

**A REVIEW OF THE STATE DEPARTMENT'S
HUMAN RIGHTS REPORTS FROM THE
VICTIMS' PERSPECTIVE**

HEARING
BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
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A REVIEW OF THE STATE DEPARTMENT'S HUMAN RIGHTS REPORTS FROM THE VICTIMS' PERSPECTIVE

WEDNESDAY, MARCH 6, 2002

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

The Committee met, pursuant to call, at 11:40 a.m. in Room 2200, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen presiding.

Mr. GILMAN [presiding]. The hearing will come to order. Our Chairperson, Congresswoman Ros-Lehtinen, is on her way and regrets the delay. We will start with the opening addresses at this point. I want to thank you Chairperson for holding this important hearing on the State Department's annual country report on human rights practices.

The release of this report comes at a time when our Nation is fighting a war against terrorism, a very serious war worldwide. Terrorism is the most severe form of human rights violations because it involves the targeting of innocent civilians for acts of horrors such as kidnapping, torture, and murder. For these reasons, in addition to the nations that are officially listed as supporters of international terrorism, such as North Korea, Iraq, and Iran, there are others, such as China, Vietnam, Laos, and Cambodia, that should be noted are committing acts of terror against its own citizens.

While the report correctly points out that the People's Republic of China is using the war on terrorism to legitimize repression, the State Department should call the atrocities that China commits against Christians, pro-democracy advocates, Tibetans, Weigers, Muslims, Falung Gong practitioners are what really is terrorism. There is on other word for the actions that the government in Beijing takes against all of these people. And while we need as many allies as we can get for the war against terrorism, we must not turn a blind eye or be naive about our new, so-called partners.

After the Clinton Administration's cruise missile attack against bin Laden, it was reported that the Taliban turned over an unexploded Tomahawk missile to the People's Republic of China for technical analysis. Two years ago, China began installing a digital, 12,000-telephone line system in Kabul for the Taliban. On May 13th of last year, the Taliban Ambassador to Pakistan stated that

a diplomatic dialogue had begun with the Chinese to make certain that they had no intention to assist the Weigers in Chinese-occupied East Turkistan.

On August 14th, bin Laden called for good relations between the Taliban and China in order to reduce U.S. influence in Asia. On September 11th, it was reported in Pakistani newspapers that the People's Republic of China and the Taliban officials had signed a memorandum of understanding calling for technical and economic cooperation. That was on September 11th.

So while we look for new friends, let us not forget about who they choose to associate with and who they continue to terrorize. We look forward to hearing from our panelists, and we especially welcome our good Assistant Secretary to the Bureau of Democracy and Human Rights and Labor in the U.S. Department of State, the Honorable Lorne Craner.

And I now turn to our Ranking Minority Member, the gentlelady, Cynthia McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. This hearing is of vital importance at this critical moment in our history. As you all know, people all over the world look to the United States to champion the cause of human rights and human dignity. Every year, defenders of human rights around the world are made a little less lonely in their struggle because they are recognized, and human rights is celebrated on this day. All around the world defenders of human rights score a well-deserved victory on this day, when our dedicated worker bees in the State Department's far-flung posts tell the stories that do not get told anywhere else in the world.

Also, as signatories to various international human rights conventions, our Department of State has additional responsibilities to report periodically to the world community through the United Nations on our own human rights behavior. These "State party reports," as they are called, must be submitted periodically to the U.N. Human Rights Committee, the U.N. Committee on the Elimination of Racial Discrimination, and the U.N. Committee against Torture, in compliance with our treaty obligations. Sadly, we have had to admit that our own government has not always lived up to our own standards.

I would like to thank all of our distinguished panelists for joining us this morning. I am particularly pleased that Mr. Craner is able to join us this year. Thank you for being here. I would especially like to welcome the three special panelists who have come to share with us their first-hand experiences about the human rights situations in their countries and the effectiveness or ineffectiveness, as the case may be, of the State Department's human rights reports in actually affecting U.S. policy and ending their misery and that of the people they represent.

Hearing from those who have been on the front lines of the struggle for human rights and whose lives are directly affected by the content of these reports is very important. We are grateful to have them with us here today.

Let me begin by commending the State Department's Bureau of Democracy, Human Rights and Labor and its annual human rights reports. We know how challenging it is to produce these reports, particularly given the bureau's inadequate funding. As many of you

know, our Subcommