankly, to be able to do this, with all of our asylum profiles and the tiny staff that we have, is extremely difficult.

So we're really struggling to do everything we have to do. I don't exaggerate to say that this is the hardest working group of people I've ever worked with, the most committed, upon whom new mandates fall every day.

When this bureau started in 1977, we had two mandates and we now have 55 mandates. Without a significant expansion of resources, I do think Secretary Albright has really committed herself to try to give us more resources, but as you know, the entire pie has been restricted and every day there is a fight for new resources.

It's something that I didn't appreciate outside of the executive branch and now that I am here, it's, for me, one of the greatest challenges as to how to address this question.

Mr. REES. You ought to try working in the Legislative Branch. We're not trying to gainsay that, but frankly, as between sending out a wrong report and not just sending out a report at all, it would be better if you didn't send out a report at all.

You mentioned the ratification of CEDAW. One of the concerns that the Chairman and other Members, primarily on the Republican side, and Senators have had is that some of the language in CEDAW might be used to create an international right to abortion.

The Administration, although it supports abortion rights in domestic U.S. policy, has said that it does not favor the creation of an international human right to abortion. Yet, recently, this fear has become more than a fear, it's become a growing reality.

When CEDAW commissions in country after country have been recommending, as part of their mandated recommendations, to countries, that in order to comply with CEDAW, those countries have to legalize abortion.

Is that one of the reservations that the Administration has prepared to make sure, to make clear, that in order to comply with CEDAW, a country does not have to provide legal abortion?

Mr. KOH. As you know, Mr. Rees, this is an issue that's addressed under our own constitutional law. I think it's the CEDAW issue and the package of reservations, understandings and declarations, under which it would be ratified, were really settled in 1994, when the Foreign Relations Committee reported the convention favorably to the whole Senate. At the time, Senator Helms proposed an additional understanding to clarify his concerns.

At that moment, some 68 Senators, which is more than two-thirds, had written a letter to President Clinton, urging him to

take the necessary steps to ratify the convention, but then later, because of a parliamentary motion, a hold was put on it and since 1994, the Senate has taken no additional steps toward ratification.

Indeed, if the concerns that you have are ones that are widely shared, the best solution would be to hold hearings and let those concerns be vetted. But the fact of the matter is that there have been no further hearings on this question before the Senate Foreign Relations Committee.

As I pointed out, 165 countries have ratified or exceeded to this convention and it's one I think that the UNICEF has issued a report in which they have chronicled all of the different countries in which it has been passed and the tremendously salutary impact that ratification of CEDAW has had.

Let me put it bluntly. With regard to countries who have ratified, we look bad, because frankly we have better records on equality of rights, but we don't get the credit. With regard to the countries that don't ratify, we look bad because then we're put in their company.

I think it's, something on which the Senate obviously has the lead because of its treaty ratification power. But on today, International Women's Day, it's a good day to say this is a treaty that ought to move, ought to be ratified, that we ought to be a part of. Frankly, it's embarrassing for me, as the executive branch representative, to go to meetings around the world and be asked why we haven't ratified it and to have no good explanation, other than the fact that people have concerns about it that have not been aired in new hearings in the last 6 years.

I think if the concerns that you raise are legitimate, they ought to be aired by having hearings before the end of this Senate session and then to try to get this ratified, so we can join the vast majority of other countries who have ratified this convention and benefited by it.

Mr. SMITH. Mr. Secretary, thank you very much for your testimony. You've been here slightly in excess of 3 hours. We do appreciate it. I do hope you will join us on Tuesday at the Northern Ireland hearing as a Commissioner of the Helsinki Commission.

Mr. KOH. Thank you very much and thanks for staying through the whole thing.

Mr. SMITH. I would like to ask our second panel, and I thank you in advance for your patience. Elisa Massimino, is the Director of the Washington, DC Office of the Lawyers Committee for Human Rights. Ms. Massimino, who earned her law degree from the University of Michigan, directs the Lawyers Committee's National Advocacy Program, with special focus on refugee issues.

Next, we will hear from Carlos Salinas, who is the Advocacy Director for Latin America for Amnesty International USA. Mr. Salinas who has worked with Amnesty since 1986, earned his Master's degree in Latin American studies from Georgetown University.

Next we will hear from Nina Shea, who is a Member of the United States Commission on International Religious Freedom, as well as the Director of the Center for Religious Freedom at Freedom House. A lawyer specializing in international human rights issues, for the past 12 years she has focused exclusively on the issue of religious persecution.

Finally, we will also hear from Dr. Alison DesForges, who is a consultant to Human Rights Watch, who has undertaken some two dozen missions to the Great Lakes Region of Central Africa. She has provided expert testimony to the International Criminal Tribunal for Rwanda, as well as to judicial authorities in Canada, Belgium, and the United States. Trained as an historian at Harvard and Yale Universities, Dr. DesForges is the author of "Leave None to Tell the Story," the definitive account of the Rwanda genocide, published last year by Human Rights Watch.

Elisa, if you would begin.

STATEMENTS OF ELISA MASSIMINO, DIRECTOR OF WASHINGTON, DC OFFICE, LAWYERS COMMITTEE FOR HUMAN RIGHTS

Ms. MASSIMINO. Thank you. Thank you, Chairman Smith and Members of the Committee, for convening this hearing and for asking us to share our perspective on this year's State Department country reports.

We are deeply appreciative to you, your staff, and all of the Members of the Committee for your steadfast concern for these issues and your continued efforts to highlight human rights in the Congress.

Mr. Chairman, I have a written statement which I would like to summarize for the record.

Mr. SMITH. Without objection, yours and all the other full statements will be made a part of the record.

Ms. MASSIMINO. Thank you. The Lawyers Committee for Human Rights works to protect and promote fundamental human rights, holding all governments, including our own, accountable to standards contained in the universal declaration of human rights and related international human rights instruments.

We focus our work on how best to protect human rights in a lasting way, by advancing international law and legal institutions, by working to build structural guarantees for human rights in national legal systems, and by assisting and cooperating with lawyers and other human rights advocates who are the front line defenders of human rights at the local level.

As Secretary Koh pointed out, it's especially fitting to hold these hearings today, Mr. Chairman, on International Women's Rights Day.

Five years ago, women from around the world gathered together to affirm what to many might seem a truism: that women's rights are human rights. Yet today, as detailed in many of the reports before us, we are witnessing an increase in extreme violations of women's human rights—in political life, in the workplace, and in the home.

As documented in the pages of these reports, women are beaten by their husbands, raped with impunity, denied the right to vote, denied basic health care and education, forcibly sterilized, driven, in China, as you pointed out, to suicide at an astonishing rate, sold into sexual slavery, and killed by their relatives to uphold family honor.

These abuses are truly horrific. The State Department, under Secretary Albright's leadership, is to be commended for having

given a much higher profile to defending the rights of women. But it is disturbing to us that the United States, which has exercised such leadership in advocating for the rights of women around the world, remains outside international consensus by failing to ratify the Convention on the Elimination of All Forms of Discrimination Against Women.

Ratification of CEDAW will strengthen U.S. efforts to advance the rights of women throughout the world and will give the United States a greater voice in shaping national and international policies, as you pointed out, Mr. Rees, that affect the lives of women.

The United States should not let another March 8th go by without becoming a party to this important human rights treaty.

The State Department's reports cover 194 countries, but there is one country whose record is not analyzed in that document, and it's the United States. A couple of years ago, when we held this hearing, Congressman Houghton asked the question "I wonder how other countries view our human rights performance?"

Since that time, the U.S. has conducted its own analysis of U.S. performance under the Convention Against Torture, and Secretary Koh is to be commended for his role in helping to produce that report.

We have many problems of our own, and I didn't want today to go by without us talking a little bit about that. One of the pieces of legislation that this body will soon consider is an effort to address some of those problems; in particular, the problem of torture in this country.

You see in the reports before us page after page after page of serious violations. We are rightly proud in the United States of our own human rights record in many, many areas, but there are some areas in which we fall short, and, regrettably, there are instances of torture in the United States. This legislation which is soon to be introduced would make torture, per se, a crime and prosecutable as a crime in the United States.

Mr. Chairman, as you know, the quality and accuracy of the country reports have been of great concern to the Lawyers Committee since the Department of State was first mandated to present these reports to Congress almost 25 years ago. Beginning in 1979 and until 2 years ago, the Lawyers Committee published an extensive annual critique of the reports, and we continue to believe that they require and benefit from critical input by the nongovernmental human rights community.

In recent years, we have witnessed a steady improvement in the objectivity and comprehensiveness of the reports and we commend Secretary Koh and his very able State Department colleagues for their professionalism and diligence in the production of these reports.

One of the distinguishing marks of a good country report is the degree to which it reflects extensive consultation by U.S. embassies with local human rights advocates and NGO's. Today's hearing is an important forum in which U.S.-based NGO's can critique our own government's reporting and highlight needed changes in next year's edition of the country reports. We welcome this opportunity.

I would like to single out three countries for special notice in my oral comments today. In doing so, I recognize that my very distin-

guished colleagues with whom I share this panel will cover many of the other countries. I am quite humbled being on a panel with such distinguished human rights experts as we have here before us today.

China, Turkey and Mexico are the three countries which I would like to focus on. In each of these countries, widespread and persistent human rights violations continued throughout 1999. The conduct of each of these three states presents a serious challenge to the integrity of the international human rights treaty regime and of the institutions that the international community has established to enforce compliance with human rights norms, and, in each instance, the nature of the response by U.S. policy makers will have profound bilateral, regional and even global ramifications.

With respect to China, the report includes an extremely thorough and generally accurate description of the downward spiral in China's human rights performance during 1999. The report properly focuses on the crack down on China democracy party leaders and highlights the fact that by year's end, "only a handful of dissidents nationwide dared to remain publicly active."

In addition, the report contains extensive information on government repression directed against religious practice. Chinese law and practice reveals a deep hostility toward "unofficial" religious belief, and those who seek to exercise their right to freedom of religion are frequently punished, in some cases severely.

As China struggles with extraordinary economic, social and environmental challenges, nothing is more important to its future stability than the expansion of the right to freedom of association and the free development of critical voices in the nongovernmental sector.

As such, an area of the State Department's report which continues to be disappointing is its discussion of regulations on the NGO sector in China. As the report notes, these impose a variety of new obligations on those seeking to register as nongovernmental organizations. The conclusion of this section of the report, "pre-existing groups report little or no additional interference by the government since the new regulations came into effect," is misleading.

Indeed, in light of the statement later in the China report that "there are no independent domestic NGO's that publicly monitor or comment on human rights conditions," it is astonishing that the discussion of NGO regulations fails to reach any opinion on the degree to which these restrictions impose unreasonable burdens on civil society in China or contravene existing international norms on freedom of association.

Unfortunately, the superficial treatment of freedom of association, especially for domestic human rights advocates, remains a persistent weakness of many of the country reports.

This is particularly disappointing in light of the adoption by the U.N. General Assembly recently of the Declaration on Human Rights Defenders, which breaks new ground in defining an international consensus on the content of the right to freedom of association. Future reports we hope will rectify this weakness.

The report contains a detailed analysis of China's efforts to block the flow of information over the internet. China is trying to sustain

expansion of the internet and other communications infrastructure, while also expanding restrictions on its content and use, a balancing act that seems destined ultimately to fail.

Internet expansion may prove to be an arena where the line between an opening economy and political liberalization becomes blurred, and the United States should be doing all it can to promote this trend. In light of the detailed information contained in the report about widespread restrictions on internet use, the report misses an important opportunity by failing to describe how these restrictions, which include special internet police units, not only interfere with the right to private correspondence, the section in the report under which these restrictions are described, but have a negative impact on the exercise of many other core rights.

The report devotes considerably more attention than in past reports to an analysis of numerous legal reforms, including the criminal law, the criminal procedure law, the administrative litigation law, the state compensation law, and the lawyers law, and makes an initial assessment of whether these reforms are leading to better human rights protections for Chinese people.

Future reports should maintain their focus on the range of legal reforms, all of which, to the degree they are implemented, have the potential to enhance the rights of Chinese citizens vis-a-vis the state.

This emphasis on systemic legal problems should serve as a model for all of the country reports.

As China grapples with its ongoing legal reform process and as Chinese citizens acquire greater consciousness of their rights, a central question before the U.S. Government is how outsiders can best contribute to moving that process in the direction of greater compliance with international human rights standards.

The report notes that China has had human rights dialogues with a large number of countries, but admits, frankly, that these dialogues "have not produced significant improvements in the government's human rights practices."

In light of this failure and in the face of serious violations, such as those that took place in 1999, these dialogues certainly cannot substitute for the traditional measures of external pressure, such as a resolution at the U.N. Commission on Human Rights.

Despite the comprehensive nature of the report on China, it is marred in places by language that seems designed to blunt criticism of government practices. Particularly disturbing is what seems to be an increased use this year of reference to the motivations of the government in perpetrating abuses, as if somehow to excuse or minimize the violations.

For example, after stating that "the government continued to commit widespread and well documented human rights abuses in violation of internationally accepted norms," the report cites the government's "fear of unrest" as one of the reasons for these abuses. When "communist party leaders moved quickly to suppress" political dissidents, it was because "they believed them to be organized challenges that threatened national stability."

Finally, in a recitation of the "positive trends in China," the report implies that the government suppresses only "those perceived to be a threat to the government power or to national stability."

Yet, as the report outlines, who are these people that are threats to national stability? They are a man who sought, in accordance with tradition, to sweep the graves of some students killed in Tiananmen Square, a man who seeks to worship as he pleases or a couple who longs for a second child.

In her remarks on the release of the country reports, Secretary Albright noted that “China is perhaps the most prominent example of a country with which we have substantial and well known differences on human rights, but with which we are also engaged on a wide variety of other issues.”

Now, this may be a simple and straightforward statement of fact or policy, but this oft-repeated refrain of the Administration reflects, I think, a fundamental and persistent error in U.S. policy toward China. The litany of abuses detailed in this year’s report are not and should not be portrayed as merely differences in one aspect of a multi-faceted bilateral relationship.

This year’s report details profound and widespread violations by China of internationally recognized human rights norms, and these violations must—and must be seen by China to—affect every aspect of its relationship with the United States.

This is not to say that promotion of human rights is necessarily served by disengagement with China. Quite the contrary. Further engaging China in the web of international agreements and norms could hold the potential to catalyze change in the long term. Legal reforms have new resonance in China in the context of an opening economy, and attempts to reform China’s commercial legal system could provide a foundation for an independent judiciary and other essential elements of an accountable justice system. But this must be combined with consistent pressure for improvements from outside China.

That is why the pursuit of a resolution condemning China’s dismal human rights record at the Human Rights Commission is so important. We commend the Administration for pursuing this, as well as those in Congress who have consistently called for such a resolution.

Although engagement may provide a framework in which to foster human rights improvements, engagement must be toward a purpose and will not of itself necessarily lead to any changes in China’s human rights performance.

Human rights concerns must permeate our interactions with China in all of the areas with which we engage the Chinese government. China should not be able to cutoff dialogue or avoid criticism by the United States about its human rights violations simply by refusing to meet with U.S. officials who carry a human rights portfolio.

Human rights violations in China undermine U.S. strategic and economic interests there, and that judgment should be reflected in every high level meeting between U.S. and Chinese officials.

Human rights should not be portrayed to the Chinese as an area where we will agree to disagree.

The report on Turkey is comprehensive and well informed. This extremely thorough analysis reflects a serious commitment on the part of U.S. diplomats in Turkey and in the DRL bureau to follow human rights developments there. Detailed information, such as

that found in the extensive section regarding torture, is in part available because U.S. representatives have been present at many high profile trials with a human rights dimension throughout Turkey.

Torture, unfair trial and restrictions on nonviolent freedom of expression remain widespread problems, as the State Department report recognizes. These problems must be remedied, and this message has been delivered at the highest levels of the bilateral relationship, notably during President Clinton's visit to Turkey last November, including in his address to the Turkish Parliament.

As the report rightly emphasizes, a climate of impunity for human rights abuse in the security forces is an enormous obstacle to improving Turkey's human rights record, particularly in the area of torture. In the few cases where prosecutions and convictions of police officers have occurred, such convictions were reversed on appeal. The report makes note of the directive issued by Prime Minister Ecevit on June 26, 1999, authorizing prosecutors to carry out unannounced inspections of detention facilities to monitor the well being of criminal suspects in detention.

Although the report outlines the preliminary results of these inspections, it fails to note the remaining obstacles to resolving this serious problem.

The June directive alone will not be sufficient to resolve the problem of torture in detention. We have looked at this problem quite extensively and have recently published a report entitled "Obstacles to Reform," which I would like to share with you later, which details the steps we think need to be taken in order to remedy this situation.

The report asserts, in its opening paragraph, and I think this is probably the most distressing part of the Turkey report, that "the government generally respects the constitution's provision for an independent judiciary."

Last year, in our testimony, we criticized the report for stating that "the government respects the constitution's provisions for an independent judiciary." This year the report states that "the government *generally* respects the constitution's provisions for an independent judiciary," and, again, this assertion is simply not borne out by the facts.

State security courts try civilians accused of crimes against the state, including individuals accused of nonviolent actions. Many prosecutions in such courts appear to be politically motivated, such as those brought against leaders from the political Islamic movement, the mayor of Istanbul, and nonviolent political leaders associated with the Kurdish issue. Advocates such as Mr. Birdal, who you heard Secretary Koh mention he had met with, have been brought to trial before state security courts as a result of statements or publications criticizing the government's human rights practices.

After miraculously surviving an assassination attempt, Mr. Birdal faces trial yet again this month, in just a couple of weeks, for speech the government found offensive. These prosecutions are not "independent."

Despite these obvious examples demonstrating the lack of independence in the judiciary, the State Department report fails to pro-

vide a forthright critique of the problem. Instead, we get confusing assertions, such as “the constitution provides for an independent judiciary and, in practice, the general law courts generally act independently of the executive and legislative branches. However, various officials acknowledge the need for legislative changes to strengthen the judiciary’s independence.”

In commenting on the NSC—that’s the Turkish NSC—directives identifying threats to the state, the report merely concludes that such communiques “could be interpreted” as instructions to the judiciary. As for the dominant role of the high judicial council and the appointment of judges, the report fails to speak in its own voice or even to take a position, reporting only that “some observers assert” that this arrangement might undermine judicial independence.

Many sectors of Turkish society are now sending a clear message to the government that the mistakes of the past should not be repeated. For example, the chairman of the high advisory council of the Turkish Industrialists and Businessmen’s Association, TUSIAD, said, on September 10, 1999, that “the democratic transition can be delayed no more. We are telling our politicians to listen to society’s voice.” He noted in particular that in Turkey, “we are way behind in matters of freedom of thought and expression, to the extent that it has become a threat to our national progress.”

A strong, clear and unwavering U.S. human rights policy toward Turkey is particularly essential now to ensure that the Turkish government capitalizes on this current climate of potential change.

The State Department report on Mexico includes an extensive section on the prevalence of torture in the context of the criminal justice system. This section is quite forceful and accurately identifies many of the most serious issues relating to this problem, using clear, straightforward language.

The report notes, “the police regularly obtain information through torture, prosecutors use this evidence in courts and the courts continue to admit as evidence confessions extracted under torture.” It doesn’t get much clearer than that. We’d like to see that kind of language in many of the reports on countries where torture is a problem.

The report also notes that this problem derives in part from the fact that police and prosecutors do not have proper training and equipment and so often rely on torture as an investigative tactic, and in this way the report highlights the fact that reliance on torture in criminal investigations not only constitutes serious human rights abuse, but is also not an effective crime-fighting technique.

The report notes that “police officers often attempt to solve crimes by rounding up likely suspects and then extracting confessions from them by force.”

In contrast to the section dealing with torture, however, in some other areas the report resorts to formulaic statements in order to avoid a more profound analysis regarding human rights problems in Mexico.

For example, the report states that the judiciary is independent, while noting that it has, on occasion, been influenced by the executive branch. Yet the laws regarding appointments to the bench, which allow for heavy executive branch influence over this process,

and the lack of lifetime tenure for judges, present real problems for the independence of the judiciary in both law and practice.

The report also states that court hearings are open to the public, but this is misleading and does not reflect an understanding of the actual practice of hearings in Mexico. There are no courtrooms in Mexico. Generally, four or five hearings are conducted simultaneously before the same judge at several tables in a busy room. There is no opportunity for the public or press to actually hear what transpires in any of those hearings, nor is the judge generally present.

In several cases, the report addresses serious human rights problems by stating, without taking a position of its own, that human rights organizations have criticized certain measures adopted by the Mexican government. For example, the report notes that the new Federal Preventive Police includes approximately 5,000 transferred military personnel. The report then notes that the inclusion of former military personnel led to criticism from some human rights NGO's. Yet the report makes no independent comment on this point.

The report's reluctance to fully address this issue may have to do with the fact that the United States has encouraged military involvement in civilian law enforcement activities in Mexico as a strategy in the fight against drug trafficking. Similarly, the report notes that the military continues to handle cases of civil and human rights matters involving soldiers.

The report then notes that calls for reform of the military justice system and criticism of it have increased. However, the report makes no comment about the need for these reforms.

Similarly, the report states that the government respects the rights of assembly and association and that a wide variety of human rights groups operate largely without government restriction. This assertion is not borne out by the facts, even those set out in the report itself.

As the report states, the government has been accused of harassing NGO's, especially in the state of Chiapas. The report also notes that PRODH, a noted human rights reporting and action center, members of which recently visited the United States, and other organizations are receiving death threats, and the investigations into these threats have not yet yielded any concrete results.

Mexican law and practice, in fact, creates a disabling environment in which human rights defenders are frequently harassed and intimidated.

The Lawyers Committee has recently published a briefing paper analyzing restrictions on Mexican NGO's and laying out a detailed plan for improvements by the Mexican government.

United States policy toward Mexico, which tends to be driven largely by concerns about immigration and drug trafficking, should focus on pressuring the government of Mexico to adopt these reforms.

In conclusion, these comments represent our initial reaction to the country reports, and we look forward eagerly to a more substantive discussion of the reports with Administration officials and interested Members of Congress once we have had the opportunity to carry out a more extensive review of their content.

Nonetheless, even a brief examination of a few key countries makes apparent the general accuracy and professionalism of the country reports and their enormous contribution to our knowledge of human rights conditions around the world.

The challenge remains, as always, to close the sometimes striking gap between human rights reporting and the realities of foreign policy decision making.

Thank you. Mr. SMITH. Ms. Massimino, thank you very much for your testimony. I think so much of what you said bears repeating, but the point that you made about "abuses should not be passed off as differences," that's a very good spin that is used by the Administration and it certainly doesn't serve the cause of human rights, to just say that could be put over in this compartment.

So I appreciate you underscoring that in your testimony.

I'd like to ask Mr. Salinas to begin.

**STATEMENT OF CARLOS SALINAS, ADVOCACY DIRECTOR FOR
LATIN AMERICA, AMNESTY INTERNATIONAL USA**

Mr. SALINAS. Thank you, Mr. Chairman, Members of the Committee. It is our distinct pleasure to accompany you to help you assess the State Department's 1999 country reports. I think Ms. Massimino has really laid the challenge that we would like to address, which is that wide gap, that yawning gap, between foreign policy decision making and the information that the U.S. Government holds and knows to be true.

Before I get to that, though, I would like to extend some words of thanks to all three of you for specific human rights actions you have taken in this past year. It's good to look at the reports, but it's also good to look at specific actions that have been taken. The information without action is essentially a tome that gathers dust on the shelf.

Mr. Chairman, from your multiple hearings to what we consider to be a significant achievement that you deserve a great deal of credit for: the increase in the budget for the human rights bureau, although we know that we have to monitor that very closely to ensure that certain paper games aren't played and the budget really is increased, to your fight last year to add additional expertise to the Office of the Assistant Secretary for Human Rights.

We disagreed with the voices that opposed that effort. We believe that it would have added something very valuable to your continued vigilance with these hearings. You provide an important forum for the human rights community, but also for Congress, to zero in and focus on this important issue.

So we would like to thank you publicly for that.

Congresswoman McKinney, you were and are an important leader in the issue of arms transfers. We supported the code of conduct, your version that you had here in the House of Representatives. You not only have been a leader also in the systemic issues, but also in the specific country regional issues, whether it be the Great Lakes in Africa, to, from what I understand from our human rights and the environment program folks, even contemplating some important work with the indigenous communities in Ecuador, and we thank you for that.

Congressman Delahunt, you are the proverbial voice crying in the drug war wilderness of election year politics. Your leadership has been significant and it's particularly important as we are on the eve of what could be, in our opinion, a very disastrous choice by the U.S. House of Representatives. We thank you for being that voice for raising the issues that need to be raised and for trying to provide some balance to the discussions on Colombia.

Of course, my own pet project that I would personally like to thank all three of you for is for your co-sponsorship of the Human Rights Information Act.

With that, I would like to first introduce you all to our legislative priorities. The Human Rights Information Act, H.R. 1625, a bill to establish an orderly declassification process for human rights information, now enjoys 110 Members of the House as Co-sponsors and we are hoping for markup in the Subcommittee on Government Management, Information and Technology fairly soon, from what we understand from Chairman Horn and his staff.

Five of the Members of this Subcommittee, in fact, are co-sponsors. We will continue to work to make sure that all the Members of the Subcommittee become co-sponsors.

We are also pushing for the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women. In the House, what we have called for is support for House Resolution 107, which tries to express the sense of the House that CEDAW is worthy of support, and I think it is an important topic for us to engage, for us to try to understand where the potential pitfalls may lay, so that we can achieve clarity and ratify this important human rights treaty.

We also would like to achieve a simple majority in the House of Representatives for the Congressional Human Rights Caucus. We think that this is a no-brainer. We think that everyone should be, like you all, very active Members of the Congressional Human Rights Caucus.

Finally, we would like to get continued Congressional work on our Special Focus Cases of prisoners of conscience, people that we are calling for their immediate and unconditional release. These include the Mexican Brigadier General Jose Gallardo, whose crime was to call for the creation of a human rights ombudsman in the Mexican armed forces.

We call for the immediate and unconditional release of Turkish human rights activist Eber Yagmurdereli, whose crime has been to advocate for Kurdish human rights in Turkey.

We call for the unconditional and immediate release of Peruvian student Mirtha Bueno Hidalgo, whose crime was to have class notes that the security forces misinterpreted as being subversive literature.

We call for the immediate and unconditional release of the Chinese student Chen Yanbin, who was arrested at the age of 23 for protesting against the crack down that followed Tiananmen Square massacre and for being a pro-democracy activist.

As we look at the specific action agendas, we have to come back to the country report, to the information the U.S. Government knows to be true, and ask why is there a gap between the knowledge and the action.

As we look at that, we have to focus on some specific issues, and I think Ms. Massimino always does an incredible job in pointing out very important details that are actually quite relevant to the bigger macro picture that at first might seem not as important, but are very relevant.

In general, we would say that one of the persistent, maybe even a chronic failure in the State Department's country reports is its failure to use its own voice.

We believe that it's important to engage with NGO's on the ground, but we also believe that it's important that the U.S. Government make its own determinations about the allegations and issue some real determinations.

I would meet the challenge Mr. Koh laid out in his opening remarks. We do believe that human rights is still an island off the foreign policy mainland. There is a gap between rhetoric and policy reality. Where could it be more clear than where I would like to focus: the failed Administration policy toward China, the incoherency of the foreign policy toward Colombia that's being proposed, and the possible irresponsibility of the Turkey policy.

With regards to China, we welcome the fact that the Assistant Secretary announced early on the intention to introduce a resolution at the United Nations Commission on Human Rights and we believe that the general accuracy of the report will give him leverage.

But not to be necessarily nitpicky, there was one omission that we found quite troubling. The report noted that business woman Rebiya Kadeer, her son, and her secretary, were detained in the Xinjiang region. It went on to state that Kadeer was detained on her way to meet a visiting foreign delegation and was charged in September for passing state secrets to foreigners.

[Statement of Mr. SALINAS APPEARS IN THE APPENDIX.]

The report for some reason fails to mention the origin of this mysterious visiting foreign delegation. Mr. Chairman, Members of the Subcommittee, the foreign delegation was from the United States Congressional Research Service! This woman is in jail for meeting with Members of the Congressional Research Service. We cannot understand why a detail like that would be left off this report. One would assume that if U.S. Embassy officials would know anything, they would know about who U.S. officials are meeting with or failing to meet with.

I would like to include for the record an Amnesty International report on this case and ask you all to ask the State Department for an explanation of this omission.

Talking a little bit more about the gap between the information and policy, in about 20 minutes, we understand that President Clinton will be giving a speech on his China policy at Johns Hopkins University. We have a few questions that we would like to put forth.

Will President Clinton's speech highlight the report's information or will this report lie dormant? Will President Clinton reflect the report's findings that China's poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent?

Will President Clinton demand that Ms. Rebiya Kadeer, who was arrested for meeting with Congressional Research Service, be released and thus call on Congress to endorse and pass the concurrent resolution calling for the same?

Will President Clinton demand that the Panchan Lama be released? Will President Clinton demand that the crackdown on underground churches and ongoing religious persecution be stopped?

Will President Clinton demand that forced abortions and sterilizations be stopped?

Will President Clinton announce that he'll re-link human rights benchmarks to the normal trade relations debate that we'll engage in within Congress?

These are some questions to consider as we try to understand what is the role of this information into policy.

With Colombia, first, I'd like to say that I urge you all to consider the proposal that Mr. Delahunt has just made that a hearing be held. We do realize that the House is moving on a very fast track and, in fact, on Monday, Amnesty International and several other organizations following developments in Colombia issued a letter to House and Senate leadership asking that given the ramifications of this aid package, given the enormity, given the potential for a human rights and humanitarian catastrophe, that ample consideration and ample time be given to address all the many issues that have been raised in the context of this proposal.

We have been going to the hearings, we have been observing the hearings. We've been amazed by the amount of questions that are remaining unanswered and these questions are coming from all sides, not just those who, like you, have an expressed interest in the human rights dimension, but from all different sides. We don't see clear answers coming from either the Clinton Administration or the Pastrana Administration.

While the report is very forthright about paramilitary/military links, there are important omissions. One key omission is a July counter-attack in Puerto Lleras by the Colombian army and the air force against an attack from the FARC. The counter-attack had a devastating impact on the civilian population and this is not discussed in the country report.

The civilian population was subjected to what are probably violations of international humanitarian law by the Colombian security forces. Not only is this troubling, but the human rights report does, in fact, refer to this very same attack by pointing out the very real problem of child soldier recruits by the FARC. So they point out the dead children who were members of the FARC, that resulted from this attack, but for some reason, there is no mention of the civilian casualties that took place during this counter-attack at the hands of the government forces.

Furthermore, there is a very troubling news account that U.S. personnel may have participated in the counter-attack in a support capacity.

I would like to ask you all to followup on the report that was issued by the Dallas Morning News in August and I'd like to offer that for the record. I just talked to the journalist, who is a bureau chief for the Dallas Morning News for South America, and was formerly foreign correspondent for the Washington Post. He is a per-

son with very high standards, certainly it's never easy for me to pitch him a story.

When I spoke with him, he made it very clear that he stood by his story 100 percent. So I think this is very troubling and needs to be followed up.

Unfortunately, this is not the only troubling allegation involving the U.S. Government in Colombia policy. Just last week, Amnesty International called on the Department of Defense to explain a 1997 special forces training of Colombian personnel that took place at a location very close to a massacre cite, and we understand from Defense Department records and from Defense Department correspondence that there were special forces deployments both right before and right after the massacre that took place.

We also understand from Defense Department correspondence that the Colombian unit trained immediately after the massacre was, the one whose personnel was implicated in this massacre and we would ask you all to please look into this. Senator Leahy and Congressman Jesse Jackson, Jr. have been making inquiries, but I think they could certainly use more support.

Among the many issues, it can be raised that the correspondence that was sent to Senator Leahy listing the special forces deployments doesn't quite correspond to the information that was reported to Congress by the Defense Department on special forces deployment. So there is a discrepancy in what the Defense Department is conveying to Congress and somehow we have to get to the bottom of which dates are the correct dates and what did take place and what did not take place.

But in the meantime, we continue to document one paramilitary massacre after another in Colombia. You may wonder what's the connection here and the connection is simply this: that you all will be asked to vote on an aid package with many unresolved questions, more than likely. We hear a lot about the creation of new rapid response mechanisms by the Colombian government.

However, we would just like to see a response. In the San Jose de Apartado massacre on February 19, it was a massacre that took place over 25 minutes. The Colombian 17th Brigade was called within 6 minutes of the first killings or the first shots. They took three and a half hours to arrive there.

What's further disturbing are credible allegations that it may have been members of the 17th Brigade itself that committed this atrocity.

On the 29th of February, paramilitary members entered a community, finding that all the inhabitants had been wise enough and had fled, and proceeded to burn the village to the ground. What's telling is that the paramilitary presence had been denounced repeatedly to the Colombian authorities and the paramilitaries camped out for a full month about two miles from the Colombian army detachment, Heroes of Saraguro Battalion.

So it's very hard to understand how a new layer of bureaucracy will help when the basics aren't being met.

You will more than likely encounter or have probably encountered Vice President Bell from Colombia. He is certainly a very pleasant and articulate diplomat and he will try to convince you

that the Pastrana government has the political will to tackle effectively the human rights situation.

I would like to say to you what you would probably hear from many other human rights organizations that follow Colombia closely. The question of Colombia is not a question of a lack of resources, it is not a question of a lack of information, it's not even a question of a lack of credible information. It's a question of political will.

I would venture to say that what the Pastrana government needs to do is fulfill its unimplemented mandates and its promises.

I will tell you about four of these. For instance, he should establish the search block. President Pastrana first promised this in October 1998. He decreed the creation of this to go after paramilitaries. This search block wasn't an invention unique to the Pastrana administration. It was first announced by the Barco administration in 1989 and each successive administration, has when pressed about the paramilitary groups, stated, "oh, we're going to create the search block to go after the paramilitaries."

If you ask Vice President Bell about this, you may get an involved treatise on the importance of nation building, as we did when we met with him on Monday.

The Pastrana government needs to enforce the close to 400 outstanding arrest warrants and detention orders issued by the attorney general's human rights unit. The majority of these arrest orders are on paramilitary members. However, if you ask Vice President Bell about this, you may get vague numbers about new detentions, you may get one or two real concrete cases. But if you happen to ask for a time table and benchmarks on the enforcing of these arrest warrants, you may get, as I did, a blank stare.

The Pastrana government also needs to pass a law for "disappearances," a law which has been repeatedly vetoed, President Pastrana no exception, since the administration of President Gaviria when it was first introduced. If you ask Vice President Bell about this, you may get contradictory excuses, as a large group of human rights organizations did on Monday. You may perhaps get fumbled attempts to explain legislative failings that did not happen, or principles that were not flagged early enough. You may even ask about what the government's strategy is to pass the legislation and he may tell you that they will be calling the legislators as soon as they return to session.

One could go on. The key is that the problem is one of political will. We are now being told that a new layer of bureaucracy is being created. A very good example of how resources upon resources won't necessarily lead you to effective human rights protection is not only this Colombian case, which has a very vast and complex and well funded human rights bureaucracy, but the Mexican case and its National Commission on Human Rights.

Because of the clear failings of the Colombian administration of President Pastrana and of the Clinton Administration, we call on you to stop the rush into what will probably turn out to be a humanitarian and human rights catastrophe, with a not so desired, but clearly visible "made in USA" label.

We ask that you please do what you can to make sure that these unanswered questions are addressed.

Finally, on Turkey, I think Mr. Koh was every eloquent when he went through the list of the benchmarks. I think it is very clear that the benchmarks have not been met and we hope that you ensure that the Administration vetoes or rejects the four billion dollar export license for further attack helicopters for essentially what will be further carnage.

Thank you all very, very much. Mr. SMITH. Thank you, Mr. Salinas. Mr. Delahunt has to leave, but asked if he could pose a question to you.

Mr. DELAHUNT. Thank you, Mr. Salinas, for your generous words. In the Human Rights Watch, there is language that—let me quote it. It says “Colombia’s civilian investigative agencies, in particular the attorney general’s office, are capable of sophisticated and hard-hitting investigations.”

That’s from their language. Do you agree with that statement?

Mr. SALINAS. Absolutely.

Mr. DELAHUNT. You have confidence in that.

Mr. SALINAS. Yes. In fact, the problem is not so much their investigations. The problem is that when they do issue a detention order, they’re not enforced. The security forces are not enforcing them.

Mr. DELAHUNT. I had an opportunity in my last visit to have an extended conversation with Hami Bronow. I have yet to have had an opportunity to have a conversation with Mr. Gomez. It was a very good conversation. He is not a member of the president’s party. Am I correct in that particular statement?

Mr. SALINAS. I’m not sure, sir.

Mr. DELAHUNT. I think he’s a liberal as opposed to a conservative. He is also, I understand, very much involved in the peace process, specifically as it relates to the ELN, and has taken a leadership role there.

I ask these questions because earlier I had asked—requested a hearing and you alluded to it in your remarks, by this Subcommittee, because as we know and as the Chair and my friend and colleague and Ranking Member from Georgia know, any legislation is a process. It’s static at times and it’s very dynamic at other times.

I would anticipate that this will be a process that will, despite the fact the reality that it is scheduled to be in a fast track, hearings still are important to inform and to educate. I would think that if we extended an invitation, Mr. Chairman, to the attorney general, that he would be a very credible witness for us to hear and possibly we could encourage him to come to Washington and give us his perspective, because I found it very informative.

Much of what he had to say about the Pastrana administration was positive, I think I should note that for the record, but the reason that I did specifically seek to have a conversation with him was based upon a statement by a Colombian General, Mestor Ramirez, in Miami, relative to the attorney general and Mr. Gomez being an enemy of the state. That caused me great concern, but I think it’s best if I yield back my time, and since I have another appointment.

But I would ask you again to consider that request. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Delahunt. Ms. Shea.

**STATEMENT OF NINA SHEA, DIRECTOR, CENTER FOR
RELIGIOUS FREEDOM, FREEDOM HOUSE**

Ms. SHEA. Thank you, Mr. Chairman and Members of the Committee, for holding these important human rights hearings and for inviting me to testify.

I am appearing today on behalf of Freedom House and I'm also a Member of the U.S. Commission on International Religious Freedom, an independent panel created by Congress to review U.S. Government policies regarding religious persecutors, and will be commenting for them, as well as Freedom House, on the countries of China, Russia and Sudan. These were the three countries that are the primary focus of the Commission during its first year. Before beginning, Mr. Chairman, I also want to express our deep appreciation for your personal dedication to ensuring that human rights concerns remain a force in U.S. foreign policy.

This year's country reports reflect a monumental effort on the part of Assistant Secretary Harold Koh and his Bureau for Democracy, Human Rights and Labor, they and all the American foreign service officers who contributed to the reports deserve to be commended.

As the reports have become comprehensive, they have come to be relied on by many policy makers, immigration officials and judges, the media and human rights defenders, precisely because the reports are viewed by many as authoritative, this exercise of providing critiques to continuously fine-tune and improve the reports is essential and not a matter of mere quibbling.

Many of the reports, those on Pakistan, India, Burma, Afghanistan and North Korea, for example, provide excellent summaries of the status of religious freedom. Others need revision.

As my colleagues who have already spoken have pointed out, the biggest problem with the reports is that their findings do not always correspond to American policy action.

While there are various underlying explanations, part of the problem is attributable to the reports themselves. The reports contain an overwhelming and unselective compilation of facts and information, without reaching definitive conclusions or conveying a sense of priority.

Fundamental human rights problems are lost sight of in a welter of detail. Severe violators are hidden in an avalanche of information. In some cases, this may be an attempt to downplay abuses and avoid making embarrassing conclusions about the conduct of valued allies and trading partners, reporting that might lead to calls for sanctions.

I regret that Mr. Koh, in his remarks this morning, said that they will continue to resist attempts to rank or order these country reports. There is a real need to give focus and priority designation in a report of this magnitude and type and it's the best way of ensuring that appropriate focus and concerted attention is given.

The world should know who is carrying out genocide and who are committing crimes against humanity.

I'm not suggesting that the State Department undertake anything as elaborate as Freedom House's own systematic ranking of countries in its Freedom in the World Survey and our forthcoming Global Survey on Religious Freedom; however, a more selective list-

ing of the most egregious human rights violators and violations is needed somewhere in this report. A model for this might be provided by the International Religious Freedom Act, which called for an annual report, as well, and also a designation of egregious religious persecutors as “countries of particular concern” and articulation of policy regarding those “countries of particular concern.”

The country critiques that I’m going to talk about today are examples of where critically important religious freedom problems are cited in the reports, but are swamped by a bewildering mass of unselective and unprioritized data. In a number of country reports, a consequence of obscuring important points of focus is that the wrong conclusion is reached about the overall status of religious freedom.

Now, I turn to the reports of the three countries with respect to which I speak on behalf of both the Commission and Freedom House.

Regarding China, a crucial point that the report fails to emphasize is that control of religion is manifestly a policy of the central authorities. Exercise of religion is tolerated only insofar as it serves the purposes of the state.

Since the passage of the State Council regulations in 1994, requiring registration of all religious groups, China has shown a determination to “manage” exercise of religion according to law.

In compliance with that policy, local authorities throughout the country have drafted restrictive regulations pertaining to the exercise of religion, while the degree of zeal with which the policy is implemented varies from province to province. The principle that religion must serve the state inherent in the Chinese communist party’s Marxist ideology is promulgated through law and propaganda by the communist party.

This fundamental fact should be highlighted, not mentioned, only—and not only mentioned on passing as one among hundreds of other facts in the 67-page China report.

Similarly, it bears emphasizing in the 77-page report on Russia that the largest pending issue there is the status of the significant number of religion organizations that were not able to re-register before the December 31 deadline.

Up to half of Russia’s religious groups remain unregistered and according to the 1997 law, are now subject to liquidation. This month, for the first time to our knowledge, a local court has used the liquidation procedures to terminate a church and is now threatening to liquidate up to 13 others.

Though this information became available only after the State Department report was published, many of the religion organizations have been and continue to be in an insecure legal situation that probably will not be resolved until after the Presidential elections in late April.

The registration problem is fundamental to understanding religion freedom in Russia, for it points to the lack of legal and institutional security for religion in Russia.

In addition, conspicuous in its absence is any discussion of the clearest harbinger of future religion persecution, the government’s use of anti-Muslim language in its propaganda campaign to stir up

support for its conflict in Chechnya. These facts merit priority treatment and analysis in the report.

Essential facts are lost in the report on Sudan, to such a degree that it possibly qualifies as the weakest of the reports in the whole compilation, and this is—this country of Sudan is probably the worst human rights hell on earth, from my perspective.

While the report mentions that two million people have died in the conflict, it fails to give a real sense of the scale and intensity of the government's prosecution of the war. At times, the report is erratic and unclear, even about the basic fact that religious persecution is at the core of the conflict.

Tucked into the middle of a paragraph about press freedom is the critical finding, "in the context of the Islamization and Arabization drive, pressure, including forced Islamization—on non-Muslims remained strong. Fears of Arabization and Islamization and the imposition of the Shari'a fueled support for the civil war throughout the country."

I was disappointed to see that Secretary Koh, in his remarks this morning, only devoted one sentence in his testimony, in his written testimony, to this situation, the conflict in southern Sudan. His remarks address extra judicial killings and disappearance, but doesn't scratch the surface of what is actually happening there and certainly doesn't sound any alarms about the scale of what's happening.

As you know, the House of Representatives passed a resolution last June which characterized the Sudanese regime of "deliberately and systematically committing genocide." The Catholic bishops of East Africa made a similar assessment last August. The Nobel Laureate and Holocaust survivor Elie Wiesel, after reviewing the facts in many human rights reports, wrote to President Clinton in a letter, which is published in the current issue of the Jewish intellectual journal *Sh'ma*, that "I am haunted by what I know of Sudan," also calling it a genocide. So Congressman Tancreda was not the only one to call it a genocide this morning. He's in very good company.

The Commission met with the Ambassador at Large for War Crimes, Mr. David Scheffer, just last week and he said that the—he told them that he has never looked into whether there is genocide occurring in Sudan because no one in the State Department has ever requested it, which seems to belie Secretary's Koh's comments that they were concerned about it and had so many meetings about it.

The Commission on International Religion Freedom is apparently the sole genesis for such an overdue inquiry and we are at this point eagerly waiting for the state's determination or work product on this investigation.

The report neglects to underscore the significance of the government's routine blocking of international, including American food aid to south Sudan, though they mention it. In what Senator Bill Frist calls "calculated starvation." This strategy has killed hundreds of thousands Sudanese civilians in 1998 alone and is unquestionably the most lethal weapon of war in this conflict.

The report also fails to make the critical connection between new oil development by Khartoum and the unfolding human rights trag-

edy. Recent assessments by Secretary of State Madeleine Albright, the U.N. Special Rapporteur on Sudan, and the Canadian Government have all found an inextricable link between the actions of the Khartoum regime and the Greater Nile oil project.

Since the oil pipeline revenues began flowing several months ago, the Khartoum regime has escalated its ruthless assaults on southern civilian populations. Targeted with particular savagery are those areas immediately surrounding the pipeline itself, where, as the report finds, the Sudanese military is now carrying out a scorched earth devastation.

The international press, late last year, as well as a recent report commissioned by the Canadian Government, have reported that the resources of the Greater Nile partners, including their roads, airstrips and aircraft, are being used directly for military purposes. Helicopter gun ships and Antonov bombers, key elements of the Khartoum regime's war on civilians, had access to the extraordinarily well positioned airstrip of the partners.

Two days ago, the compound of the Irish aid group, CONCERN, was bombed by the Sudanese air force, and on March 1, the Khartoum regime bombed the Samaritan's Purse hospital, run by the family of Rev. Billy Graham, in Lui, near Juba in southern Sudan, where four American doctors have treated over 100,000 patients since 1998, and at least two patients we know of were killed in that attack.

Then last month, the government had deliberately bombed a Catholic primary school in the Nuba mountains, killing 19 children. Without a doubt these planes, these Antonov bombers, are being fueled by oil from the Greater Nile project.

In addition to facilitating the Khartoum regime's war effort through direct enrichment and resources, as Secretary of State Albright made clear several months ago, it is the prospect of new unimpeded oil revenues that convinces the otherwise bankrupt Khartoum regime that it can acquire the military means to win the war outright. A war that the Congress has declared to be genocidal, will continue unless oil development and revenues are removed as the means for the regime to insulate itself economically.

This was precisely Secretary Albright's point in Nairobi back in October, when she criticized the involvement of Talisman Energy, a 25 percent partner in the Greater Nile oil project.

The Sudanese government's oil joint venture was itself especially designated as a sanctioned entity by the U.S. Treasury Department on February 16, though the individual partners, such as Talisman, the Chinese oil company, were not sanctioned.

The Petro China, a front company for the Chinese oil company involved in Greater Nile, which, at 40 percent partnership, is the largest shareholder, has already applied to enter the U.S. equity markets and is soon expected to be approved by the SEC.

So why doesn't the report draw the link between the oil and the escalating conflict—the genocidal conflict? Why is the Administration permitting this IPO to go through?

This concludes my joint statement on behalf of the U.S. Commission on International Religion Freedom and the Freedom House.

Now, on behalf of the latter, I wish to briefly comment on several other countries.

As you pointed out earlier today, Mr. Chairman, that lost in the Egypt's report myriad of detail is the fact that the Coptic Christian minority, the largest Christian minority in the Middle East, is relegated to second class status by official policy which fosters an atmosphere of intolerance that has given way to patterns of violence, both by the militants and government security forces.

This fundamental fact is epitomized in the continuing Al Kosheh crisis of the past 2 years, a tragedy that is only given sketchy treatment in the report and a tragedy that continued throughout 1999 by virtue of the fact that there was a failure of justice in the case, no one was ever convicted.

In fact, a government press report says that those who were implicated were exonerated and given cash awards. That the NGO's have been restricted across the board and that the head of the largest human rights group, the EOHR, was charged, after he brought forward facts about the Al Kosheh incident, and is now in exile, as far as we know.

As I point out in my written testimony, this assessment by the State Department that somehow the human rights record in Egypt has again improved somewhat over the past year, is being used by asylum officers to deny Coptic Christians asylum.

The Vietnam report is also deeply flawed in its assertion that in some respects, conditions for religion freedom improved during the year. In view of the extensive April 1999 decree on religion, which is barely acknowledged in the report, as well as other developments, it can be more persuasively argued that in important respects, religious freedom saw setbacks in 1999.

Under this new decree, all religious properties confiscated by the communist authorities after 1975 have become the permanent property of the state and government agencies are empowered to determine which religions are authorized in the appointment of religious dignitaries and publication of religious matter are subject to the prime minister's approval.

So the key to understanding the status of religious freedom in Vietnam is the fact that the regime claims the right to control religion, that a government-created Hoa Hao committee directed by the well known communist cadre Mudi Ton was given official recognition and was able to hold a festival, is consistent with this fundamental fact of government control and is not a sign that religious freedom is expanding.

The independent Unified Buddhist Church of Vietnam remains severely persecuted with its organization and legal activities banned and top leaders in detention under close police surveillance.

Throughout July and August, police and religious official broke into pagodas throughout the country and conducted midnight raids. Unlike the government-controlled Hoa Hao, the independent Buddhists had to hold their Congress last May overseas in California. Christians in the Hmong region and tribal areas were the most severely prosecuted of the Christian groups, as the report states. This, too, can be explained by the fact that government bloc committees and surveillance agents can and do more readily intimidate and harass Christians in developed regions within the government's reach, whereas far-flung rural villages are largely outside the government's ability to control on a regular basis.

Finally, regarding Saudi Arabia, the report gives credence to misleading government claims that private non-Muslim worship is permitted. Public worship by Christian Jews and other non-Muslims is, in principle, a capital offense and the religious police have in the past year, as in previous years, entered private homes searching for evidence of private worship by non-Muslims.

In recent years, non-Muslims have been flogged, imprisoned and reportedly killed for private worship.

Last October and again in January of this year, private homes have been raided and the Filipino Christians conducting worship services inside, including children, were thrown in jail for up to 40 days without consular access, some of whom were threatened and abused by police before being deported.

That concludes my statement. Thank you.

Ms. MCKINNEY [PRESIDING]. Thank you.

Ms. SHEA. Madam Chairman, I'd like to mention that I'm going to have to be leaving in 10 minutes to pick up my children from school.

Ms. MCKINNEY. All of us will, as well. So I would really like to hear Ms. DesForges.

STATEMENT OF ALISON DESFORGES, CONSULTANT, HUMAN RIGHTS WATCH/AFRICA

Ms. DESFORGES. Thank you, Madam Chairman. I think the persistence and endurance of this particular Subcommittee in the intensity of its examination of this issue is indeed one of the reasons why we have seen such steady improvement in the country reports.

The Congressional oversight and insistence upon the importance of human rights has obviously played a large role in focusing the attention of the State Department on this central issue.

I would like to address quickly some important points about the reports dealing with the Great Lakes Region of Africa, before moving on to what is essentially the most important part of my testimony, some concrete recommendations about how exactly we can move to integrate better those concepts which we all honor into an effective foreign policy.

Several speakers this morning and members of the panel, as well as Members of Congress, have indicated important omissions in various country reports. Nowhere is this more glaring than in the treatment of the Great Lakes of Africa, where, for example, the role of Ugandan troops in the DRC is barely mentioned.

There is no discussion whatsoever of possible human rights violations by these troops. The conflict between the Hema and the Lindu, for example, is examined, but nowhere is there any mention of the role of Uganda in politicizing and militarizing this conflict.

This is all the stranger given the underlying context of much of U.S. policy in the Great Lakes and, in fact, of much of human rights focus in the Great Lakes, which is exactly what Mr. Koh described this morning as atrocity prevention. The prevention of atrocities is increasingly narrowly defined as atrocities which could potentially happen to those people who are Tutsi or Tutsi-related. So that in the section dealing with the DRC, for example, there is extensive and absolutely justified discussion of anti-Tutsi sentiment on the part of the Kabila government, but in those scanty

sections dealing with rebel factions and their backers, there is no mention whatsoever of anti-Hutu sentiment.

So it's important to recognize that the distortions which we see here are a result not simply of questions of political alliance, which are, of course, important, but of this continuing fundamental sentiment of overwhelming guilt which results from the failed U.S. policy at the time of the Rwanda genocide.

We're always trying to prevent that horrible past from happening again and until we come to terms with that, as Congresswoman McKinney has suggested, through an open investigation of our own role, we are going to continue chasing our tail in an attempt to make not happen what has, in fact, already happened.

In addition to important omissions in dealing with Uganda and Rwanda in particular, there is another spin given to the material, similar to the spin that other panelists have also mentioned in other parts of the world: an attempt to minimize, soften in some way the presentation of data. Yes, they put it out there, but they then qualify it in one way or another to attempt to reduce its impact.

So that when dealing with reports of killings by Rwandan troops in the DRC, for example, it is several times these reports are cushioned with statements questioning the credibility of these reports?

Yes, of course, when you're assessing reports of human rights abuses, you must look for confirmation, but once you have the confirmation, you report what is, in fact, confirmed and you let the rest drop. There is no need to keep reminding us that many reports are not credible. Of course, that is true everywhere. In addition, the killings of Rwandan troops and their attacks on civilian populations are put very much in the context of self-defense.

The chapter on the DRC, for example, states that Congolese Tutsi, as well as the governments of Burundi, Rwanda and Uganda, all relied on the Rwandan military presence for protection against hostile armed groups operating out of the eastern part of the country. That's putting a tremendous burden on the Rwandan military establishment and it does, in fact, seem to serve as a justification for whatever abuses it might then be accused of committing.

In a similar vein, whenever Rwandan attacks and massacres are mentioned, they are also preceded by the information that this was a response to what somebody else did. So here, again, the attempt to give it a spin, to make it less awful than it really is.

Let me point out, too, some very interesting comparisons between the chapters on Rwanda and the chapters on Burundi, where the difference in language clearly reflects the degree of closeness to the current government.

So that when discussing ethnic discrimination in Rwanda, the chapter says at the start that yes, there is ethnic discrimination, but later in the chapter it softens this by saying that some Hutu accuse the government of discrimination, again without taking a position. Whereas the chapter on Burundi, where you have a very similar situation, but where we have not the same closeness to the Burundi government, there is a clear statement: state discrimination against Hutu affects every facet of society, but most particu-

larly higher education and certain branches of government, such as the armed services and the judicial system.

Similarly, in discussing the judicial system, in the Rwandan chapter, we're told that there are no reports of political prisoners in Rwanda. Human Rights Watch has delivered a number of cases directly to the door of the embassy, but here we're told there are no cases of political prisoners in Rwanda, while in the Burundi chapter, we're told that there are some clearly identifiable political prisoners.

In talking about the Rwandan judicial system, as well, the Rwanda report concludes that the "vast majority of trials met international standards," yet earlier in the chapter it says 50 percent or fewer than 50 percent of the accused had access to legal counsel. In what way then does this meet international standards?

Similarly, when discussing the proposed reform of the judicial system to create popular justice, the popular justice system of *gacaca*, the report says that lawyers will not be permitted to "participate officially." That's not so. Lawyers will not be permitted to participate in any form whatsoever.

So these details indicate a spin on the report which is a very important one.

Another case: the mention of villagization is passed over very quickly in the context of the report, simply saying that some observers believe that residents were compelled to move to these government designated villages. This gives no sense of the fact that thousands of people have been forced to destroy their own homes and to move to government designated sites, where they are now living in shelters made out of sticks and grass and banana leaves, some of them for 2 years, because the government has imposed this policy of forced villagization.

The reports on the DRC and on Rwanda make the point many times that it is difficult to get information, and in fact, this is a problem. But if embassy personnel were more open to receiving information from local human rights organizations, they would find themselves relatively well supplied with what they need.

Of course, this information would need to be critically assessed, but the point is the information is there. All we need to do is make adequate use of it.

Let me go on to some concrete recommendations which could perhaps help to bridge the gap between that island of human rights and the mainland of general policy.

First of all, as the reports indicate, the allegations of massive crimes against humanity in the DRC have never been investigated. The U.S. initially supported the idea of a U.N. investigation, but backed off when the Kabila government and the Rwandan authorities said no.

In the recent U.N. Security Council resolution establishing the peace keeping operation in the Congo, the U.S. has once again endorsed the prospect of an investigation of these massacres. We would urge the Subcommittee to keep that on its agenda and to ensure that the Administration understands the vital importance that this time that investigation be done, be done well, promptly and thoroughly.

Uncovering the truth of crimes is not enough. We also have to have accountability and——

Mr. SMITH [PRESIDING]. Ms. DesForges, would you mind yielding just for a minute? The gentle lady from Georgia had a question.

Ms. MCKINNEY. Yes. I do need to go vote. But, Dr. DesForges, I would just like to request that I can call you and we can discuss some issues later, since I've got your number here.

But you were about to go into the issue of accountability, and you might even answer my question. I will just say that I have concerns for all of you about the accountability of the United Nations, the accountability of the United States itself, and about U.S. corporations and U.S. corporate behavior and their accountability.

So why don't you go ahead and finish on the accountability and then I will pose my question, because I want to hear what you have to say.

Ms. DESFORGES. Just as a side light, let me mention that the OAU report on responsibility for external actors during the Rwandan genocide will be published shortly and should provide an opportunity to call once again for a United States investigation into its own behavior.

If the pattern of impunity is to be broken, these kinds of crimes must be dealt with in something other than simply a truth-telling kind of mechanism. The international criminal tribunal for Rwanda, which is a very, very flawed structure in many ways, is perhaps the best we're going to get in the short term. We need to exploit it to its maximum, including insisting that its mandate be extended, so that it parallels the mandate of the tribunal for former Yugoslavia. That is, it becomes an open ended mandate, which allows it to deal with events that happened after the end of 1994, and which would allow it to deal with events that happened also by all parties in the DRC.

Similarly, the establishment of a separate chamber to deal with Burundi would allow it for the first time to deal with the unresolved issue of accusations of genocide and crimes against humanity in Burundi. Those charges were made by a U.N. Security Council commission of investigation and they were let drop completely.

The connections in this region are too complex to permit partial justice; that is, justice for one party and not another, justice in one country and not another.

Even with the best possible functioning of international justice, we also need to support development of judicial systems within these various nations. The United States is now well placed to do this, with the Great Lakes justice initiative, and I would encourage you to support the efficient administration of that fund so that, for example, in Burundi, money can be directed to helping to redress the gross ethnic imbalance there by providing immediate short-term training to Hutu jurists so that they can enter into the court system and perhaps to allowing for the temporary recruitment of foreign jurists to lend greater credibility to judgments in those courts.

In the Rwandan context, support for the new gacaca process is, of course, a valuable idea, but it's one which we should permit only if we do not sacrifice our own standards of due process, and that means particularly allowing accused to have the right to legal de-

fense, particularly if the consequence of their condemnation will be a life in prison.

Local human rights groups have been mentioned several times this morning as important sources of information. Supporting them financially and politically is of the greatest importance. In the Rwanda chapter, there is a mention that local human rights groups are weak because they have very few resources. Yes, indeed, and USAID has refused to give any money to those local human rights groups, up until very recently, when, after we made a vigorous protest, they decided to look at local human rights organizations as a possible recipient of funds.

The Members of the Congressional Friends of Human Rights Monitors have played in the past a very important role and need to continue playing that role, being alert to possibilities of persecution and danger for our colleagues on the ground. When on missions, we've heard how often you all travel, a great deal obviously, on those missions, your being in touch with local activists rather than simply with official types gives those people a small measure of protection and an enormous amount of encouragement.

Ms. MCKINNEY. Let me thank the Chairman. I think I've just about given up my opportunity to go and vote. But for all of you—maybe this is just a vent right now—the United Nations has apologized three times in Rwanda, Srebreneca, and East Timor, for their failings.

They said I'm sorry. My question is, is I'm sorry enough? As I watch the Rwandans, the Srebrenecans and the East Timorese try to put their shattered lives back together and in the case of Rwanda and East Timor, trying to put countries back together, I'm sorry just doesn't seem to be enough.

Since you represent the legal community, maybe you could help with, under the face of the staggering culpability by the United Nations, what's out there for victims of U.N. complicity in human rights violations.

But let me continue with the United States and accountability on the part of the United States. As we learn and continue to learn even today about U.S. military ties to other militaries, we see that our own troops, our own people are complicit in human rights abuses, and in some cases, even worse situations with respect to Rwanda, I believe.

So what is it that keeps the United States accountable and for those people who are victims of U.S. military behavior and policy, Mr. Salinas, you talked in your piece about good information, but bad policy. To whom do the victims of U.S. bad policy turn for redress and holding the United States accountable, and then with U.S. corporations? Oil companies and our diamond people, we see that oil and diamond are used as excuses for fueling wars and the commission of human rights abuses.

How is it that we hold our U.S. corporate community accountable for the human rights violations that they participate in as well?

Ms. MASSIMINO. There's a lot there to respond to and all of them very, very good points. I'd like to make a couple of points in response to that.

There had to be a lot of "sorries" on the part of the U.S., on the part of the United Nations, over many, many years, and this is a

big problem, the U.S. participation in human rights abuse, the U.S. standing by watching human rights abuse and then deciding to act when it's too late to prevent.

I guess I would say there are a number of steps that could be taken to help make sure we are not in a position of having to say only "sorry."

Again, one is—and Mr. Salinas can talk more about this, but one is the importance of making sure that people know that the conduct of their own government and their participation in human rights violations is going to be made public, and that's why the Human Rights Information Act is such an important idea and such an important vehicle, because if people know, if bureaucrats know that their actions, that the basis on which they are making their decisions, their involvement in the human rights violations of other governments, to the extent that's documented, is going to be made public, that's a huge deterrent.

On the issue generally of accountability—

Mr. SMITH. Ms. Massimino, would you mind suspending just briefly. Ms. McKinney and I both have a second in a series of votes and now they're only 5 minute votes and this is on a bill. I have several additional questions, but one with regard to North Korea, which has been noticeably absent in much of this discussion.

When Ambassador Seiple was here and appeared before our Committee and named the countries of particular concern, he left out North Korea. I asked him couldn't we presumptively list it, even though we may not have access to detailed information? How do you get a delegation on the ground? Reporting is minimal, nil to none, and yet we know that there is severe repression that ought to presumptively qualify North Korea in that list.

You might want to touch on North Korea.

Mr. Rees, who is our chief of staff, will keep the hearing open, and your answers will be looked at very carefully by all of us, and we thank you so much for coming. I hate to leave, but there is a whole series of votes coming up.

Ms. MASSIMINO. Thank you.

Mr. REES. Perhaps you could briefly finish the answer to the other question and then answer the question about the absence of information in North Korea.

Ms. MASSIMINO. The other point I wanted to make on accountability is this. One thing that was striking to me, it was in Secretary Koh's introductory remarks, on the release of the report. He talks about accountability a lot and one of the things he says is that there is no international consensus on the need for an international criminal court.

Happily, that's not true. There is a strong international consensus that we need this international criminal court, a standing body to address the kinds of abuses that have had to be addressed in the various ad hoc tribunals.

The problem is that the U.S. is standing outside of that international consensus and that's terribly distressing and a part of U.S. policy that we hope to see changed in the future.

Mr. REES. Does anyone have an answer to the North Korea question? I think the focus of the Chairman's question on North Korea was that—and it's not only North Korea, it's also notable in the

Laos report, the Burma report—where you can't get information, where there are reports, particularly from exiles, who say, "well my relatives in the country or my friends tell me that this terrible thing is going on," and then the report either doesn't mention those things or it says, there were reports, but there was no way to confirm it.

Does the worst government win? In other words, the more successful you are at blocking transparency, at keeping human rights organizations out, at keeping information from getting out, do you get a pass in the human rights report because of that? What is the solution?

Ms. MASSIMINO. That's a difficult problem and we face it ourselves. If we were to sit down and talk about countries where we don't get access and, therefore, can't publish reports and can't—all we can do is hold press conferences or issue statements saying that they won't let us in.

Cuba, North Korea, Syria, there are a number of countries. Now, usually those are countries that are not getting a "pass" in terms of U.S. policy toward them, because they are denounced as pariah governments and aren't getting aid so that—

Mr. REES. Laos and certain regions of Vietnam are utterly inaccessible. Terrible things are said to happen there, and it's arguable that those countries are getting a pass in terms of U.S. policy. Maybe other countries, as well.

Ms. MASSIMINO. Yes. I guess what I would say is that what we have to do in countries like that and what we urge the country reports to—the approach to take is to state specifically all of the allegations about abuses and to make a bigger point of not assuming that access will be denied, but make—this is what we do—make requests, get denied, press again and document the denial of access as prima facie evidence of their being something to hide there.

It's a hard problem and we face it, too.

Mr. REES. Anybody else on that question?

Mr. SALINAS. I think part of it is to look at it in terms of whether or not you allow the countries that do not permit access to get a free pass. In a way, this is kind of answering the question of the Ranking Member, "who holds the U.S. Government accountable?" The answer is you all. It's the role of Congress, it's the oversight, it's the checks and balances on the executive branch, it's why we're so focused on Congress with this Colombia aid package.

You are the ones that can get the information. You are the ones who can pass a bill to set up an orderly process to have clarity, and you are also the ones that can help nudge the administration to make it clear to countries that do not offer access, make it clear to them, so that they understand, that there is a price to pay for that.

So we're not just left with an omission, it's not just a gap in the reporting, you make a big deal out of it. You make it clear that this is unacceptable and you keep insisting.

Mr. REES. Dr. DesForges, this example in the context of North Korea, other Asian nations, recalls the situation in Eastern Congo, then Zaire, in 1996, when Refugees International, UNHCR, and other groups were saying that there were over 100,000 missing refugees somewhere who might be being killed.

As far as I know, the international community has—the bodies that like to call themselves the international community—have never come to terms with that. They've never said “yes, too bad, they got killed,” or “no, they didn't.”

You might be more familiar with the end game on that terrible situation, about the lack of information and how the lack of information and perhaps the deliberate failure to search for information generated policy.

Ms. DESFORGES. Yes. I think that's the important distinction, when is lack of information a true lack? It's like we're finding increasingly that famine is never really famine, it's all politically determined. It's not a lack of food, it's a question of policy. I think it's not a lack of information, it's a question of policy.

As in the case you mentioned, the information was there. The U.S. had satellite surveillance. The information was there. It was that one part of the U.S. Government was not about to share that with human rights defenders because of certain policy interests.

I would suppose that even in a case like North Korea, that there is a substantial amount of intelligence available if there were a human rights culture that infected our intelligence service and if they also believed that this was something that their information should reflect. My guess is there would be a way that that information could be gotten and passed to the country reports people.

It's just that that, as we have bemoaned all day long, has not yet happened. We're creeping up on them. But I think there is also the question of time. As my colleagues have stressed, it's not enough to be refused once. You have to keep trying, and things do change. No situation is set in concrete and no group of abusers, no abusive government is homogeneous.

There are always factions within any government and at some point, they will start to see that the costs of continuing to stonewall on these issues is such that it might be better to give in and allow for some closer examination.

I think it's a question of publicity. For example, the Mwenge incident, which has now become so famous that Secretary Albright mentioned it at the United Nations, 15 people were massacred. How many times have 15 people been massacred in Eastern Congo?

Now, obviously, this was a particularly gruesome incident that caught people's imagination, but it was simply the fact that that was picked up and talked about over and over and over again, that finally led those local authorities to get in touch with people like us to say wouldn't you please come and investigate, because we would really like to have the world know what happened at Mwenge.

Of course, then you're subject to manipulation once you get there and you have to be alert to that. But the point is that over time, with sufficient pressure, cracks develop in those edifices and then you can scoot on through.

Mr. REES. In accordance with the Chairman's order, the hearing is now closed.

[Whereupon, at 2:40 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MARCH 8, 2000



HEARINGS AND MEETINGS OF THE
SUBCOMMITTEE ON INTERNATIONAL
OPERATIONS AND HUMAN RIGHTS

CHRISTOPHER H. SMITH, CHAIRMAN
B358 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

**Statement of Rep. Christopher H. Smith
Chairman, Subcommittee on International
Operations and Human Rights
March 8, 2000**

**Hearing on "State Department Country Reports on Human Rights Practices for
1999"**

I am pleased to convene this hearing of the Subcommittee on International Operations and Human Rights for the purpose of reviewing the Country Reports on Human Rights Practices for 1999.

Our distinguished witnesses this year include Assistant Secretary for Democracy, Human Rights and Labor Harold Koh, and the representatives of four leading human rights organizations. Secretary Koh, I am particularly pleased to welcome you back to the Subcommittee now that we have been successful in our effort to enact legislation requiring the State Department to spend at least \$12 million per year on the Bureau of Democracy, Human Rights, and Labor. As you know, this almost doubles the Bureau's budget, but it is still less than one-half of one per cent of the Department's salaries and expenses, and just a little more than what the Department spends on its public relations bureau. I know that as a State Department official you strongly disapprove of such congressional micromanagement, but I believe Congress occasionally needs to help the executive branch get its priorities straight. One such occasion is when Congress finds out that the State Department is spending more on public relations than on human rights. So this reordering of priorities was a long overdue step --- a necessary step, although certainly not a sufficient one --- toward giving the protection of human rights the leading role it deserves in the foreign policy of the United States.

This year's Country Reports have already been the subject of well deserved praise. Last year's reports were quite strong, and this year's contain even more information and pull even fewer punches. I know this takes not only hard work but also courage on the part of the people who work on the reports, especially when an honest and unvarnished statement of the facts might create difficulty for the Department or the Administration. For instance, the China report does not attempt to conceal the deterioration of the human rights situation in that country --- more arrests of political and religious dissenters, more bad news for the people of Tibet and East Turkestan, more evidence of forced labor and complicity of government officials in sex trafficking, more forced abortions and sterilizations --- although this cannot help but lend support to those of us who believe that six years of the Administration's "constructive engagement" policy have harmed rather than helped the long-suffering people of China.

This pattern of honest reporting extended even to some of our strongest allies. For instance, the treatment of Northern Ireland is fair and even-handed, even when that approach requires scrutiny of our friend and ally, the British government. In addition to

describing acts of violence by republican and loyalist paramilitary groups, the report also asserts that "members of the [Royal Ulster Constabulary] police force committed human rights abuses" during the year. Similarly, when discussing the case of murdered defense attorney Rosemary Nelson, the text reports "doubts about the RUC's impartiality" in investigating Ms. Nelson's original harassment charges against the police.

Unfortunately, there are still a few holdovers from the pattern of a few years ago, in which the Country Reports often appeared to be the product of guerrilla warfare between human rights advocates within the State Department and their colleagues whose primary interest was to avoid "damaging the relationship" between the United States and some horrible dictatorship.

This old pattern is still strongly evident in this year's reports on Cambodia, Laos, and Viet Nam. Although a careful reading of the Cambodia report makes clear that the government's human rights violations during 1999 were numerous and severe, the first few paragraphs of the report contain a number of positive statements about the government — most of them having little or nothing to do with human rights --- which tend to deflect the reader's attention from the government's egregious human rights record. For instance, the report begins by saying that the new government headed by serial murderer Hun Sen has brought "political stability" to the country. Hun Sen and others like him around the world will be encouraged by the implication that there is an internationally recognized human right to "political stability", but the object of the Country Reports on Human Rights Practices should not be to encourage the likes of Hun Sen. The report then goes on to take the controversial position that despite numerous electoral irregularities and systematic harassment of opposition parties — up to and including murder — "the formation of the new Government reflected the will of the electorate." Finally --- and we are still in the first three paragraphs of the report --- it states that Cambodia is "an impoverished country" and that "the stagnant economy . . . began to improve following the formation of the coalition Government . . ." Why does this statement about the government's economic accomplishments belong in a human rights report? Surely the human rights bureau does not intend it to excuse or mitigate the government's human rights record, but at best it is distracting and irrelevant, and at worst it suggests that while the government of Cambodia may be breaking some eggs, it is also making some tasty omelettes.

The Laos report is noteworthy not for what it says but for what it omits. Among the most disturbing events in that troubled country during 1999 was the disappearance of two United States citizens, both members of the Hmong ethnic minority, near the border between Thailand and Laos. An eyewitness reported that he saw the two men cross into Laos in the company of a Lao government official, and there was another report that the Lao government had captured both men and executed one of them. Yet the Country Report states only that there were "conflicting accounts" of the incident, without providing any further detail. Assistant Secretary Koh, I think you will agree that whenever a tyrannical government captures or kills an innocent person, it is absolutely predictable that there will be conflicting accounts of what happened, because such governments tend to lie. Yet a human rights report issued by the United States cannot simply take the word of the alleged killers at face value and close the books with the case permanently unsolved. At the very least, the report should have given the details of the eyewitness accounts, along with the denial by the government of Laos.

This year's Vietnam report reads a lot like the China reports used to read back in the bad old days. It honestly states the facts about a wide range of human rights violations, but it follows each terrible fact with a gratuitous and exculpatory editorial comment, such as that there have been "improvements in some areas." If you slice your "areas" thin enough and have an optimistic outlook on life, you can always find "improvement in some areas." The report also pays the government of Viet Nam such backhanded

compliments as that it "exhibited greater freedom for differing views on nonpolitical subjects than for political ones."

Unfortunately, the Viet Nam report also seems to put "spin" on issues in which the Department or the Administration has a strong interest. For instance, as in prior years, this year's Vietnam country report repeats the conclusion of UNHCR (United Nations High Commissioner for Refugees) monitors that none of the thousands of people returned to Vietnam from refugee camps under the "Comprehensive Plan of Action" was persecuted upon return. In reaching this conclusion, UNHCR monitors had to decide what to do about thousands of returnees who were subjected to extensive interrogation by security police about their anti-Communist activities before and after leaving Vietnam, who were threatened with severe retribution if they engaged in similar activities after their return, and who were denied the "household registration" which is necessary to receive basic necessities of life. Some of these people were imprisoned on return, allegedly for crimes they committed before they left, and at least one was executed. In every single case the monitors decided either that such ill-treatment did not constitute "persecution" or that it was inflicted for some non-political reason. The State Department has been given information on a number of these cases, both by human rights organizations and by Members of Congress. Rather than uncritically repeating the UNHCR conclusion in future reports, I urge the Bureau to investigate these cases and decide whether these people are telling the truth about suffering serious harm upon return to Viet Nam.

In another particularly unfortunate mischaracterization, the report cites the creation by the Vietnamese government of a committee to govern the Hoa Hao Buddhist Church as evidence of "improvement" in religious freedom --- although the report also notes that "some" Hoa Hao do not accept the committee as legitimate. I met with Hoa Hao believers on a recent trip to Vietnam, and I am informed that nearly all Hoa Hao believers reject the new committee. Its leader is a prominent Communist cadre, and its first acts were to prohibit various traditional Hoa Hao ceremonies. If the United States Government were to organize an eleven-member Committee to govern the Catholic Church or the Methodist Church, nobody would claim that this enhanced freedom of religion for Catholics or Methodists. We should not make the same mistake in the case of the Hoa Hao.

Viet Nam, Laos, and Cambodia are all small countries in which U.S. diplomats are keen to build a better relationship with an egregious government. Because United States business interests do not have the same economic stake in these countries as they do in China, severe and well-publicized human rights violations may present a serious obstacle to United States trade concessions, foreign assistance, and other diplomatic building blocks. The argument that has worked in the case of China --- that the government consists largely of thugs, but that they will eventually stop being thugs if we only trade with them some more --- does not work for these other countries.

It should not work for China either. We should send the same message day in and day out to every human rights violator in the world: if you abide by certain minimum standards of decency, then you will be welcomed by the United States as an equal member of the community of free and civilized nations, and good things will flow to you from the United States. If you do not abide by these minimum standards, you will not receive these benefits.

I have often quoted the remarks of a witness who represented Amnesty International at the first hearing of this Subcommittee under my chairmanship. He stated that "human rights is an island off the mainland of U.S. foreign policy" --- unconnected to anything else. Unfortunately, we still have a long way to go in order to integrate human rights into the mainstream of our foreign policy. We should start by denying Permanent Most Favored Nation status to China or any other government that systematically brutalizes

its own people.

I look forward to hearing the testimony of our distinguished witnesses.

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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999

TESTIMONY OF
THE HONORABLE HAROLD HONGJU KOH
ASSISTANT SECRETARY OF STATE
FOR DEMOCRACY, HUMAN RIGHTS AND LABOR

BEFORE THE SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
U.S. HOUSE OF REPRESENTATIVES

MARCH 8, 2000

Mr. Chairman and Members of the Subcommittee, it is an honor for me to appear for the second time before the Subcommittee on International Operations and Human Rights to testify regarding the State Department's annual Country Reports on Human Rights Practices. The formal transfer to Congress of the report for calendar year 1999 was made on February 25th, in keeping with the statutory responsibility given by the Foreign Assistance Act to the State Department and the Bureau of Democracy, Human Rights and Labor.

Thank you, Chairman Smith and Members of the Subcommittee, for holding this valuable hearing to spotlight the release of the 1999 report. Over the course of my 15-month tenure as Assistant Secretary, I have testified before you regarding numerous human rights issues and have developed a great respect for this Committee's bipartisan support for human rights. I hope that in the months ahead we can continue to work together to promote freedom and human rights wherever they are at risk.

Simply put, the goal of these reports remains the same: to tell the truth about human rights conditions around the world. We believe that these reports create a comprehensive, permanent, and accurate record of human rights conditions worldwide in calendar year 1999.

Since their inception in 1977, the human rights reports have become a valuable tool for U.S. policymakers. They provide the Congress, the Judiciary and the Executive Branch with an authoritative factual basis for making decisions relating to foreign aid allocations, diplomatic initiatives, asylum decisions, training, and a host of other official acts.

These reports represent the yearly output of a massive official monitoring effort that involves hundreds of individuals including: human rights officers from each of our embassies, country desk officers from our regional and functional bureaus, officials from other U.S. Government Agencies and a wide range of foreign sources -- including foreign government officials, opposition figures, journalists, nongovernmental organizations, dissidents, religious groups, and labor leaders. Even the simple act of compiling this information can be dangerous to human rights defenders and embassy officials around the world who take great risks to acquire and provide us accurate data and documentation on governmental abuses.

In 1977, the first of these reports ran only 137 pages and covered only those countries receiving U.S. foreign aid; the 1999 volume is the largest ever, containing 194 reports and totaling more than 6,000 pages of typescript. This year, when the report

was placed on the World Wide Web, over 150,000 people read or downloaded parts of it in the first week of publication. Let me again personally attest to the countless hours of hard work that go into making this report a reality. Let me pay special tribute to Secretary Albright, under whose leadership the coverage of the Reports has greatly expanded to include broader coverage of such key issues as religious freedom, trafficking of persons, violence against homosexuals, worker rights, women's rights, and the rights of the disabled. Let me also thank the hundreds of State Department officers who have worked on these reports, and the many outside the Department who have provided necessary information to this endeavor. I must also pay special tribute to the splendid and dedicated country reports team in my own bureau -- and especially its talented and committed Director, Marc Susser and Deputy Director Jeannette DuBrow -- for bringing this report to fruition with such care and integrity.

The news in these reports is not all grim. Because there was no dramatic moment like the collapse of the Berlin Wall, few analysts noticed that 1999 saw as profound a positive trend toward freedom as in 1989. Thanks to democratic elections in two of the world's most populous states, Indonesia and Nigeria, more people came under democratic rule than in any other recent year. In addition, the NATO intervention in Kosovo and the international intervention in East Timor demonstrated that the international community has the will and the capacity to act against the most profound violations of human rights.

Yet these significant gains in democracy and human rights cannot overshadow the fact that the past year also saw a number of profound challenges to human rights. Serbia's expulsion of over 850,000 Albanians, the Indonesian military's complicity in the militia rampage through East Timor, and the horrors perpetrated by rebels in Sierra Leone all show that the world still has a long way to go before it fully adheres to the precepts of the Universal Declaration of Human Rights. In addition, the coup in Pakistan and challenges to Latin American democracies in Ecuador, Paraguay, and Venezuela clearly demonstrate that the road to democratic governance is not without its problems and challenges. Despite the gains in Nigeria and Indonesia, too many authoritarian governments continue to deny basic human rights, including the right to democracy, to their citizens.

As always, we continue to resist requests to "rank order" countries or to engage in the false precision of "quantifying" human rights abuses. That said, I would of course be happy to discuss any individual country in response to your questions. Because time is short, let me briefly touch on a handful of countries about which Congress, non-governmental human rights

organizations and the media have expressed special interest this year.

In Asia, dissidents and defenders face a range of challenges. In China, for example, authorities broadened and intensified their efforts to suppress those perceived to threaten government power or national stability. Citizens who sought to express openly dissenting political and religious views faced widespread repression. In the weeks leading up to both June 4th, the 10th anniversary of the Tiananmen massacre, and October 1st, the 50th anniversary of the founding of the People's Republic, the Government moved against political dissidents across the country, detaining and formally arresting scores of activists nationwide and thwarting any attempts to use the anniversaries as opportunities for protest. Control and manipulation of the press by the Government for political purposes also increased during the year. As part of its crackdown against the Falun Gong, the Government used the state-controlled media to conduct a nationwide propaganda campaign. The Government increased its efforts to try to restrict information available on the Internet and to monitor usage.

China continued to restrict freedom of religion and intensified controls on some unregistered churches. In October, these actions led Secretary Albright to inform Congress that she was designating China one of five "Countries of Particular Concern" pursuant to the International Religious Freedom Act. Unapproved religious groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference, repression, and persecution. Some minority groups, particularly Tibetan Buddhists and Muslim Uighurs, were subjected to increased restrictions of fundamental freedoms, including freedom of religion, as the government clamped down on dissent and "separatist activities."

Other segments of Chinese society also faced abuse. Coercive family planning practices sometimes included forced abortion and forced sterilization. Many women contended with domestic violence. The Government continued to tightly restrict worker rights. Forced labor, particularly in penal institutions, remained a serious problem. Our report also cites instances of extrajudicial killings, torture, and other mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process. New statutes passed in recent years, ostensibly to enhance citizens' rights, were violated routinely in cases involving political dissidents.

Similarly, Cuba's human rights record further deteriorated over the past year. The Cuban regime continued to suppress opposition and criticism, and denied citizens freedoms of speech, press, assembly, and association. Cuban authorities routinely harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. Many remained in prison at year's end. Although the Government sought to discourage and thwart foreign contacts with human rights activists, it did publicly state before the Ibero-American Summit in November that visiting delegations were free to meet with any person in the country, and about 20 dissidents met with 9 different delegations, including 3 heads of state. Prior to the summit, however, authorities temporarily detained a number of human rights activists to prevent them from preparing for meetings with the visiting leaders.

The Castro regime continued to tightly control access to information. In February, the National Assembly passed the Law to Protect National Independence and the Economy, which outlaws possession and dissemination of "subversive" literature or information that could be used by U.S. authorities in the application of U.S. legislation. The Government has not yet charged anyone under the new law, but many independent journalists have been threatened with arrest, some repeatedly. National Assembly President Ricardo Alarcon told foreign correspondents that even reporters working for accredited foreign media could be sentenced to up to 20 years in prison under the new law. The Government continued to subject independent journalists to internal travel bans, arbitrary and periodic brief detentions, acts of repudiation, harassment, seizures of office and photographic equipment, and repeated threats of prolonged imprisonment. The Government tightly controls access to computers, limiting access to the Internet to certain Government offices, selected institutes, and foreigners.

In Russia, the seizure by armed insurgent groups from Chechnya of villages in the neighboring Republic of Dagestan escalated by year's end into a full-fledged attack by Russian forces on separatists in Chechnya, including the Chechen capital of Grozny. The Russian attack included air strikes and the indiscriminate shelling of cities predominantly inhabited by civilians. These attacks, which in turn led to house-to-house fighting in Grozny, led to the deaths of numerous civilians and the displacement of hundreds of thousands more. There are credible reports of Russian military forces carrying out summary executions of civilians in Alkhan-Yurt and in the course of the

Grozny offensive. As our report went to press, credible reports persisted that Russian forces were rounding up Chechen men of military age and sending them to "filtration" camps, where they allegedly were tortured. Chechen separatists also reportedly committed abuses, including the killing of civilians. We acknowledge that the Russian Government has a duty to protect its citizens from terrorist attacks. At the same time, the Russian Federation must comply with its international commitments and obligations to protect civilians and must not engage in extrajudicial killing, the blocking of borders to prevent civilians from fleeing, and other violations in the name of internal security.

Let me also mention two allies whose human rights records attracted significant interest in 1999. In Colombia, paramilitary forces, some with links to individuals in the armed forces, were responsible for the murder of numerous human rights activists as well as threats against many others. Guerrillas of the Revolutionary Armed Forces of Colombia (FARC) murdered three American indigenous rights activists who had traveled to that country to work with local indigenous leaders. Despite the Pastrana Administration's efforts to negotiate an end to hostilities, widespread internal armed conflict and rampant political and criminal violence persisted. Government security forces, paramilitary groups, guerrillas, and narcotics traffickers all continued to commit numerous serious abuses, including extrajudicial killings and torture. Throughout the country, paramilitary groups were responsible for numerous massacres, killing, torturing and threatening civilians suspected of sympathizing with guerrillas in an orchestrated campaign to terrorize them into fleeing their homes. Guerrillas regularly kidnapped numerous individuals, attacked civilian populations, committed massacres and summary executions, killed medical and religious personnel, and forcibly recruited civilians (including children). Although overall human rights conditions remained poor, the Government took important steps toward ending collaboration by some security force members with the paramilitaries. President Pastrana, Vice President Bell, and members of the military high command declared repeatedly that collaboration--whether by commission or omission--by members of the security forces with paramilitary groups would not be tolerated. The President removed from service four generals and numerous mid-level officers and noncommissioned officers for collaboration, for failing to confront paramilitaries aggressively, or for failing to protect the local population.

The Pastrana Administration also took measures to initiate structural reform and to strengthen the rule of law. In July, the regional "anonymous" court system was abolished and replaced with a new specialized jurisdiction. In August, Congress passed

a military penal reform bill that, while not yet implemented, is expected to correct some of the worst abuses in the military justice system and to be of great help in the fight against impunity. Impunity, although still widespread, is no longer total. Thanks to the diligent efforts of the Prosecutor General's Human Rights Unit, a number of security force members were investigated, prosecuted, and convicted of past human rights violations. Nonetheless, the civilian judiciary remains inefficient, overburdened by a large case backlog, and undermined by intimidation. The Colombian Government also agreed to the dispatch of a special ILO team to investigate killing and kidnaping of trade unionists and other worker rights violations.

In Turkey, which has an active and growing civil society movement, the Government still continued to limit freedom of assembly and association, while police harassed, beat, abused, and detained a large number of demonstrators. The Saturday Mothers, who had held weekly vigils in Istanbul for more than 3 years to protest the disappearances of their relatives, discontinued their gatherings this year in the face of ongoing police harassment and detention of the group's members. In general, the Government continued to intimidate, indict, and imprison individuals for ideas that they had expressed in public forums. However, the Ecevit government adopted a series of initiatives during the year designed to improve human rights conditions, including: removing military judges from state security courts; increasing maximum sentences for torture or for falsifying medical records to hide torture; and passing legislation making it more difficult to close political parties. There were some signs of a growing tolerance for Turkey's increasingly active civil society: State Minister Irtemcelik and President Demirel met with NGOs, and an office of a human rights NGO reopened in October after being closed for five years.

The Government suspended the sentence of former Human Rights Association Chairman Akin Birdal and released him for 6 months, citing medical reasons stemming from injuries Birdal sustained during a May 1998 attempt on his life. However, Birdal remains subject to reimprisonment to resume his sentence in March 2000 and also faces many other charges. Turkey's Parliament suspended for 3 years the sentences of writers and journalists convicted of crimes involving freedom of expression through the media. By the end of the year, at least 25 had been released. However, the law did not apply to crimes committed through speech, and human rights observers and some released writers said the conditions for the suspension amounted to censorship. Limits on freedom of speech and of the press remained a serious problem. Authorities banned or confiscated publications and raided newspaper offices, and security forces occasionally beat journalists. The Committee to Protect Journalists estimated at year's end that at least 18

journalists remain in prison. Police continued to interfere with the distribution of some Kurdish newspapers, and radio and television broadcasts in Kurdish remained illegal. Although Kurdish music recordings were widely available, bans on certain songs and singers persisted. In the last few weeks, as you have heard, three Kurdish mayors were arrested, charged and briefly removed from office, although they have recently been reinstated pending trial.

Defenders and dissidents in Africa also faced severe challenges. In Sudan, despite the adoption of a new Constitution in June, 1998, the Government continues to restrict most civil liberties, including freedom of assembly, association, religion, and movement. Government security forces regularly tortured, beat, harassed, arbitrarily arrested, and detained opponents or suspected opponents of the Government with impunity. Government forces were also responsible for extrajudicial killings and disappearances.

Continued political unrest in Africa makes it the locus of many of the world's worst conflicts. In the Democratic Republic of Congo, government forces lost control of more than half of the country's territory to rebels supported by troops from Rwanda and Uganda. Government security forces increasingly used arbitrary arrest and detention throughout the year and were responsible for numerous extrajudicial killings, disappearances, torture, beatings, rapes, and other abuses. Anti-government forces also committed serious abuses, including murder, disappearances, extortion, robbery, harassment of human rights workers and journalists, and recruitment of child soldiers.

Mr. Chairman and Members of the Committee, these are only a few of the country situations of concern to the human rights community this year. I would be happy to answer any specific questions you have about these and other country situations.

Mr. Chairman, I cannot conclude these remarks without noting that today, March 8, 2000, is International Women's Day. This day is set aside to honor women for their extraordinary achievements and important contributions. While we honor the past and recognize the progress that has been made, we must also look towards the future and acknowledge how much remains to be done. As Secretary Albright recently noted, "Too many women in too many places still live surrounded by the four walls of poverty and ignorance, exploitation and discrimination. Too many have entered the new century shackled by the physical and psychological chains of the past." Women all over the world continue to face a wide range of gross human rights abuses.

As our reports chronicle, women in Afghanistan continued to face the most serious women's human rights crisis in the world today. Taliban discrimination against women and girls remained both systematic and institutionally sanctioned. Elsewhere, on a daily basis, women faced violence, abuse, rape, and other forms of degradation by their spouses and by members of society at large. Female genital mutilation, which has negative, life-long health consequences for women and girls, continues to be practiced in much of Sub-Saharan Africa, and to varying degrees in some countries in the Middle East, including Egypt, Oman, and Yemen. As I mentioned earlier, in China, coercive family planning practices sometimes included forced abortion and forced sterilization. In Kuwait, women continue to be denied the right to vote.

In light of these continued human rights problems facing women today, let me again reaffirm this Administration's support for the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This treaty is consistent with our principles of promoting women's rights without infringing on U.S. civil rights laws. We have proposed a number of reservations, understandings, and declarations to ensure that ratification complies with all constitutional requirements. The U.S. is one of the world's leading advocates for human rights and fundamental freedoms. Ratification of CEDAW is central to maintaining our position and would strengthen our global efforts to advance the status of women. For the Senate to hold hearings on ratification and move swiftly to advice and consent would be simple justice.

Finally, let me close by mentioning a related issue of deep concern to this Subcommittee: namely trafficking in persons, especially women and children. Trafficking, as Secretary Albright recently said, "is a growing, global problem that each year robs millions of their rights, their loved ones and often their very lives." It affects people from all walks of life, of every age, religion and culture, and nearly every country in the world as either a source, transit or destination country. Trafficking represents the antithesis of the Universal Declaration of Human Rights, for by treating its victims as objects, it denies their very humanity.

As I testified last session, the trafficking industry is one of the fastest growing and most lucrative criminal enterprises in the world. Profits are enormous, generating billions of dollars annually and feeding into criminal syndicates' involvement in other illicit and violent activities. Trafficking in persons is considered the third largest source of profits for organized crime, behind only drugs and guns. To enhance our reporting of this serious human rights problem, the Department of State has

for the first time this year established a separate section in each of the 194 *Country Reports* to highlight the abiding U.S. concern about this problem. In addition, the introduction to the report includes a section that describes in detail the range of trafficking concerns we face.

Mr. Chairman and Members of the Subcommittee, let me conclude my testimony today by noting the main theme of the Introduction to these reports. The events of the past year have demonstrated the undisputed and growing power of transnational public-private networks in promoting democracy, human rights, labor, and religious freedom. Increasingly, public and private networks of transnational actors are mobilizing popular opinion and political support at the national and international level in order to secure international recognition and acceptance of new principles, standards, or approaches to complex human rights problems. These networks are represented before you today by the close working relationship the U.S. government and my Bureau have maintained this year with the courageous NGOs who will appear before you in the next panel.

These transnational networks increasingly wield influence comparable to the power of individual nation-states, in their capacity to spotlight abuses, mobilize shame, generate political pressure, and develop structural solutions. But recent history also teaches that these transnational networks cannot firmly or permanently entrench human rights, democracy, or the rule of law in unfamiliar soil without forging partnerships with democratic governments and other domestic and international members of the emerging human rights community. As this new century unfolds, these partnerships, which cross public and private, institutional and national lines, will be increasingly challenged to work together and to prod one another to yield creative and enduring solutions to emerging problems. Mr. Chairman, there is no partnership more important in achieving that end than the common commitment of Congress and the Executive Branch to promoting democracy, human rights, labor and religious freedom worldwide. In the months that remain in my tenure, I pledge again to work with you and your committee to continue strengthening these vitally important human rights partnerships.

Thank you. I now stand ready to answer any questions you may have.

TESTIMONY OF ELISA MASSIMINO

**DIRECTOR, WASHINGTON OFFICE
LAWYERS COMMITTEE FOR HUMAN RIGHTS**

**HEARING ON
COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999**

before the

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS**

March 8, 2000

I. Introduction

Chairman Smith and members of the Committee, thank you for convening this hearing and for inviting us to share our perspective on the State Department's *Country Reports* this year. We are deeply appreciative to you for your steadfast attention to human rights issues and for your continued efforts to highlight these concerns in the Congress.

My name is Elisa Massimino, and I direct the Washington office of the Lawyers Committee for Human Rights. Since 1978, the Committee has worked to protect and promote fundamental human rights, holding all governments — including our own — accountable to the standards contained in the Universal Declaration of Human Rights and related international human rights instruments. The Lawyers Committee focuses its efforts on how best to protect human rights in a lasting way, by advancing international law and legal institutions, by working to build structural guarantees for human rights in national legal systems, and by assisting and cooperating with lawyers and other human rights advocates who are the frontline defenders of human rights at the local level.

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It is especially fitting to hold these hearings today, Mr. Chairman, on International Women's Rights Day. Five years ago, women from around the world gathered together to affirm what to many might seem a truism: that women's rights are human rights. Yet today, as detailed in many of the reports before us, we are witnessing an increase in extreme violations of women's human rights — in political life, in the workplace, and in the home. As documented in the pages of these reports, women are beaten by their husbands, raped with impunity, denied the right to vote, denied basic health care and education, forcibly sterilized, sold into sexual slavery, and killed by their relatives to uphold family honor. These abuses are truly horrific, and the State Department, under Secretary Albright's leadership, is to be commended for having given a much higher profile to defending the rights of women. But it is disturbing that the United States, which has exercised such leadership in advocating for the rights of women around the world, remains outside international consensus by failing to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ratification of CEDAW will strengthen U.S. efforts to advance the rights of women throughout the world and will give the United States a greater voice in shaping national and international policies that affect the lives of women. The United States should not let another March 8th go by without becoming a party to this important human rights treaty.

The quality and accuracy of the *Country Reports* have been of great concern to the Lawyers Committee since the Department of State was first mandated to present these reports to the Congress almost 25 years ago. Beginning in 1979, and until two years ago, the Lawyers Committee published an extensive annual *Critique* of the reports. We continue to believe that they require and benefit from critical input by the non-governmental human rights community. In recent years, we have witnessed a steady improvement in the objectivity and comprehensiveness of the *Reports*, and we commend Secretary Koh and his very able State Department colleagues for their professionalism and diligence in the production of these reports. One of the

distinguishing marks of a good *Country Report* is the degree to which it reflects extensive consultation by U.S. embassies with local human rights advocates and NGOs. Today's hearing is an important forum in which US-based NGOs can critique their government's reporting and highlight needed changes in next year's edition of the *Country Reports*. We welcome this opportunity.

II. International Human Rights Law and the Need for Objectivity

The value of the *Country Reports* is directly proportional to their objectivity, and for that reason we have always placed a high premium on their use of dispassionate reporting criteria, based on the application of clear and consistent legal standards. The great virtue of international human rights law lies in its universality and impartiality. It embodies a set of agreed upon standards and commands a growing international consensus. It is of universal application. Politicization is its greatest enemy. For that reason, we have always been particularly alert to two kinds of politicization which have too often undermined the integrity of the *Country Reports*.

The first of these is the tendency to shield U.S. strategic allies — countries such as Egypt, Israel, Saudi Arabia, Mexico, Turkey and the United Kingdom — from plain-spoken criticism, even when the record of their violations is clear. This has manifested itself in a variety of subtle and not-so-subtle ways, including the selective reporting of abuses, the use of editorial and linguistic devices to conceal culpability, and a failure to hold governments and non-governmental entities to a single, universal standard of conduct.

The second concern is that the *Country Reports* may themselves become a politicized expression of conflicting interests within the U.S. government over human rights policy. There are two visible symptoms of this. One is when the reports are internally contradictory. The other is when a sharp discrepancy is apparent between the message delivered by the *Reports* (especially in their introductory language) and the perception of U.S. policy toward states that have been identified as serious human rights violators. In its most exaggerated form, this can lead to the *Reports* being drafted and edited with an eye to the "sound bites" that they will generate for immediate attention by the media; these in turn serve as crude indicators of policy for domestic constituencies as well as diplomatic signals to the state in question. This problem has dogged the *Country Report* on China for many years. Although that report is more successful than some of its predecessors at avoiding the sound-bite trap, headline writers will nonetheless lock on to phrases such as "deteriorated sharply" and "environment filled with repression." These are entirely accurate representations of the current Chinese reality, but they need to be matched with policies that effectively address problems of such magnitude. Those policies do not currently exist.

The most negative consequence of this, from the point of view of an effective and principled human rights policy, is that it conveys the impression that candor on human rights is the function of one small part of the foreign policy bureaucracy — the Bureau of Democracy, Human Rights and Labor — and not necessarily of the Administration as whole. It is entirely

appropriate that the Bureau should act as the focal point of the human rights effort. But it is entirely inappropriate, and often damaging to larger U.S. interests, if the Bureau's voice is seen to be marginalized, and if states are therefore able to conclude that human rights are a fringe concern of the U.S. administration that is not echoed by other, more influential government agencies such as the Departments of Defense or Commerce. This is a serious policy challenge. Its solution, of course, lies well beyond the scope of the authors of the *Country Reports*, and can only be addressed through political leadership by the President who, with his most senior advisors, must develop an effective Administration-wide strategy for tackling these problems.

III. Specific Country Concerns

In singling out three countries for special comment today, we are not merely reasserting our longstanding concern for the integrity and even-handedness of the *Country Reports*. Mindful of the advances that were made internationally during 1999, we are eager to see the Country Reports realize their potential role as a stimulus to the further strengthening of international human rights law and its enforcement.

In China, Turkey and Mexico, widespread and persistent human rights violations continued throughout 1999. The conduct of each of these three states presents a serious challenge to the integrity of the international human rights treaty regime and of the institutions that the international community has established to enforce compliance with human rights norms. And in each instance, the nature of the response by U.S. policymakers will have profound bilateral, regional and even global ramifications.

China

The *China Report* includes an extremely thorough and generally accurate description of the downward spiral in China's human rights performance during 1999. The *Report* properly focuses on the crackdown on China Democracy Party leaders and highlights the fact that, by year's end, "only a handful of dissidents nationwide dared to remain active publicly." In addition, the *Report* contains extensive information on Government repression directed against religious practice. Chinese law and practice reveals a deep hostility towards "unofficial" religious belief, and those who seek to exercise their right to freedom of religion are frequently punished, in some cases severely.

As China struggles with extraordinary economic, social and environmental challenges, nothing is more important to its future stability than the expansion of the right to freedom of association and the free development of critical voices in the non-governmental sector. As such, an area of the State Department's *Report* which continues to be disappointing is its discussion of regulations on the NGO sector in China. As the *Report* notes, these impose a variety of new obligations on those seeking to register as non-governmental organizations. The conclusion of this section of the *Report*, that "pre-existing groups report little or no additional interference by the Government since the new regulations came into effect," is misleading. Indeed, in light of the statement later in the *China Report* that "[t]here are no independent domestic NGO's that publicly monitor or comment on human rights conditions", it is astonishing that the discussion of

NGO regulations fails to reach any opinion on the degree to which these restrictions impose unreasonable burdens on civil society in China or contravene existing international norms on freedom of association. Unfortunately, the superficial treatment of freedom of association, especially for domestic human rights advocates, remains a persistent weakness of many of the *Country Reports*. This is particularly disappointing in light of the adoption by the UN General Assembly of the Declaration on Human Rights Defenders, which breaks new ground in defining an international consensus on the content of the right to freedom of association. Future *Reports* should rectify this weakness.

The *Report* contains a detailed analysis of China's efforts to block the flow of information over the Internet. China is trying to sustain expansion of the Internet and other communications infrastructure while also expanding restrictions on its content and use, a balancing act that seems destined ultimately to fail. Internet expansion may prove to be an arena where the line between an opening economy and political liberalization becomes blurred, and the United States should be doing all it can to promote this trend. In light of the detailed information conveyed in the report about widespread restrictions on Internet use, the *Report* misses an important opportunity by failing to describe how these restrictions, which include special Internet police units, not only interfere with the right to private correspondence (the section of the report under which these restrictions are described) but have a negative impact on the exercise of many other core rights.

The *Report* devotes considerably more attention than in past *Reports* to an analysis of numerous legal reforms, including the Criminal Law, the Criminal Procedure Law, the Administrative Litigation Law, the State Compensation Law and the Lawyers Law, and makes an initial assessment of whether these reforms are leading to better human rights protections for Chinese people. Future *Reports* should maintain their focus on the range of legal reforms, all of which — to the degree they are implemented — have the potential to enhance the rights of Chinese citizens vis-à-vis the state. This emphasis on systemic legal problems should serve as a model for all the *Country Reports*.

As China grapples with its ongoing legal reform process, and as Chinese citizens acquire greater consciousness of their rights, a central question before the U.S. government is how outsiders can best contribute to moving that process in the direction of greater compliance with international human rights standards. The *Report* notes that China has had human rights dialogs with a large number of countries, but admits, frankly, that "these dialogs have not produced significant improvements in the Government's human rights practices." In light of this failure, and in the face of serious violations such as those that took place in 1999, they certainly cannot substitute for traditional measures of external pressure such as a resolution at the UN Commission for Human Rights.

Despite the comprehensive nature of the *Report*, it is marred in places by language that seems designed to blunt criticism of government practices. Particularly disturbing is what seems to be an increased use this year of reference to the *motivations* of the government in perpetrating abuses, as if somehow to excuse the violations. For example, after stating that "the Government continued to commit widespread and well-documented human rights abuses, in violation of

internationally accepted norms," the *Report* cites the Government's "fear of unrest" as one of the reasons for these abuses. When "Communist Party leaders moved quickly to suppress" political dissidents, it was because "they believed [them] to be organized challenges that threatened national stability." Finally, in a recitation of the "positive trends" in China, the *Report* implies that the government suppresses only "those perceived to be a threat to government power or to national stability."

In her remarks on the release of the *Country Reports*, Secretary Albright noted that "China is perhaps the most prominent example of a country with which we have substantial and well-known differences on human rights but with which we are also engaged on a wide variety of other issues." Though this may be a simple and straightforward statement of fact, this oft-repeated refrain of the Administration reflects a fundamental and persistent error in U.S. policy towards China. The litany of abuses detailed in this year's report on China are not and should not be portrayed as merely "differences" in one aspect of a multi-faceted bi-lateral relationship. This year's report details profound and widespread violations by China of internationally recognized human rights norms, and these violations must — and must be seen by China to — affect every aspect of its relationship with the United States.

This is not to say that promotion of human rights is necessarily served by disengagement with China. Quite the contrary. Further engaging China in the web of international agreements and norms could hold the potential to catalyze change in the long term. Legal reforms have new resonance in China in the context of an opening economy, and attempts to reform China's commercial legal system could provide a foundation for an independent judiciary and other essential elements of an accountable justice system. But this must be combined with consistent pressure for improvements from outside China. That is why the pursuit of a resolution condemning China's dismal human rights record at the Human Rights Commission is so important. We commend the Administration for pursuing it, as well as those in Congress who have consistently called for such a resolution.

Although engagement may provide a framework in which to foster human rights improvements, engagement must be towards a purpose and will not of itself necessarily lead to any changes in China's human rights performance. Human rights concerns must permeate our interactions with China in all of the issues with which we engage the Chinese government. China should not be able to cut off dialogue or avoid criticism by the United States about its human rights violations simply by refusing to meet with U.S. officials who carry a human rights portfolio. Human rights violations in China undermine U.S. strategic and economic interests there, and that judgment should be reflected in every high level meeting between U.S. and Chinese officials. Human rights should not be portrayed to the Chinese as an area where we will "agree to disagree."

Turkey

The *Report* on Turkey is comprehensive and well informed. This extremely thorough analysis reflects a serious commitment on the part of U.S. diplomats in Turkey, and in the DRL bureau, to follow human rights developments in Turkey. Detailed information such as that found

in the extensive section regarding torture, is in part available because U.S. government representatives have been present at many high profile trials with a human rights dimension throughout Turkey. Torture, unfair trial and restriction on non-violent freedom of expression remain widespread problems, as the State Department *Report* recognizes. This message has been delivered at the highest levels of the bilateral relationship, notable during President Clinton's visit to Turkey last November, including in his address to the Turkish Parliament.

The *Report* accurately portrays the obstacles to the freedom of NGOs to operate, documenting the forced closure by the Government of many human rights organizations. The Administration has been clear in its condemnation of these closures; President Clinton reinforced this message by meeting with Turkish human rights NGOs in November.

As the *Report* rightly emphasizes, a climate of impunity for human rights abuse in the security forces is an enormous obstacle to improving Turkey's human rights record, particularly in the area of torture. In the few cases where prosecutions and convictions of police officers have occurred, such convictions were reversed on appeal. In the Manisa case, which the *Report* describes, a richly merited conviction for torture imposed by an appeal court was reversed by the trial court. The ten police officers who had initially been convicted of the brutal torture of a group of high-school students remain at liberty and on active duty more than two years after the torture occurred, with no indication that they will be called to account by the justice system in the near future. A decision on appeal may take years.

The *Report* makes note of the directive issued by Prime Minister Ecevit on June 26, 1999 authorizing prosecutors to carry out unannounced inspections of detention facilities to monitor the well-being of criminal suspects in detention. Although the *Report* outlines the preliminary results of these inspections, it fails to note the remaining obstacles to resolving this serious problem. While welcome, the June directive alone will not be sufficient to resolve the problem of torture in detention. First, prosecutors are overworked and do not have time to take on the task of carrying out oversight of the well-being of criminal suspects in detention in addition to their already burdensome case load. If prosecutors are to carry out the full range of their duties then greater resources must be allocated to employing additional prosecutors and ensuring that they have the necessary support and training to carry out their tasks. Second, the security forces themselves must be required to permit judicial and prosecutorial authorities the right in practice to supervise the pre-trial detention period. Many commentators and practitioners advocate the creation of a judicial police force as the best way of breaking the control of the security forces over the pre-trial period. Reform that addresses the question of who controls the detainee in the pre-trial phase, especially in state security prosecutions, is an urgent priority.

The *Report* outlines a number of legal reforms designed to improve laws that have proved to be an obstacle to accountability. But the *Report* fails to note what is needed in order to close the gap between law and practice. Reforming the law is only one part of what needs to be done in order to curtail torture and the other gross violations arising from the absence of accountability. Attitudes need to change throughout the law enforcement and criminal justice communities. Police officers need to know that their superiors will not turn a blind eye to

brutality. Prosecutors and judges need to uphold that the principle that torture is always wrong, and they need to have the confidence that when they uphold the law they will not suffer adverse professional consequences. Prosecutors and judges should be supported by other state authorities when they make decisions which may go against state interests or government officials. Lawyers need to approach the task of representing their clients as an essential professional duty, not as a political battle with hostile state forces.

The *Report* asserts in its opening paragraph that “the government generally respects the Constitution’s provisions for an independent judiciary.” This assertion is not borne out by the facts. State Security Courts try civilians accused of crimes against the state, including individuals accused of non-violent actions. Many prosecutions in such courts appear politically motivated, such as those brought against leaders from the political Islamic movement, the mayor of Istanbul, and non-violent political leaders associated with the Kurdish issue. Advocates such as Akin Birdal, chairman of the non-governmental Human Rights Association, have been brought to trial before State Security Courts as a result of statements or publications criticizing the government’s human rights practices. Birdal faces trial again this month for speech the government found offensive. The recent prosecution of members and supporters of the Human Rights Foundation in Izmir, for example, seems motivated by an official desire to punish the HRFT for the work it has done to expose torture and promote the accountability of police officers implicated in the Manisa case. In a previous prosecution of HRFT members, the HRFT obtained copies of official documents showing that the decision to initiate prosecutions had been based on political considerations and was communicated in memorandum from the Ministry of Foreign Affairs to the Ministry of Justice. Such politically motivated prosecutions are an important asterisk to the State Department *Report*’s assertion that the Turkish judiciary is generally “independent.”

Judicial independence is also undermined by the undue executive influence over the appointment of civilian judges because of the dominant role played by the minister of justice in the Higher Judicial Council, which oversees judicial appointments. The periodic practice of the powerful National Security Council of issuing “instructions” to the judiciary about threats to the state is hardly consonant with the principle of judicial independence. Such instructions are followed by increased prosecutions against those groups identified as “threats,” even when such elements may be non-violent political activists associated with causes unpopular with the military establishment.

Despite these obvious examples demonstrating the lack of independence in the judiciary, the State Department *Report* fails to provide a forthright critique of the problem. Instead, we get confusing assertions such as “[t]he Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches; however various officials acknowledge the need for legislative changes to strengthen the judiciary’s independence.” In commenting on the NSC directives identifying threats to the State, the *Report* merely concludes that such communiqués “could be interpreted” as instructions to the judiciary. As for the dominant role of the High Judicial Council in the appointment of

judges, the *Report* fails to speak in its own voice or even to take a position, reporting only that "[s]ome observers assert" that this arrangement undermines judicial independence.

The sweeping language of the 1982 Constitution and the particular conception of national security which it contains have recently become the subject of a vigorous national debate within Turkey. Constitutional provisions that declare that "no protection will be afforded to thoughts and opinions contrary to Turkish National interests" have resulted in the prosecution of many intellectuals, journalists, and human rights activists for the exercise of their right to freedom of expression. Some prosecutions arise from statements about the Kurdish conflict, others from statements by Islamic political activists that are deemed to have transgressed the constitutionally protected principle of secularism. Rapporteurs of the Council of Europe observed in January 1999 that, "the Turkish Constitution, adopted under military rule in 1982, leaves room for (although it does not necessarily entail) conceptions of the relationship of the State to the individual which are authoritarian and not compatible with the Council of Europe's Statute and the European Convention on Human Rights." A revision in the language of the Constitution would decrease the possibility for SSC prosecutions to be used to punish political dissent. It is disappointing that the State Department *Report* fails to criticize or even note the authoritarian tone of the 1982 Constitution.

Turkey stands at a moment of opportunity to accomplish many of the human rights reforms promised by successive governments. State Minister for Human Rights Mehmet Ali Irtemelcelik has stressed, as have others before him, that the need for human rights reform is not something imposed on Turkey by its foreign critics, or simply a way of improving its relations with the European Union or the United States. Reform is a necessity for the well being of the people of Turkey.

Many sectors of Turkish society are now sending a clear message to the government that the mistakes of the past should not be repeated. For example, Bulent Eczacibasi, Chairman of the High Advisory Council of the Turkish Industrialists' and Businessmen's Association (TUSIAD) said on September 10, 1999, that "[t]he democratic transition can be delayed no more. We are telling our politicians to listen to society's voice." He noted in particular that in Turkey, "we are way behind in matters of freedom of thought and expression, to the extent that it has become a threat to our national progress." Chief Justice Sami Selcuk has stressed the importance of open debate and criticism if public confidence is to be restored in the constitutional framework on which the rule of law rests.

There are several reasons to be optimistic that the human rights reforms pledged by this government may result in more progress than previous similar proposals. First, the decline in violence resulting from the conflict with armed Kurdish rebels, brought about by the PKK's declaration of an end to "armed struggle" in Turkey, promises an end to the cycle of violent insurgency and counter-insurgency that has been so damaging to human rights conditions in the southeast and throughout the country for the last 15 years. Second, the present government of Prime Minister Bulent Ecevit enjoys a substantial parliamentary majority, unlike previous unstable minority and coalition governments. This government has a good chance of passing the legislative reform agenda to which it is committed. Third, there is a public groundswell of support for change, and recognition that greater accountability and more open debate would

contribute to better government. Finally, in ministers like Minister of Justice, Hikmet Sami Turk, State Minister for Human Rights, Mehmet Ali Irtemelcik and in the Prime Minister himself, the government has leaders noted for their commitment to and understanding of human rights issues. These factors do not guarantee a positive outcome to reform efforts, but they at least create a climate in which progress may occur. A strong, clear, and unwavering U.S. human rights policy towards Turkey is particularly essential now to ensure that the Turkish government capitalizes on the current climate of change.

Mexico

The State Department *Report* on Mexico includes an extensive section on the prevalence of torture in the context of the criminal justice system. This section is quite forceful and accurately identifies many of the most serious issues relating to this problem and uses clear, straightforward language. For example, the *Report* notes that "the police regularly obtain information through torture, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture." The *Report* also notes that this problem derives in part from the fact that police and prosecutors do not have proper training and equipment and so often rely on torture as an investigative tactic. In this way, the *Report* highlights the fact that reliance on torture in criminal investigations not only constitutes serious human rights abuse but is also not an effective crime fighting technique. The *Report* notes that "police officers often attempt to solve crimes by rounding up likely suspects and then extracting confessions from them by force."

In contrast to the section dealing with torture, however, in some other areas the *Report* resorts to formulaic statements in order to avoid a more profound analysis regarding human rights problems in Mexico. For example, the *Report* states that the judiciary is independent, while noting that it has on occasion been influenced by the executive branch. Yet, the laws regarding appointments to the bench, which allow for heavy executive branch influence over this process, and the lack of life-time tenure for judges present real problems for the independence of the judiciary in both law and practice. The *Report* also states that court hearings are open to the public. But this is misleading and does not reflect an understanding of the actual practice of hearings in Mexico. There are no courtrooms in Mexico. Generally, four or five hearings are conducted simultaneously before the same judge at several tables in a busy room. There is no opportunity for the public or the press to actually hear what transpires in any of those hearings. Nor is the judge generally present.

In several cases, the *Report* addresses serious human rights problems by stating, without taking a position of its own, that human rights organizations have criticized certain measures adopted by the Mexican Government. For example, the *Report* notes that the new Federal Preventive Police includes approximately 5,000 transferred military personnel. The *Report* then notes that the inclusion of former military personnel led to criticism from some human rights NGOs yet the *Report* makes no independent comment on this point. The *Report's* reluctance to fully address this issue may have to do with the fact that the United States has encouraged military involvement in civilian law enforcement activities in Mexico as a strategy in the fight

against drug trafficking. Similarly, the *Report* notes that the military continues to handle cases of civil and human rights matters involving soldiers. The *Report* then notes that calls for reform of the military justice system and criticism of it increased. However, the *Report* makes no comment about the need for these reforms.

Similarly, the *Report* states that the Government respects the rights of assembly and association and that a wide variety of human rights groups operate largely without government restriction. This assertion is not born out by the facts, even those set out in the *Report*. As the *Report* states, the Government has been accused of harassing NGOs, especially in the state of Chiapas. The *Report* also notes that the Miguel Agustin Pro Juarez Human Rights Center (PRODH) and other organizations are receiving death threats and that the investigations had not yet yielded any concrete results. Mexican law and practice, in fact, creates a disabling environment in which human rights defenders are frequently harassed and intimidated. The Lawyers Committee has recently published a briefing paper analyzing restrictions on Mexican NGOs and laying out a detailed plan for improvements by the Mexican government. United States policy towards Mexico, which tends to be driven largely by concerns about immigration and drug trafficking, should focus on pressuring the government of Mexico to adopt these measures.

V. CONCLUSION

These comments represent our initial reaction to the *Country Reports*, and the Lawyers Committee will look forward eagerly to a more substantive discussion of the *Reports* with Administration officials and interested members of Congress once we have had the opportunity to carry out a more extensive review of their content. Nonetheless, even a brief examination of a few key countries makes apparent the general accuracy and professionalism of the *Country Reports* and their enormous contribution to our knowledge of human rights conditions around the world. The challenge remains, as always, to close the sometimes striking gap between human rights reporting and the realities of foreign policy decision-making.

This year, the Lawyers Committee will publish its fourth quadrennial report on Human Rights and U.S. policy. The report, entitled *In the National Interest*, will advance the argument that the consistent pursuit of human rights is, in the long run, not only quite compatible with, but is likely to enhance, other U.S. national interests that have traditionally been accorded a higher priority. It contains numerous pragmatic, concrete proposals that, taken together, begin to define and illustrate a coherent human rights policy to serve national and global interests in the future.

Those who contest the importance of human rights in policy-making often dismiss it as utopian or sentimental. However, while the belief in universal human rights is rooted in the presumption of shared moral values, human rights violations occur and flourish in more mundane soil — where governments are unable or unwilling to rule by non-violent means. Such governments make unreliable diplomatic and trading partners; the consequences of their abusive conduct are national and regional instability and conflict.

The search for a human rights policy designed to serve the national interest is at root a pragmatic one. In our turbulent and fragmented world, the national interest of the United States demands stability, the avoidance of conflict, and shared prosperity through global progress on common social and economic principles. It is those who argue for the unfettered pursuit of commerce, or for the primacy of traditionally defined national security interests, who lack hard-headed realism and who are out of step with the needs and demands of the real world at the opening of the 21st Century.

Thank you.

DISCLOSURE STATEMENT UNDER HOUSE RULE XI

The Lawyers Committee for Human Rights has not received any federal grant, contract, or subcontract in the current or preceding two fiscal years.

**8 MARCH 2000
INTERNATIONAL WOMEN'S DAY**

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS**

**TESTIMONY ON STATE DEPARTMENT COUNTRY REPORTS ON
HUMAN RIGHTS PRACTICES FOR 1999**

**CARLOS M. SALINAS,
ADVOCACY DIRECTOR FOR LATIN AMERICA AND THE
CARIBBEAN,
AND INTERIM LEGISLATIVE OFFICE SUPERVISOR,
AMNESTY INTERNATIONAL USA**

INTRODUCTION

Mister Chairman, Members of the Committee, it is Amnesty International USA's pleasure to once again help you assess the State Department's 1999 Human Rights Country Reports. We welcome the opportunity to present you with our views and we appreciate your leadership in this yearly review and many other important human rights matters. I would like to ask that our full written statement be included for the record.

Before I launch into the discussion of the Report and its implications for U.S. foreign policy, I would like to highlight Amnesty International USA's legislative priorities. They are as follows:

To get the U.S. Senate to ratify the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) – certainly I could not pass the opportunity to mention this given that today is International Women's Day. We had hoped that the full Committee would mark-up House Resolution 107 expressing the sense of the House that the Senate should ratify CEDAW.

To pass the Human Rights Information Act (H.R. 1625), a bill to establish an orderly and expedited process to declassify human rights information, beginning with Guatemala and Honduras. This bill enjoys the co-sponsorship of 110 members of the House, five of whom are members of your Subcommittee including yourself and the ranking member. We thank you for your support, as we look forward to its mark-up by the Government Reform and Oversight Subcommittee on Government Management, Information and Technology, chaired by Congressman Steve Horn.

To get a simple majority in the House to become members of the Congressional Human Rights Caucus.

To get individual members of Congress to pay work on Amnesty International USA's Special Focus cases of individuals. These include:

Mexican Brigadier General José Gallardo, imprisoned for highlighting human rights violations perpetrated by the Mexican Army and publicly calling for an ombudsman for the armed forces. He needs to be immediately and unconditionally released.

Turkish human rights activist Esber Yagmurdereli, imprisoned in Turkey for advocating for the rights of Turkey's Kurdish population. He needs to be immediately and unconditionally released.

Peruvian student Mirtha Bueno Hidalgo, imprisoned for alleged links to an armed opposition group. The so-called evidence against her was "subversive" literature which turned out to be her class notes. She needs to be immediately and

unconditionally released.

Chinese student Chen Yanbin, imprisoned at the age of 23 for distributing a pamphlet that called for democracy and denounced the 1989 Tiananmen Square massacre by Chinese troops. He needs to be immediately and unconditionally released.

"TO TELL THE TRUTH"

When our good friend Harold Koh became Assistant Secretary of State for Democracy, Human Rights, and Labor, he made a simple promise. He promised to tell the truth. He repeated this simple promise when he presented this year's country reports. So while it may be some time before we have a full analysis of the country reports -- indeed our 130 person strong network of country specialists has been asked to review the full Report for comment -- we can offer some preliminary observations.

Among the countries we include in this testimony are, in varying detail: Austria, Burma, Cambodia, China, Colombia, the Democratic Republic of Congo, Egypt, Federal Republic of Yugoslavia, Indonesia, Israel and the Occupied Territories, Kenya, Laos, Mexico, Nigeria, Russia, Rwanda, Saudi Arabia, Turkey, Uganda, and Vietnam.

As we evaluate the country entries, we note that one of the more persistent problems is a continuing failure to report events in the State Department's own voice. This failure represents a missed opportunity: it is the chance for the United States government to state what it knows to be true. And if more resources are needed to follow-up on allegations of human rights violations, especially as they are relevant for the purposes of implementing the Leahy Law and to ensuring the best possible End Use monitoring, we will support such an effort.

Many Congressional sessions ago, James O'Dea, then-Washington director of Amnesty International USA, made an observation that has often been repeated, not only at these yearly hearings, but in discussions about U.S. human rights policy. He said that human rights policy remains an island off the mainland of U.S. foreign policy. As each year, with some exceptions, the State Department's human rights country entries have improved, we in the human rights community find ourselves asking less about what the Administration is saying and instead asking more about what the Administration is doing.

This is the way to encourage the Administration to bring human rights into the mainland of policy. And yet the Administration resists, though not by declaring that a fundamental pillar of foreign policy is human rights. But when you scratch beneath the rhetorical surface, you find a complex substratum where human rights concerns are compartmentalized and rationalized out of key decisions.

In prior years we have heard the Administration's mantra about consistent principles and flexible policies. Now we are told that cookie cutter solutions do not exist -- as if anyone is suggesting that there are cookie cutter solutions! But it is a clever sound bite and the media picks it up as if it were the answer to the continuing call from the human rights community for effective human rights action by the Administration and for policies that do not contradict sound human rights attention. But this sound bite does not answer our call. It is merely one more in a long string of rationalizations that is meant to address questions about the failed Administration policy towards China or the incoherence of its policy towards Colombia or the irresponsibility of its policy towards Turkey.

BRIDGING THE GAP

Congress can and must ensure the Administration bridges the gap between rhetoric and the reality of its human rights action. This is an opportune time not only to review our initial impressions about the Herculean task that the State Department undertakes to carefully document the human rights situation in every country of the world. It is also important to assess the proposed policies on the basis of the information that the Administration knows. We need to know where we've been to understand where we are. If we know where we are, we'll have a sense of where we're going. And we could perhaps avoid finding ourselves on the proverbial road to nowhere.

PRIOR YEAR'S RECOMMENDATIONS

In the previous year, Stephen A. Rickard, the prior Amnesty International USA Washington Director, made several recommendations of a general and systemic nature. It is useful to review whether or not there has been progress in the recommended areas:

Guarantee that the State Department's Human Rights Bureau receives at least ½ percent of the State Department budget.

Mr. Chairman, your leadership ensured that the FY2000 State Department Authorization included the provision that resulted in an increase for the Bureau from approximately \$7 million to \$12 million. This is an enormous accomplishment for which you, Mr. Chairman, deserve a tremendous amount of credit. But Washington being the place where the devil does seem to lurk in every detail, we need to carefully monitor developments to ensure that this provision is implemented fully and not undercut through attributing to this Bureau's budget, items that were not previously considered part of its budget. In other words, the raising of the overall foreign policy budget needs to be considered so that we avoid robbing Peter to pay Paul.

Take one percent of all U.S. military aid to fund a Foreign Aid Accountability Project.

Again we appreciate your support, Mr. Chairman, for the simple notion that one penny on every dollar spent on military aid needs to be spent on monitoring, to ensure taxpayer funds do not go to torturers, to ensure that taxdollars do not get wasted. The Defense Security Assistance Agency already takes a 2.5% cut on every military transfer for administrative costs. I know you agree that the American taxpayer would welcome a guarantee that when their taxdollars are sent abroad, they are not wasted or given to criminals.

Create a formal process to review Leahy Law implementation.

We still believe this is a good idea. We have had good discussions with the State Department and we are looking anxious to move forward to make this a reality.

Evaluate human rights reporting from the country missions.

The Human Rights Bureau is a consumer of a product that comes from the political officers in the embassies abroad. That product is human rights reporting. We think that the Bureau should start thinking about putting comments that would go in reporting officers' files that would then become part of their Efficiency Evaluation Reviews. Such reports would note whether an officer did an outstanding job on human rights reporting or whether it was difficult to get human rights reports because of the officer's attention to the issue. Foreign service officers take their annual evaluations seriously and the Human Rights Bureau should be in a position to let these important civil servants know that good reporting can help you – but if you disregard this area, it will be noted.

The Human Rights Bureau should hire additional non-career assistants with human rights and related expertise.

Last year you included in your bill a provision to permit the Assistant Secretary for Human Rights to bring into the Bureau outside experts. We considered this, as you did, a useful if relatively modest effort to supplement the existing expertise and effectiveness of the Bureau. We understand that a number of people considered this to be a means to subvert the established foreign service. We disagree with that view and applaud you for undertaking this initiative.

We'd like to add a new suggestion: to ensure that every promotion panel convened by the State Department includes a public member, someone outside of government. We would strongly encourage the State Department to systematically recruit and include in those panels members of the public with a demonstrated commitment and knowledge of human rights.

We believe progress on the above systemic suggestions can ensure that the

work of human rights is more thoroughly integrated into the work of State Department officials, and that the human rights island is brought closer to the mainland of policy.

THREE EXAMPLES OF GOOD INFORMATION / BAD POLICY

The three key examples below show how far U.S. policy still has to go on integrating human rights considerations, especially in light of what the U.S. government reports. We also will point out the strengths and weaknesses of those reports.

China: The Report is accurate and forthright, which should help give the Administration some leverage when it introduces a resolution on China at the United Nations Human Rights Commission.

Even though we are generally pleased with the China country entry, we found an important omission. The Report notes that "businesswomen Rebiya Kadeer, her son, and her secretary were detained in Urumqi, the capital of the Xinjiang Uighur Autonomous Region. Kadeer, who was detained while on her way to meet a visiting foreign delegation, was charged in September for Passing State secrets to foreigners."

The Report fails to mention the origin of this mysterious visiting foreign delegation. Mr. Chairman, the foreign delegation was from the United States Congressional Research Service!! I would like to include for the record an Amnesty International report on this case and also to ask you to ask the State Department for an explanation for this omission?

The Report also fails to mention that, there are some forms of torture only practiced in Xinjiang. These include in the case of male prisoners, the insertion of horsehair or wires into the penis.

Mister Chairman, this afternoon President Clinton will be giving a speech at John Hopkins University on the Administration's China policy. We have a few questions:

Will President Clinton highlight the Report's information or will this Report lie dormant?

Will President Clinton reflect the Report's findings that China's "poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent"?

Will President Clinton demand that Ms. Rebiya Kadeer who was arrested for meeting with Congressional Research Service be released, thus endorsing the Congressional Concurrent Resolution calling for the same?

Will President Clinton demand that the Panchan Lama be released?

Will President Clinton demand that the crackdown on underground churches be stopped?

Will President Clinton demand that forced abortions and sterilizations be stopped?

Will President Clinton announce that he'll re-link human rights benchmarks to the Normal Trade Relations that China pursues?

We will know the answer to these questions in couple of hours when he delivers his China policy speech. We only hope that his speech is not solely a speech for Normal Trade Relations with China but one that gives the necessary attention to human rights. We expect his speech to bridge the gap between the rhetoric for human rights and the reality of bilateral relations.

Colombia: The Report is forthright about the fact that paramilitary groups continue to commit atrocities, with the acquiescence of local military commanders, sometimes in coordination with local authorities. Yet there have been documented attacks by the regular security forces against civilian populations. A case in point is the July counterattack by the Colombian Army and Air Force against the armed opposition group Revolutionary Armed Forces of Colombia, the FARC. The counterattack's devastating impact on the civilian population of Puerto Lleras is not reflected in the Report, although it makes direct reference to the attack in question by highlighting the very real problem of child combatants employed by the FARC. We would like to insert into the record an article by the Dallas Morning News, which not only reports on these probable violations of international humanitarian law but also the troubling allegation the U.S. personnel may have participated in a support capacity. Mister Chairman, we urge you to get a detailed confirmation or denial by the State Department and the Defense Department of the allegations made by this Report.

But this is not the only troubling allegation. Just last week, Amnesty International USA called on the Department of Defense to confirm or deny that a 1997 Special Forces training of Colombian personnel took place despite the fact that the Colombian personnel had just helped a paramilitary contingent carry out a massacre close to the training site. We are appreciative of Senator Leahy's and Representative Jackson's attention to this issue but ask that you and other Committee members support this call for information.

In the meantime, we continue to document one paramilitary massacre after another, with no effective response from the Colombian security forces. On February 19, in San José de Apartadó, five men were killed over a period of 25 minutes. Despite the fact that the local brigade, the XVII, was called just minutes after the massacre began, the first soldiers to appear came three hours and ten minutes later. We are also troubled by credible allegations that this massacre was not carried out by paramilitary members, but by members of the XVII Brigade. Ten days later, in another part of Colombia, paramilitary members entered a community called Filo Gringo and finding that all the inhabitants had fled, burned the village to the ground. Incidentally, credible reports indicate that the paramilitary group was camped for a full month before this incident about two miles from the Colombian Army detachment Heroes of Saraguro Battalion. We

are very concerned that the paramilitary group will next strike a village called El Tarra.

And yet in spite of this, President Clinton is urging Congress to rush headlong into approving a \$1.3 billion aid package that will undoubtedly increase what is already troubling U.S. involvement in Colombia. For instance, despite the fact that the problem of internally displaced persons is a huge issue, with possibly 300,000 people internally displaced just last year alone, the Clinton administration's description of its "Push Into Southern Colombia" already anticipates the creation of more internally displaced people. Where will they go? Will they be put in "model villages" like in Guatemala or "strategic hamlets" like in Vietnam?

The House Appropriations Committee is scheduled to mark-up the emergency supplemental appropriation request on Thursday. From what we observe of the proposed legislation and report, there is no discussion of eliminating the links between the paramilitary groups and the Colombian security forces, especially the Colombian Army, mirroring the President's troubling aid proposal. At the very least, the bill language needs to be amended to include credible notification, monitoring, reporting, and conditioning requirements. We welcome the fact that the Committee recommended an increase of \$5.5 million for human rights and judicial reform. But the key fact is this: while resources are welcome, what will change the human rights situation is political will and this has been largely absent. We know you will hear from Vice President Bell who is in town this week to convince you and many other good people to the contrary. However if you consult with any human rights organization in town you will hear that the problem is of a lack of will, not a lack of resources, not a problem needing the creation of yet more bureaucracies destined to increase the paperwork on human rights.

The Pastrana government needs to make good on its failed promises and outstanding commitments. These include but are not limited to the following:

establishing the Search Block (first promised by President Pastrana in October 1998; first promised by a Colombian Administration in 1989!) to seek and detain members of paramilitary groups -- if you ask Vice President Bell about this you may get an involved treatise on the importance of nation building;

enforcing the close to 400 outstanding arrest warrants and detention orders issued by the Attorney General's Human Rights Unit, the majority of which are on paramilitary members and remain unenforced due to a lack of support by the security forces -- if you ask Vice President Bell about this, you may get vague numbers about new detentions and maybe one or two real concrete cases -- if you happen to ask for a timetable and benchmarks on the enforcing of the arrest warrants, you may get, as I did, a blank stare;

to pass the law on forced "disappearances," a law which has been repeatedly vetoed, President Pastrana no exception, since President Gaviria -- if you ask Vice President Bell about this, you may get contradictory excuses, as a large group of human rights

organizations did on Monday; you may perhaps get fumbled attempts to explain legislative failings that did not happen or principles that were not flagged early enough – you may even ask about what the government's strategy is to pass this legislation and he may tell you that they will be calling legislators when they return;

to enact the recommendations issued by the United Nations and the Inter American Commission on Human Rights, which include among others the common sense proposition that members of the security forces formally charged for human rights crimes or paramilitary complicity must be suspended from active duty. It will be instructive to see the Colombian government's reaction when the Office of the United Nations High Commissioner for Human Rights publicly issues its human rights report.

The Attorney General's Human Rights Unit could use financial support to enable its logistics, but what they need more than anything is for the rest of the government, the security forces, to enforce their detention orders and to have their human rights cases tried in civilian and not military tribunal, per the 1997 ruling, also unimplemented, of the Colombian Constitutional Court.

Because of these clear failings, we have called on Congress to stop its lemming-like rush into what will probably turn out to be a humanitarian and human rights catastrophe with a not-so-desired but clearly visible "Made in USA" label. I would ask that our call, a joint letter co-signed by seven other organizations that follow Colombia, be included as part of the record and that you do what you can to slow this process down so that the many issues raised by all sides of the Colombia debate can be duly addressed.

Turkey: Overall, the Report did a good job in highlighting egregious incidents of human rights violations in key areas. Most importantly, it does not claim that the Government of Turkey has made significant progress. The Report states "The security forces continue to torture, beat, and otherwise abuse persons regularly... Torture, beatings, and other abuses by security forces remained widespread, at times resulting in deaths."

The Report clearly documents severe and continuing human rights violations. Yet where is its policy reflection, particularly in arms transfers? The State Department and Amnesty International have reported on the use of helicopters to attack civilians in Kurdish villages and to transport troops to regions where the troops then torture and kill civilians. And yet the Administration is gearing to grant an export license for \$4 billion in attack helicopters!

In 1998, the State Department formulated a series of eight human rights benchmarks based on priorities articulated by Turkish Prime Minister Mesut Yilmaz to President Clinton in a December 1997 meeting, and made approval of an export license contingent on Turkey meeting the benchmarks.

The State Department's human rights benchmarks for Turkey include the following:

- decriminalizing freedom of expression;
- releasing parliamentarians and journalists unjustly imprisoned;
- prosecuting members of the police force who commit torture;
- ending harassment of human rights defenders and re-opening non-governmental organizations;
- returning internally displaced people to villages;
- ceasing harassment and banning of political parties;
- ending the state of emergency; and
- adopting clear rules of engagement and end-use monitoring for U.S.-supplied weapons.

Amnesty International calls on the Clinton Administration to refuse an export license for \$4.5 billion of attack helicopters for the Turkish army until Turkey has made concrete and significant progress on the State Department's human rights benchmarks. Based on the Report as well as other human rights documentation, Turkey fails to meet the human rights benchmarks, despite small improvements in a few areas.

A year ago we applauded the Administration for preventing, on human rights grounds, a \$1.5 million sale from going through but we asked, will the Administration hold fast to its principles when this sale, already looming, comes up? Mister Chairman, you and the Members of the Committee, and your other colleagues, need to help the Administration hold fast to principle.

SPECIFIC COUNTRY CONCERNS

In continuation we present a preliminary set of observations, some accompanied by specific recommendations, on several countries.

African Great Lakes Region: Democratic Republic of Congo, Rwanda, Uganda

Democratic Republic of Congo: The Report reflects the basic imbalance in position of the Africa Bureau. It goes into painstaking and laudable detail about the violations committed by the Kabila government including its growing intolerance of the activities of civil society. And while this year's Report does a better job of detailing abuses by the Rwanda-backed armed opposition factions, it is still light treatment on abuses perpetrated by those supported by Uganda. The Report, when also considering the Rwanda and Uganda country entries, reflects the reluctance of the State Department to condemn the abuses committed by the armies of Rwanda and Uganda.

Rwanda: The Report is generally good and quite accurate. One major area of concern is on the section on fair trials and the death penalty. In 1998, twenty-three people were convicted and executed for participation in the 1994 genocide. The Report details the shortcomings in due process to interference by the executive branch and a lack of resources yet makes no mention that the

executions went ahead anyway and that almost 70 more people received death sentences in 1999. To its credit, the Report also devotes more attention to allegations of human rights violations by the Rwandan armed forces in the Democratic Republic of Congo than the Africa Regional bureau appeared to do in 1999.

Uganda: There is no reference to the presence of Ugandan troops in the Democratic Republic of Congo (DRC) (although it does appear in the DRC Report). This despite the fact the Ugandan government had admitted that it has troops involved in the insurgency there. Nor does the Report mention allegations of serious human rights violations by the Ugandan armed forces within the DRC. The failure to address this issue in the Uganda entry is a continuation of the Clinton Administration's policy of only timidly critiquing the violation of the territorial sovereignty of the DRC. It also lends credence to the criticism that the Clinton Administration tacitly endorses the Rwanda/Ugandan intervention.

In other aspects, the Report does an excellent job of identifying the kinds of restrictions placed on free assembly, association, and expression by the Ugandan government, all of which will play a critical role in the country's upcoming referendum on whether to become a multi-party democracy.

Another positive development is the reporting on the recruitment of children as soldiers. With the commitment of the Clinton Administration to sign the Optional Protocol raising the minimum age of recruitment, having the State Department make this issue a regular area of coverage in its Report would be a powerful step forward to making the new protocol have a real impact.

Amnesty International USA has designated as a Special Focus case the Child Soldiers of Uganda, focusing on children abducted by the Lord's Resistance Army, an armed opposition group operating in northern Uganda. For more than a decade, this group has abducted thousands upon thousands of girls and boys, some as young as eight years old, and forced them to fight in combat, carry equipment, and serve as sexual slaves for adult commanders. The Ugandan (as well as Sudanese) Government must take immediate measures to liberate these children from the Lord's Resistance Army and to prevent further abductions.

Given that the Administration has said that respect for human rights is central to establishing enduring peace in the Great Lakes region, its policy should be consistent and human rights violations by the armed forces of Rwanda and Uganda should be condemned and opposed as vigorously as those committed by the Kabila regime.

Austria: In recent months there have been numerous protests and efforts to diplomatically isolate Austria in reaction to the inclusion of Joerg Haider's Freedom Party in their governing coalition. Amnesty International takes no position on who should govern in Austria, but maintains that any government

must be judged on the basis of its actual performance. The performance of the government of Austria is lacking.

The Report does not fully reflect both the extent of ill-treatment of detainees by the police and the degree of impunity which accompanies such abuses. The ill-treatment of detainees by police officers, often during the course of the arrest, includes physical ill-treatment, frequently accompanied by verbal abuse and threats. While Amnesty International recognizes that the Austrian authorities have striven to strengthen safeguards against ill-treatment, the structure to investigate allegations of torture and ill-treatment created by Austria has not been effective in preventing the ill-treatment of detainees, particularly of those who are foreign or non-Caucasian Austrian nationals.

Burma: The Report is very good. So far we have found no inaccuracies nor any relevant omissions. It is comprehensive and up to date and pulls no punches. It deals with violations against political opponents and the minority ethnic groups as well as women and children. It is balanced in that it reports on violations by armed opposition groups as well as the government. It also covers restrictions on free speech, absence of a free press, lack of an independent judiciary, and restrictions, as well as violations, against Muslims and Christians including forced conversion to Buddhism. It covers forced labor, forced portering, and displacement of rural populations in war zones. It covers the fact that the government is causing regular refugee outflows into Thailand, Bangladesh, India and even some to China. However it should have also mentioned the "four cuts" counterinsurgency tactic of the army which amounts to depopulating a region by forced removal of villagers to "pacified" areas then sweeping through killing anything and anybody found to remain.

Cambodia: The Report states that "In August the Government replaced civil service legislation that previously made it difficult to arrest and prosecute members of the police and security forces for criminal activity." This outrageous legislation, Article 51 of the Common Statute on Civil Servants, had required that advance permission be obtained before arresting any member of the civil service, not only police and security forces. According to the new accounts, the revised legislation still requires that the government be given advance notification of arrests. While this is certainly an improvement over the previous legislation, it is still a far cry from equality before the law.

While the Report is forthright about the weak and corrupt judiciary in Cambodia, it does not highlight the many legal problems with prosecuting the Khmer Rouge leaders Ta Mok and Duch. For example, they are being charged in a military court which only has jurisdiction over members of the military, which they never have been. Clearly there should be established an international tribunal for Khmer Rouge leaders.

The Report should have discussed how many Khmer Rouge leaders (including "Brother Number Two," i.e. Kheiu Samphan) have cut deals with the government and are walking around freely, with one having just bought a villa in Phnom

Penh!

Egypt: While the Report does document abuses against Coptic Christians, we have to understand that this is part of the bigger picture of systematic human rights violations on the part of the government and its security forces and police. The problems of police torture and unfair trials they face are the very same violations being faced by non-violent Islamist activists in Egypt. The U.S. government should see the connection between the two and be wary of trying to raise concerns about one in isolation to the other.

Federal Republic of Yugoslavia: The Report on the region overall has been excellent. However, we believe the failure to provide a full picture of the danger of prosecution facing Serbian conscientious objectors is particularly reprehensible, considering that the U.S. government and its North Atlantic Treaty Organization (NATO) allies vigorously encouraged Serb men to resist military service during the NATO campaign in Kosovo.

The entry on Serbia-Montenegro states that a "government law requiring universal military service is enforced only sporadically" and that "it was not enforced vigorously during the war." This portion of the Report seriously understates the problem facing young men who resisted military service during the Kosovo conflict last year. Amnesty International is concerned that this characterization will have an unfairly adverse impact on men from Serbia who are seeking asylum in the United States, based on their conscientious objection to military service.

A report published last October by Amnesty International ["The Forgotten Resisters: The Plight of Conscientious Objectors to Military Service After the Conflict in Kosovo"] painted a different picture. It noted that— "Reports of the arrest, prosecution, sentencing and imprisonment of conscientious objectors, draft evaders and deserters continue to be received by Amnesty International—even though the 'state of war' in the Federal Republic of Yugoslavia (FRY) has officially been ended. Estimates of the number of such cases currently before military courts in the FRY begin at 4,000 and extend as high as 30,000..."

The Amnesty International report went on to note that at least several hundred resisters were imprisoned in FRY, most with a sentence of at least 5 years. Yugoslav Army generals had appeared on television to call attention to these cases and warned that "any individual who had refused to serve in the army during the NATO operation would face certain prosecution." The Amnesty International report describes a number of specific cases of individuals imprisoned in FRY for conscientious objection.

Indonesia: The Report seems to be accurate on all the major issues, although it should have been more explicit in stating that there were political prisoners when the much talked about elections were taking place. Also, the explosive situation

in Aceh should have been explored more. We urge that more attention be paid when preparing the next Report, avoiding the real temptation to be swept by the other positive events taking place in other parts of Indonesia. We would recommend that a human rights officer be stationed in Banda Aceh, the capital of Aceh.

Israel and the Occupied Territories: The Report has improved over the years, but Amnesty International has several concerns.

First, the Report continues to refer to Israeli interrogation methods as "security forces abused, and in some cases, tortured Palestinians." This might be interpreted to support the Israeli contention that methods such as position abuse, hooding, etc. do not constitute torture. In fact the Report specifically calls these methods "abusive" later in the same section rather than calling them torture. Amnesty International and other human rights organizations have long held that torture has been routine in Israel.

The Report also does not mention the bill before the Knesset by MK Reuven Rivlin that would effectively legalize the use of torture. Additionally, there was a marked increase in the use of incommunicado detention for periods up to 4 weeks following the decision.

Also in the section on al-Khiam detention center in Southern Lebanon, the Report states: "In September the Government acknowledged that it trains, debriefs, and pays the salaries of the Lebanese administrators and staff of the Al-Khiam prison in Israel's self-declared "security zone" in southern Lebanon where guards allegedly committed abuses." Amnesty International has extensively documented the use of torture in al-Khiam, and the language in the Report dramatically downplays the situation.

There is no mention in the Report of the problem of house demolitions. Amnesty International's research has found that demolition of Palestinian houses is linked with the discriminatory policy in Israel to restrict Palestinian development to existing urban areas, while it is engaged in peace talks with the Palestinian Authority. Demolitions have occurred for the last 30 years; they have not abated since the Oslo Accord and have even continued under Prime Minister Ehud Barak's tenure. Since 1987 at least 16,700 Palestinians in the West Bank, including East Jerusalem, have been made homeless and tens of thousands of Palestinians currently live under constant fear of their homes being demolished by Israeli authorities.

Kenya: The Report is well written and does not pull any punches. However, the Report extensively and directly quotes reports from a non governmental organization which, again, is a step away from speaking in its own voice. In addition to documenting systematic abuses by the Kenyan security forces such as beatings, torture and extrajudicial executions the Report does a solid job of highlighting the legal and constitutional mechanisms that the government uses to

restrict and repress human rights.

In doing so the Report underscores the result of diminished U.S. pressure and advocacy, particularly by the embassy in Nairobi, for badly needed constitutional reforms and in defending human rights advocates and other members of civil society.

Given that the Clinton administration has said that the rule of law and promotion of democracy is a priority, then it's policy should be to aggressively support constitutional reform and publicly advocate for the right of civil society to operate freely as it did in the past. Instead it seems that quiet, behind-the-scenes and failed diplomacy seems to be the order of the day.

Laos: We found some inaccuracies. The Report stated that "There were reports that some students, teachers and their associates who staged protests were detained for expressions of hostility to the regime." We disagree with the description that they were detained for "expressions of hostility to the regime." We believe that they are prisoners of conscience, who were arrested following an attempted pro-democracy demonstration.

Mexico: The language could be strengthened with more follow-up to allegations of human rights violations. Also its statement that the Mexican judiciary is "generally independent; however, on occasion it has been influenced by the executive branch" is a little misleading. The lack of autonomy and independence of the Public Prosecutor's office – a judiciary body - is one source of impunity in Mexico. The Public Prosecutor is appointed by the Executive, while the Attorney General is appointed by Executive and ratified by Senate. However both can be removed by the Executive. So how independent is this really?

The Report included some criticism of the Mexican military which is warranted since they continue to commit serious human rights violations. There is scant mention however of the fact that military personnel are hardly ever convicted when human rights cases are transferred to military courts, although on a positive note the Report does unequivocally state that "a culture of impunity continues to pervade the security forces." On a further positive note, the Report states that General Gallardo is a "political prisoner." In fact, Amnesty International calls for his immediate and unconditional release. While the Report notes that he has not complained of mistreatment while in custody, his family has not been immune.

The description of paramilitary groups in Chiapas is positive. However the State Department should follow-up on its statement that "non-governmental organizations and some press accounts contended that these groups were not only the private armies of local bosses but also army surrogates armed by the military and used to attack the EZLN." Clearly this is an important accusation that needs to be fully investigated so that the State Department can speak in it

own voice and determine the level of complicity.

Regarding human rights defenders, more could have been said about the serious situation they are facing. These abuses continue with little progress in the official investigations about the culprits.

Nigeria: Just as last year the Report fails to mention the names of U.S. multinational oil corporations that were involved in incidents of violence in the Niger Delta in the section dealing with political and extrajudicial killing. Companies like Mobil and Chevron in addition to AGIP (which was mentioned by name) either had their staff kidnapped or threatened or their areas around their facilities and operations were the sites of clashes between Nigerian security forces and local indigenous groups.

The Report does a good job of addressing the continued poor human rights record of the Nigerian security forces despite the new Obasanjo administration.

Saudi Arabia: The Report generally does a good job of raising the key issues, although underplaying the severity of the situation with overly mild or fuzzy language. It mentions, for example, the use of "threats and abuse" to coerce confessions. The more negative word, "torture," is used only once, briefly, in a statement that: "in addition [to abuse], there were allegations of torture." The different definitions of "abuse" and "torture" in this entry are unclear (the former clearly evokes a milder response than the latter). In this entry, beatings and sleep deprivation are counted as incidents of abuse, while in the Report on Iran, they are referred to as methods of torture. Also contributing to the soft tone of this Report is the relative lack of detail. Names of specific victims, details of specific violations, and descriptions of specific methods of torture (or "abuse"), are lacking as compared to the entries on Iran or China.

The Report does a good job outlining the general pattern of discrimination and official harassment faced by Saudi Arabia's Shiite minority. This includes the 1998 beating death of a Shi'a prayer leader in Hofuf, and the fact that a number of Shiites continue to be held without charge in the aftermath of the 1996 Khobar bombing. It is thus very surprising that there is no mention of Hani el-Sayegh, a Saudi Shiite who was deported to Saudi Arabia from the United States in October of 1999. Saudi Arabian authorities gave unspecified "assurances" that he would not be subjected to the kinds of abuses described so clearly in this and previous State Department human rights reports. The Report should have mentioned this case, revealed the exact nature of the "assurances", and provided an update on Hani el-Sayegh's current status within the Saudi Arabian criminal justice system. Will Hani el-Sayegh receive a public trial with access to family and legal counsel?

Also worth noting is that Saudi Arabia, like China, is in the advanced stages of applying for membership in the World Trade Organization. Yet the Report notes that: "In 1995 Saudi Arabia was suspended from the U.S. Overseas Private Investment Corporation (OPIC) insurance programs because of the

Government's lack of compliance with internationally recognized worker rights standards." The reasons for this suspension need to be clarified. With which worker rights standards is Saudi Arabia in non-compliance?

While Amnesty International has documented several cases of electric shock torture in Saudi Arabia, the United States government continues to authorize shipments of electric shock equipment. The Commerce Department has authorized over a dozen shipments of electric shock equipment to Saudi Arabia since 1984 including shock batons.

Given the major human rights violations the United States government should:

Adopt a resolution condemning human rights violations in Saudi Arabia at the upcoming session of the UN Commission on Human Rights and request that the government invite the Special Rapporteur on the independence of judges and lawyers to visit Saudi Arabia this year;

Urge the Saudi government to comply with the United Nations Convention Against Torture by abolishing flogging and amputation;

Insist to the Saudi government to allow international human rights observers access to trial of Hani El Sayegh; and

Continue efforts to reform oversight and improve transparency of crime control equipment exports to Saudi Arabia, including electric shock batons

Russia: The Report recognizes that "the government's human rights record remained uneven, and worsened in some areas" also noting that "during the conflict in Chechnya in the fall, the military used indiscriminate force against areas containing significant populations, resulting in numerous deaths."

The way in which the Russian forces are waging war in Chechnya — in apparent disregard of international humanitarian law -- and the discriminatory manner in which Chechens have been targeted by the authorities in Moscow, suggests that the Russian government has been involved in a campaign to punish an entire ethnic group.

The problem with the policy of the international community and the Clinton Administration towards Russia and the Chechen Republic is that there is little attempt to either document or prosecute potential violators of human rights and international humanitarian law. The Clinton Administration should support the call by four United Nations experts on human rights which just this past Monday urged Russia to investigate allegations of arbitrary execution, detention, and torture in Chechnya.

Unlike in Kosovo, there is no currently existing tribunal like the International Criminal Tribunal for the Former Yugoslavia to investigate possible war crimes in Russia and Chechnya. The U.S. government needs to send its own monitors to the region to monitor human rights, and needs to urge the Organization on Security and Cooperation in Europe to conduct a monitoring mission.

Additionally, there is a humanitarian crisis, as civilians in Chechnya are in great need of basic essentials like food and medical care.

The Clinton Administration should use the occasion of the upcoming session of the United Nations Commission on Human Rights to take the following actions:

Introduce a resolution expressing grave concern about the violations of human rights and humanitarian law committed in the Chechen Republic and calling on all parties, in particular the Russian government, to take immediate steps to halt them;

Establish an international investigation into such abuses of human rights and humanitarian law in the Chechen Republic; and

Urge the government of the Russian Federation to invite the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on violence against women, the Representative of the Secretary-General on internally displaced persons, and the Special Representative of the Secretary-General for children and armed conflict to visit the Chechen Republic and neighboring republics.

Vietnam: Even though the Report appears to give a full picture, we are concerned about its tone, which appears to downplay the situation in Vietnam. We continue to have long standing concerns about highly unfair political trials; draconian prison sentences for political dissidents, particularly those from the South; government control over religious practice; mistreatment of detainees; and the use of the death penalty. Last year, Amnesty International launched a special campaign to protest the death penalty as it is practiced in Vietnam.

In the past the Vietnamese government set up a Vietnam Buddhist Church and declared all other Buddhist organizations to be illegal. It appears that the government is attempting to move further in this negative direction in its attempts to exert control over members of a religion. We call on the State Department to examine this new Hoa Hao organization more closely when considering the extent of religious freedom in Vietnam.

The Vietnamese government has announced that it will be providing amnesty to up to 20,000 prisoners this year. We understand that these liberations will take place between April 30 and September 2, both important anniversaries for the Vietnam government. Although the great majority of those benefited will be common criminals, we expect some prisoners of conscience to also be released on these occasions, as happened in September 1998, the last major amnesty. We strongly urge the U.S. government to push hard for the release of all remaining prisoners of conscience.



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TESTIMONY ON THE U.S. STATE DEPARTMENT
COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999

PRESENTED BY NINA SHEA, DIRECTOR
CENTER FOR RELIGIOUS FREEDOM OF FREEDOM HOUSE

BEFORE THE HOUSE COMMITTEE ON
INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS

MARCH 8, 2000

Thank you, Mr. Chairman, for inviting me to testify at today's hearings on the State Department's Country Reports on Human Rights. I am appearing today as the Director of Freedom House's Center for Religious Freedom. I am also a member of the U.S. Commission on International Religious Freedom -- an independent panel created by Congress in 1998 to review U.S. government policies regarding religious persecutors -- and will be commenting on the China, Russia and Sudan Country Reports today on behalf of the Commission, as well as Freedom House. These three countries are the primary focus of the Commission in its first year. My area of concentration will be religious freedom.

Before beginning, Mr. Chairman, I wish to express our deep appreciation for your leadership in holding these important annual hearings on human rights, and for your personal dedication to ensuring that human rights concerns remain a force in U.S. foreign policy. In recent months, this Committee has held ground-breaking hearings on China, Sudan, religious freedom and many other human rights issues. Such oversight is vitally important both in mobilizing appropriate foreign policy tools by American policy makers, and in sending a powerful message to governments throughout the world that the American people are not indifferent to crimes against humanity and other gross violations of human rights wherever they may occur.

The Country Reports certainly constitute the most detailed human rights compilation in the world. Some 6,000-thousand pages in length in loose-leaf form, this year's Country Reports reflect a monumental effort on the part of Assistant Secretary Harold Koh, and his Bureau for Democracy, Human Rights and Labor. They and all the American foreign service officers throughout the world who contributed to the Reports deserve to be commended.

1

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As the Reports have become more comprehensive, they have come to be relied on by many policy makers, immigration officials and judges, the media, and human rights defenders. Precisely because the Reports are viewed by many as authoritative, this exercise of providing critiques to continuously fine-tune and improve the Reports is essential, and not a matter of mere quibbling.

Many of the reports -- those on Pakistan, India, Burma, Afghanistan and North Korea, for example -- provide excellent summaries of the status of religious freedom. Others need revision. Perhaps the most frequently cited problem with the Reports is that their findings do not always correspond to American policy action.

While there are various underlying explanations, part of the problem is attributable to the Reports themselves. The Reports contain an overwhelming and unselective compilation of facts and information without reaching definitive conclusions, or conveying a sense of priority. Fundamental human rights problems are lost sight of in a welter of detail. Severe violators are hidden in an avalanche of information. In some cases, this may be an attempt to downplay abuses and avoid making embarrassing conclusions about the conduct of valued allies and trading partners -- reporting that might lead to calls for sanctions.

There is a need to give real focus and priority designation in a report of this magnitude and type. Prioritizing who are the worst violators, and, within each country section, which are the most fundamental human rights problems is essential to ensuring that appropriate focus and concerted attention is given by the U.S. State Department, Congress and, as well as others in the non-governmental human rights groups.

Under section 502b of the Foreign Assistance Act, governments that carry out "systematic," and "gross" violations of human rights are to be subject to U.S. sanctions. This section of the Act has proved unworkable and has rarely been invoked because, tragically, it covers too large a category of offenders. I am not suggesting that the State Department undertake anything as elaborate as Freedom House's own systematic ranking of countries in its *Freedom in the World* survey and in its forthcoming *Global Survey on Religious Freedom*. However, a more selective listing of the most egregious human rights violators and violations is needed.

A model for this might be provided by the 1998 International Religious Freedom Act. This Act requires the Administration, not only to produce an annual report, but also to designate egregious religious persecutors as "countries of particular concern." Such a designation triggers under the Act a Presidential announcement within 90 days of what policies the Administration will adopt to improve religious freedom in the countries in question. This mechanism -- priority designation combined with a mandatory policy articulation -- is guaranteed to produce a short-list of worst case violators where, hopefully, the US government is willing to expend political capital to end genocide, crimes against humanity, and other severe human rights violations.

The time has come for a similar prioritizing in the general area of human rights.

The country critiques below are examples of where critically important religious freedom problems are cited in the Reports but are swamped by a bewildering mass of unselective and

unprioritized data. In a number of country reports, a consequence of obscuring important points of focus and understanding is that the wrong conclusion is reached about the overall status of religious freedom. The lack of prioritizing facts within such countries, however convenient to policy makers eager to overlook the human rights lapses of important or would-be trading partners, is unacceptable in American human rights reporting.

Now I turn to the reports on the three countries with respect to which I speak on behalf of the Commission, as well as Freedom House.

CHINA

With respect to the China report, a crucial point that the report fails to emphasize is that control of religion is manifestly a policy of the central authorities. Exercise of religion is tolerated only in so far as it serves the purposes of the state. Since the passage of State Council regulations in 1994 requiring registration of all religious groups, China has shown a determination to "manage" exercise of religion "according to law." In compliance with that policy, local authorities throughout the country have drafted restrictive regulations pertaining to the exercise of religion. While the degree of zeal with which the policy is implemented varies from province to province, the principle that religion must serve the state, inherent in the Chinese Communist Party's Marxist ideology, is promulgated through law and propaganda by the Communist Party.

So while it is true that religious repression is found in "some" areas, and that Chinese officials resist control of religion by foreign entities, such as the Vatican, these facts do not explain the persecution of non-Catholic religious groups, including the indigenous Falun Gong, and Tibetan Buddhists, or Chinese-led Christian house churches and Muslim congregations. Nor do they fully convey the reality that all non-registered religious groups, even those that are tolerated, lack legal protection, function only at the sufferance of local authorities, and, now under the new anti-cult decree, risk criminal prosecution. When the overall religious situation is understood in this light, an obvious deduction can be made, as it has by the Vatican, that Bishop James Su is in government detention, and not that his whereabouts are simply "unclear" with his diocese saying one thing and the state saying another, as the report asserts.

That a distinct policy directive of the central government calls for the official "management" of religion is a fundamental fact about human rights in China and should be highlighted to provide an accurate understanding of the situation, and not mentioned only in passing as one among hundreds of other facts in the 67-page China report.

RUSSIA

Similarly, it bears emphasizing in the 77-page report on Russia that the largest pending issue there is the status of the significant number of religious organizations that were not able to re-register before the December 31, 1999 deadline (due to mostly bureaucratic problems). Up to half of Russia's religious groups remain unregistered and, according to the 1997 law, are now subject to liquidation. This month, for the first time, to our knowledge, a local court, in Voronezh, has used the liquidation procedures to terminate a church and is now threatening to liquidate up to 13 other

churches. Though this information became available only after the State Department report was published, many other religious organizations have been and continue to be in an insecure legal situation that probably will not be resolved until after the Presidential elections in late April. The registration problem is fundamental to understanding religious freedom in Russia for it points to the lack of legal and institutional security for religion in Russia.

In addition, conspicuous in its absence is any discussion of the clearest harbinger of future religious persecution: the government's use of anti-Muslim language in its propaganda campaign to stir up support for its conflict in Chechnya. These facts merit priority treatment and analysis in the report.

SUDAN

Essential facts are lost in the report on Sudan to such a degree that it possibly qualifies as the weakest of the reports. While the report mentions that 2 million people have died in the conflict, it fails to give a real sense of the scale and intensity of the government's prosecution of the war. At times the report is erratic and unclear -- even about the basic fact that religious persecution is at the core of the conflict. Tucked into the middle of a paragraph about press freedom is the critical finding: "In the context of the Islamization and Arabization drive, pressure -- including forced Islamization -- on non-Muslims remained strong. Fears of Arabization and Islamization and the imposition of Shari'a fueled support for the civil war throughout the country."

In its resolution of June 15, 1999, the House of Representatives characterized the regime as having "deliberately and systematically committing genocide." The Catholic bishops of East Africa made a similar assessment in their poignant plea to the international community last August. In fact, the death toll in Sudan is more than twice that of Rwanda's and greater than those of Rwanda, Bosnia, Kosovo and East Timor combined. After reviewing detailed reports of the Sudanese government's deliberate policies of enslavement, rape, water-supply poisonings, undefended aerial bombings, torture, and the mass destruction of unarmed villages, churches and refugee camps, Nobel laureate and holocaust survivor Elie Wiesel wrote to President Clinton (in a letter reprinted in the current issue of *Sh'ma*, a Jewish intellectual journal) that "I am haunted by what I know of Sudan," also calling it a "genocide."

The government of Sudan's brutal conduct has triggered comprehensive U.S. trade and financial sanctions. These sanctions were extended last fall when the Administration designated the Khartoum regime as a "country of particular concern" due to its "egregious" religious persecution. These facts should have been given greater emphasis in the report on Sudan.

The report neglects to underscore the significance of the government's routine blocking of international, including American, food aid to the south Sudan and the Nuba mountains in what Senator Bill Frist calls "calculated starvation." This strategy has killed hundreds of thousands of Sudanese civilians, unquestionably the most lethal weapon of war in this conflict.

The report also fails to make the critical connection between new oil development by Khartoum and the unfolding human rights tragedy. Recent assessments by Secretary of State

Madeleine Albright, the United Nations Special Rapporteur on Sudan, and the Canadian government have all found an inextricable link between the actions of the Khartoum regime and the Greater Nile project.

Since the oil pipeline revenues began flowing several months ago, the Khartoum regime has escalated its ruthless assaults on the southern civilian populations. Targeted with particular savagery are those areas immediately surrounding the pipeline itself where, as the report finds, the Sudanese military is now carrying out scorched-earth devastation. At February 15 hearings on Sudan before the U.S. Commission on International Religious Freedom, Smith College scholar Eric Reeves attested: "The scorched-earth warfare of the Government of Sudan and its local military allies has the clear goal of creating a 'sanitized' security corridor for the Greater Nile project in all its forms: the pipeline, the rigs in the oil fields, the attendant infrastructure, and the concessions where future development and extraction will take place."

The international press, as well as a recent report commissioned by the Canadian government, have reported that the resources of the Greater Nile partners, including roads, airstrips and aircraft, are being used directly for military purposes. Helicopter gunships and Antonov bombers, key elements of the Khartoum regime's war on civilians, had access to the extraordinarily well-positioned airstrip of the partners. On March 1, the Khartoum regime bombed the Samaritan's Purse hospital, run by the family of the Rev. Billy Graham, in Lui near Juba in southern Sudan, where four American doctors have treated over 100,000 patients since 1998; at least two patients were killed in the attack. A few weeks before, the government had deliberately bombed a Catholic primary school in the Nuba mountains, killing 14 children. Answering press questions about the incident, a government spokesman remarked that "the bombs landed where they were supposed to land."

In addition to facilitating the Khartoum regime's war effort through direct enrichment and resources, as Secretary of State Madeleine Albright made clear several months ago, it is the prospect of new, unimpeded oil revenues that convinces the otherwise-bankrupt Khartoum regime that it can acquire the military means to win the civil war outright. A war that the Congress has declared to be "genocidal" will continue unless oil development and revenues are removed as the means for the regime to insulate itself economically. This was precisely Secretary Albright's point in Nairobi when she criticized the involvement of Talisman Energy, a 25% partner in the Greater Nile oil project. The Sudanese government's oil joint venture, the Greater Nile Petroleum Operating Company (GNPOC), was itself specially designated as a sanctioned entity by the U.S. Treasury Department on Feb. 16.

Similarly explicit was a conclusion of the February 14 report of an independent investigation of Sudan by John Harker under the auspices of the Canadian government: "It is difficult to imagine a cease-fire while oil extraction continues, and almost impossible to do so if revenues keep flowing to the GNPOC partners and the GOS as currently arranged."

A report by the UN Special Rapporteur on Sudan last October comes to the same conclusion: "The oil issue and the extremely volatile situation prevailing in western Upper Nile are clearly at the core of the armed conflict in the Sudan and have particularly dire consequences for

peace."

While the oil pipeline is mentioned in the report, its paramount significance to the deteriorating human rights situation is lost. In light of the new oil revenues, the report's assessment that "[a]s in 1998, neither side appears to have the ability to win the war militarily," and references to Sudan's "moribund" economy are woefully outdated.

This concludes my joint statement on behalf of the U.S. Commission on International Religious Freedom and Freedom House. Now on behalf of the latter I wish to briefly comment on several other countries.

EGYPT

Lost in the Egypt report's myriad of detail is the fact that the Coptic Christian minority -- the largest Christian community in the Middle East -- is relegated to second class citizen status by official policy, fostering an atmosphere of intolerance that has given way to patterns of violence by both militants and government security forces. This fundamental fact is epitomized in the continuing Al Kosheh crisis of the past two years, a tragedy that is only given sketchy treatment in the report.

The report fails to provide critical facts of the Al Kosheh events: for example, that detailed and reliable documentation shows that 1,014 Christians were rounded up, tortured and brutalized in a police dragnet within the course of one month; that key human rights figures who spoke out in protest, including a local bishop and priests and the head of Egypt's leading human rights organization, were subsequently arrested on trumped up charges and the latter is now in exile; that the abusive Al Kosheh security officials were exonerated, and, according to the government press, some were even given cash bonuses; and that shortly thereafter a new law severely restricting non-governmental organizations was adopted. In January 2000, violence revisited Al Kosheh when a large Muslim mob rioted in the village's streets leaving some 21 Christians and one Muslim dead. The fact that Egypt has to date denied justice to the abused Christians after they were assaulted by police in 1998 may have signaled to extremist elements in the Muslim community that the Christian minority can be attacked and driven from their homes with impunity.

In view of these series of events, it is troubling that the report makes the assertion that the government's human rights record "again improved somewhat over the previous year." This assessment carries great weight and, to our knowledge, has been, cited by asylum officials in two recent cases to deny Copts' petitions. It is misleading in that it fails to take into consideration the fundamental fact of government-sponsored intolerance against a religious minority in the context of religious extremism.

VIETNAM

The Vietnam report is deeply flawed in its assertion that "in some respects, conditions for religious freedom improved during the year." In view of the extensive April 1999 decree on religion, that is barely acknowledged in the report, as well as other developments, it can be more

persuasively argued that, in important respects, religious freedom saw setbacks in 1999. Under the new decree, all religious properties confiscated by the Communist authorities after 1975 become the permanent property of the State, government agencies are empowered to determine which religions are authorized, and the appointment of religious dignitaries and publication of religious matter are subjected to the Prime Minister's approval. All activities perceived to "*oppose the State*" or "*go against the healthy culture of our nation*" are to be severely punished under the decree. The Government Board of Religious Affairs issued an ominous interpretation of the decree, specifying strict instructions for its application.

The key to understanding the status of religious freedom in Vietnam is the fact that the regime claims the right to control religion. That a government-created Hoa Hao committee, directed by the well-known communist cadre Muoi Ton, was given official recognition and was able to hold a festival is consistent with this fundamental fact of government control, not a sign that religious freedom is expanding. In its first year after being appointed by the government in 1998, the Committee of Hoa Hao Buddhist Representatives prohibited the celebration of major Hoa Hao holidays, barred all references to the Hoa Hao Holy Land, and banned the use of Hoa Hao religious emblems.

The independent Unified Buddhist Church of Vietnam remains severely persecuted, with its organization illegal, activities banned and top leaders in detention or under close police surveillance. Throughout July and August, police and religious officials broke into pagodas throughout the country and conducted midnight raids. Unlike the government-controlled Hoa Hao, the independent Buddhists had to hold their congress last May overseas in California.

Christians in the Hmong region and tribal areas were the most severely persecuted of the Christian groups, as the report states. This too can be explained by the fact that government bloc committees and surveillance agents can and do more readily intimidate and harass Christians in developed regions within the government's reach, whereas far-flung rural villages are largely outside the government's ability to control on a regular basis. A number of Protestant leaders in rural areas continued to be detained and sentenced throughout the year, as the report notes. The Catholic Church appeared to reach an accommodation with the government that allowed it certain concessions, such as the appointment of bishops who meet government approval and the ability of some clergy to travel. Nevertheless, as the report points out, at least six Catholic priests remain in prison for religious activities and ordinations and appointments of priests are strictly regulated by the government.

SAUDI ARABIA

Concerning Saudi Arabia, the report asserts that "[f]reedom of religion does not exist," that "[t]he government prohibits the public practice of other religions [than Islam]," and notes instances where private homes are raided to stop Christian worship and punish their leaders. Yet the report also gives credence to misleading government claims that private non-Muslim worship is permitted. Public worship by Christians, Jews, and other non-Muslims is in principle a capital offense and the muttawa religious police have in the past year, as in previous years, entered private homes searching for evidence of private worship by non-Muslims. In recent years, non-Muslims

have been flogged, imprisoned and reportedly killed for private worship. Last October and again in January this year, private homes have been raided and the Filipino Christians conducting worship services inside, including children, were thrown in jail for up to 40 days, without consular access, some of whom were threatened and abused by police before being expelled from the country. That non-Muslim worship services occur "on a wide scale throughout the country" may reflect only the religious police's inability to find them and break them up, not greater religious tolerance.

In sum, Mr. Chairman, the Country Reports are the most comprehensive human rights compilation in existence. They are valued and influential. Precisely for these reasons they should be improved through a priority identification of the worst violators and, within each country section, a selective identification of fundamental human rights problems. Again thank you for this opportunity.

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Country Reports on Human Rights Practices for 1999: Some African Examples

by

Alison DesForges
 Consultant, Human Rights Watch

House Committee on International Relations
 Subcommittee on International Operations and Human Rights

March 8, 1999

Thank you, Mr. Chairman, for the invitation to testify at this hearing on the Country Reports on Human Rights published by the Department of State. My name is Alison DesForges, and I am a consultant to Human Rights Watch. This morning I will be commenting on country reports that deal with several African nations.

This year, as last, the staff in various U.S. embassies and the Bureau of Democracy, Labor and Human Rights have produced a solid, well-documented evaluation of human rights in many parts of the world. This generally comprehensive and accurate assessment constitutes an invaluable resource in setting U.S. policy towards the governments whose practices are described in this work. But even as we recognize the generally high quality of most of the reports, we must also note that their conclusions all too rarely orient decisions made by other branches of the diplomatic establishment.

I should like to begin with comments on several reports before proposing some concrete suggestions for putting these valuable assessments to work more effectively in U.S. policy.

The usually commendable quality of the reporting is marred by omissions or by the

BRUSSELS HONG KONG LONDON LOS ANGELES MOSCOW NEW YORK RIO DE JANEIRO WASHINGTON

minimization of information about human rights abuses in several cases. These cases can only rarely be explained by the difficulty of obtaining accurate information and occur most frequently in areas where the U.S. has important economic and political interests.

In the report on Nigeria, for example, the otherwise comprehensive work fails to describe adequately the complete destruction of the village of Odi by the Nigerian military. Instead of being highlighted in the introduction to the chapter, this incident is buried mid-paragraph at the end of the section on political and other extrajudicial killing. The report notes the varying estimates of persons killed--162 according to the police, 500 according to local residents, in addition to twelve police officers--and adds that an investigation is under way. But this bare account gives no sense of a military operation in which all buildings (except for the bank, the school and the health center) in a community of 15,000 people were flattened for no conceivable security reason and simply as reprisal for the prior deaths of seven police officers. In a description of another incident at Choba where soldiers protecting the premises of Willbros, a US oil industry contractor, raped a large number of women, the report echoes the skepticism of Nigerian authorities about the validity of the accusations.

In the troubled Great Lakes region, reports concerning Rwanda and Uganda are less than complete and straight-forward. When dealing with the question of ethnic discrimination, the Rwanda report acknowledges the existence of this abuse in the introduction, but later softens its stance to say merely that some Hutu accuse the government of favoring Tutsi in employment, education and other matters. Contrast this to the clear language of the report on Burundi, where there is a similar problem but where the U.S. is not so closely tied to the current government. The Burundi report declares: "State discrimination against Hutus, who constitute an estimated 85 percent of the population, affects every facet of society, but most strikingly higher education and certain branches of the Government such as the armed services and the judicial system."

The Rwanda chapter does note that the Rwandan Patriotic Front (RPF) controls the government and that the government declared a four year extension of the transition period during which no significant activity by other political parties will be permitted. But it does not sufficiently stress the RPF role in replacing twenty-one of the seventy deputies of the National Assembly nor the significance of replacing all the judges of the Supreme Court at the same time.

The question of justice is of overwhelming importance in Rwanda where some 150,000 prisoners accused of genocide languish in over-crowded jails, perhaps as many as twenty percent of them falsely accused. The report is too favorable to the judicial system, commenting, for example, that there were no reports of political prisoners in Rwanda. Human Rights Watch had, in fact, made reports of such cases to embassy personnel. Here, too, the contrast with the Burundi report is instructive. That assessment states that in Burundi there are "some clearly identifiable political prisoners."

The Rwanda report concludes that the "vast majority" of trials met international standards, yet it admits elsewhere that fewer than fifty percent of the defendants had access to legal counsel. The report also states that a proposed judicial reform to create a system of popular justice (*gacaca*) will not permit lawyers to "participate officially." In fact, the draft legislation does not permit them to participate in any way whatsoever, despite months of strenuous effort by Human Rights Watch and others to persuade Rwandan authorities otherwise. The report notes that the Rwandan government

temporarily suspended cooperation with the International Criminal Tribunal for Rwanda and briefly denied a visa to its prosecutor after the Appeals Chamber of the tribunal decided that the detainee Jean-Bosco Barayagwiza must be freed because of procedural errors by the prosecution. It does not indicate that this attempt to exercise political pressure on the tribunal was completely inappropriate.

The Rwanda report mentions briefly the government policy of villagisation, stating that observers believe that many residents were compelled to move to government-designated sites. This short description gives no hint of the scale of the government program, which has forced hundreds of thousands of Rwandans to give up their customary habit of living in dispersed homesteads on the hills to cluster in artificially created "villages." It does not mention that the government has forced people to destroy their own homes before moving to sites where they find nothing and must construct shelters from sticks, grass and banana leaves. The fortunate receive a sheet of plastic to cover the shelter to keep out the rain. The able-bodied and those with some resources are able to construct new houses within months but the widows, the elderly, and the orphans living without adults in the household have no way to build a house. Some have been living in grass and stick shelters for two years.

Because farmers obliged to live in these government-designated sites are generally farther from their fields, they must spend a larger part of each work day going back and forth and hence have less time to cultivate. Villagisation has also raised fears that farmers will lose their fields. Hence many are reluctant to invest much in labor or resources in crops that they may never get to harvest. As a result of these causes, agricultural production has declined.

The report remarks accurately that the Rwandan army killed fewer civilians in Rwanda during 1999 than it had the year before. It adds, however, that there were many reports, "some of which were credible," of killings by Rwandan soldiers in the Democratic Republic of the Congo (DRC). Although the reports give details of some of the worst such massacres, it stresses several times that only some of the allegations of killings are to be believed, that verification of reports is difficult, and that media frequently disseminate reports of abuses that are nothing but propaganda. It is, of course, necessary in assessing reports of abuses to seek confirmation of alleged violations. But once such further investigation has produced a set of reliable data, it should not be necessary to raise repeatedly the question of credibility further. To do so suggests that even those incidents reported may not be true. The report also says that massacres of civilians were often done in reprisal for previous attacks on Rwandan forces, a comment which suggests a desire to justify the abuses.

The chapter on the DRC provides the most striking example of flawed reporting in this region. Although it presents a detailed chronology of the human rights abuses committed by the Kabila government, it says very little about those committed by rebel factions opposed to that government. It fails to hold Rwanda and Uganda, the backers of those factions, directly and unequivocally responsible for abuses committed by their own troops or by the forces of the factions they support in areas under their respective control.

In the section on political and other killings, the report does list some of the most publicized killings by the main faction of the rebel Congolese Rally for Democracy (RCD) and its Rwandan backers. But it suggests a defensive motive for the Rwandan abuses, stating that "Congolese Tutsis as well as the Governments of Burundi, Rwanda, and Uganda all relied on the Rwandan military

presence for protection against hostile armed groups operating out of the eastern part of the country.” It frequently mentions that Rwandan massacres reportedly followed prior attacks by these “hostile armed groups,” seeming to suggest that the responsibility for the abuses was thus diminished.

The report rightly indicates the anti-Tutsi sentiment found among officials and others in DRC areas, but it ignores completely the corresponding anti-Hutu attitudes of Rwandans and some Ugandans. Although the report does not dwell on the consequences of the 1994 genocide of Tutsi in Rwanda nor cite the danger of a future repetition of that horror, this unspoken idea seems to underlie much of the apparent tolerance for Rwandan abuses.

The DRC report says nothing about abuses by Ugandan troops in the areas of northeastern Congo and Equateur province which they control. It highlights the large number of people killed and displaced by the interethnic conflict between the Hema and Lendu peoples in Ugandan-controlled areas, but it fails to note the Ugandan role in allowing local officials and military forces to politicize and militarize the conflict.

Equally remarkable, the chapter on Uganda fails to discuss the presence of Ugandan troops in the DRC, far less examine their conduct there.

Incomplete reporting provides a poor basis for making policy decisions. Failure to hold all abusers to the same standards contributes nothing to the cause of human rights or of peace in this unstable region. It is true, as the reports for Rwanda and the DRC assert, that obtaining information from regions that are both insecure and inaccessible is extremely difficult. In regions like the eastern DRC where authorities also hinder travel and investigation, the task becomes all the more daunting. But humanitarian agencies, the clergy, and most especially local human rights organizations can and do provide serious, well-documented accounts of abuses if embassy staff will take the time to listen to them. Careful, critical assessment of such material can permit U.S. analysts to assess the human rights situation in regions which they cannot or do not often visit.

The reports present convincing evidence--even if it is not always the fullest possible evidence--that the human rights records of the countries in this region are poor. How can they be improved?

Recommendations

The reports note that the massive crimes against humanity committed in the DRC in 1996 and 1997 have never been fully investigated. The continued failure to investigate these crimes and to bring their perpetrators to justice perpetuates impunity in its starkest form and makes a mockery of the professed U.S. policy of establishing a state of law in the region. The administration at first supported UN efforts to investigate these crimes but it took no effective action when DRC and Rwandan authorities blocked the investigation. In the recent UN Security Council resolution establishing a peacekeeping force for the DRC, the U.S. has again called for an international investigation of the massacres. This subcommittee should insist that the U.S. invest the necessary political and financial resources to have such an investigation carried out thoroughly and promptly.

Uncovering the truth of crimes must necessarily lead to accountability if the pattern of impunity is to be broken. The International Criminal Tribunal for Rwanda currently is mandated only to prosecute crimes against humanity committed in Rwanda in 1994 or by Rwandans in adjacent countries. If that mandate were to be extended, making it parallel to the open-ended mandate that exists for the tribunal for former Yugoslavia, the tribunal could offer an appropriate mechanism for bringing to justice those who have perpetrated war crimes in the DRC. If an additional chamber were established to deal with crimes in Burundi, this tribunal could also deal with unresolved allegations of genocide and crimes against humanity in that country. Given the intertwined nature of the conflicts in this region, it is clear that justice in only one country or for only one party will do little to resolve the complex tangle of past abuses.

International justice, even at its most efficient, can never try more than a small, if exemplary, set of perpetrators. Judicial systems within these countries must take up the burden of prosecuting the great majority of the accused. With funds already allocated for the Great Lakes justice initiative, the administration is well placed to contribute to strengthening the weak judicial systems in the region. In Burundi, such funds could spur training of Hutu jurists to help redress the ethnic imbalance of judicial personnel or could help support foreign judges serving temporarily in Burundian courts. In Rwanda, assistance for the gacaca reform is justified, but only if the proposal meets minimum standards of assuring a fair trial, in particular, by permitting the accused access to legal counsel.

Local human rights groups should be supported both financially and politically. They represent the most dedicated and effective workers fighting to establish human rights in their own countries, demanding accountability and reforms from their own governments. And, as mentioned above, they contribute valuable information to supplement what can be learned by international organizations and by the diplomatic community. U.S. AID funds are well spent when they assist such groups and this subcommittee has an important part to play in carrying that message to the administration. In addition, the Congressional Friends of Human Rights Monitors offer their continuing backing to those who risk lives and well-being to establish the ideals which we all honor. By continuing alertness and prompt action when such monitors are threatened, members of Congress contribute to establishing human rights in many countries. When traveling on missions to these regions, members of Congress should also take advantage of the opportunity to establish first-hand contacts with local human rights activists. Such contacts bring local activists a small measure of protection and give them encouragement.

Important as are the country reports and other formal expressions of disapproval of human rights abuses, condemnations of abuses can become an empty ritual without consistent, concrete follow-up by State Department personnel. The subcommittee should encourage U.S. representatives to use the country reports as a list of particulars to come back to in their discussions with local government officials. Only by effectively integrating the message of human rights into broader policy discussions can the U.S. hope to convince local interlocutors of their seriousness about human rights concerns.

**Congressman George Radanovich's Statement
IOHR Subcommittee
Country Reports on Human Rights Practices for 1999
March 8, 2000**

Laos & Hmong Statement (State Department Human Rights Report 1999)

In reviewing the 1999 Country Report on Laos, I believe that the U.S. Embassy in Laos and the many State Department officials involved in preparing the report too often blame the victims of the Lao Communist regime, instead of holding the Lao government accountable.

I don't understand why the U.S. State Department goes so far to place the blame on the oppressed people of Laos instead of the communist government of Laos. These reports almost appear to recite the Lao regime's propaganda, instead of the facts about the persecution of the Lao and Hmong people.

Rather than discussing attacks on unarmed civilians and opposition groups - which have been widely reported and confirmed by multiple credible sources; the State Department reports "An organized Hmong insurgent group was responsible for occasional clashes with government troops."

I am primarily concerned with statements made by the State Department that: "There were no reports of politically motivated disappearances."
You may be aware of the case of my constituent Michael Vang and his co-traveler Houa Ly? There are dozens of news articles, including Marc Kaufman's article in the Washington Post late last year, about this case being politically motivated. There are NGO reports and others who have investigated and researched this case, including Members of Congress and their staff who reported that the Lao government abducted these two Hmong-Americans? Then, of course, there is the legislation passed by the U.S. House of Representatives (H. Res. 169) in November of last year that reported this politically motivated disappearance? I can not imagine that the State Department would state "that there were no reports of politically motivated disappearances" unless they were trying very hard to appease the Lao Government.

To me, this report is simply out of touch with reality.

Women's Rights are Human Rights
the struggle persists



CHINA

Arbitrary Detention of Rebiya Kadeer - a women's human rights defender and prisoner of conscience



Rebiya Kadeer. © Private

"Women engaged in the defence of human rights must be protected. Governments have a duty to guarantee the full enjoyment of all rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by women working peacefully in a personal or organisation capacity for the promotion and protection of human rights. Non-governmental organisations, women's organisations and feminist groups have played a catalytic role in the promotion of human rights of women through grass-roots activities, networking and advocacy and need encouragement, support and access to information from Governments in order to carry out these activities."

Beijing Platform for Action, Strategic Objective I, para. 228

Rebiya Kadeer is a well-known businesswoman and mother of 10 from the Xinjiang Uighur Autonomous Region (XUAR) in China. In 1995, she was part of China's official delegation to the UN Fourth World Conference on Women held in Beijing. A charismatic woman, she drew a lot of attention from amongst the Chinese and international women's delegates at the Conference.

As a former member of the Chinese People's Political Consultative Conference¹ and the most prominent woman among the Uighur ethnic minority in China, Rebiya Kadeer has made important contributions to promote women's rights in the country. Her contributions included the creation in 1997 of the forum - the "Thousands Mothers Movement" - which was potentially the most significant step in China since the UN World Conference on Women took place in 1995 for promoting the rights of and create employment for ethnic minority women. This initiative is particularly significant in a region, the XUAR, which is one of the least developed in China.

In 1997, Rebiya Kadeer was arbitrarily deprived of her right to freedom of movement when the government confiscated her passport. She was subsequently subjected to police harassment resulting in further restrictions of her movement. These actions by the state were apparently aimed at putting pressure on her husband - a former political prisoner who was living abroad - to stop him from making public statements critical of China's treatment of the Uighurs - the majority ethnic group among the predominantly Muslim population in the region. Rebiya Kadeer was thus made a "hostage" and prevented from joining her husband and some of her children abroad. Her business activities also suffered as a result of the persecution to which the authorities subjected her:

On 11 August 1999, she was arrested in Urumqi, the capital of the XUAR, when she was on her way to meet a group of American visitors from the United States Congressional Research Service. She has been detained since then at Liudaowan jail, notorious for its torture and ill-treatment of prisoners. In September 1999 she was eventually charged with "providing secret information to foreigners". The

¹ The *Chinese People's Political Consultative Conference* (CPPCC) was founded before the establishment of the People's Republic of China. Its 4,000 members are personalities "representing" groups such as overseas Chinese, scientists, religious groups, etc. There are regional and local CPPCCs. It normally meets annually at the same time as the National People's Congress (parliament) and is a forum for opinions and (mild) criticism of the Party. The CPPCC has no formal powers.

charge is thought to relate to her planned meeting with members of the US Congressional Research Service group. Rebiya Kadeer is not known to have had access to any information which could be legitimately described as constituting a "state secret". Nor is she known to have been involved in any political opposition activities. Rebiya Kadeer is reportedly now suffering from poor health in prison.

One of Rebiya's sons, Ablikim Abdiriyim, and her secretary, Kahrman Abdukirim, were also arrested at the same time as her. They too were reportedly accused of "providing information to foreigners" or "people outside the borders". On 20 November 1999 Ablikim Abdiriyim was assigned to two years of "re-education through labour" (an administrative punishment imposed by a government committee without charge or trial), and Kahrman Abdukirim to three years of "re-education through labour". Both men are reported to have been ill-treated in detention.

On 1 November 1999, Chinese officials visited Rebiya Kadeer's home and reportedly demanded a large amount of money from her relatives, apparently to pay for Rebiya to be taken to hospital. On 4 November 1999, she was reportedly taken to hospital for a check-up but no further details about her health have emerged since.

In early December 1999, a court in Urumqi examined the prosecution's case against Rebiya Kadeer, but reportedly refused to accept the case for trial and returned it to the Procuracy. 'Return of the case to the Procuracy' is a procedure often used in China when the prosecution's evidence is inconsistent or insufficient to secure a conviction, particularly in political cases. This procedure does not mean that the court has quashed the case. It means that the Procuracy has to "re-investigate" the case. In cases which are considered important, this procedure may also be used as a pretext to allow for consultation with appropriate political authorities. According to unofficial sources, Rebiya Kadeer's case has been referred to authorities in Beijing for a decision. This seems to indicate both that there is insufficient evidence against Rebiya Kadeer to convict her of the charge and that her case is considered too important to be decided upon by the regional authorities. Rebiya Kadeer is a prisoner of conscience.

China and International Human Rights Law

China has signed and ratified several UN human rights treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified in 1988), the Convention on the Elimination of All Forms of Discrimination against Women (1980), and the International Convention on the Elimination of All Forms of Racial Discrimination (1981). In recent years, China has also signed two other key human rights treaties, the International Covenant on Economic, Social and Cultural Rights (1997) and the International Covenant on Civil and Political Rights (1998), but it has not yet ratified them. Despite these steps, serious human rights violations continue in China; arbitrary detention and torture are widespread, and freedom of expression and association remain severely curtailed.

TAKE ACTION!

Please write letters to the Chinese authorities expressing the following concerns:

- ✓ Rebiya Kadeer is a prisoner of conscience detained arbitrarily solely for the peaceful exercise of fundamental human rights and her association with her husband. The charges brought against her are believed to be entirely unfounded and politically motivated;
- ✓ for political reasons, the government has banned the "Thousands Mothers Movement" initiative, and then proceeded to impose restrictions on and then arrest Rebiya Kadeer.

Ask the minister(s) to:

- ✓ immediately and unconditionally release Rebiya Kadeer, as well as her son, Ablikim Abdiriyim, and her secretary, Kahrman Abdukirim. AI considers all three to be prisoners of conscience.
- ✓ ensure that Rebiya Kadeer, Ablikim Abdiriyim and Kahrman Abdukirim, while in custody, are being treated in accordance with international standards for the treatment of prisoners; that they will not be ill-treated and will receive all necessary medical care to ensure they remain in good health while detained.

✉ Please send letters in English or Chinese or in your own language to:

President of the People's Republic of China
JIANG Zemin Guojia Zhuxi
Beijingshi
People's Republic of China
Telegram: President Jiang Zemin, Beijing, China
Salutation: Your Excellency

Chairman of the Xinjiang Uighur Autonomous Regional People's Government
ABDULAHAT Abdurixit Zhuxi
Xinjiang Weiwuer Zizhiqu Renmin Zhengfu
2 Zhongshanlu
Wulumuqishi 830041
Xinjiang Weiwuer Zizhiqu
People's Republic of China
Telegram: Chairman of the Regional People's Government, Wulumuqi, Xinjiang Weiwuer
Zizhiqu, China
Salutation: Dear Chairman

Chief Procurator of the Xinjiang Uighur Autonomous Regional People's Procuratorate
MAIMAITI Yusufu Jianchazhang
Xinjiang Weiwuer Zizhiqu Renmin Jianchayuan
Wulumuqishi
Xinjiang Weiwuer Zizhiqu
People's Republic of China
Telegram: Chief Procurator of the Xinjiang Uighur Autonomous Regional People's Procuratorate,
Wulumuqi, Xinjiang Weiwuer Zizhiqu, China
Salutation: Dear Sir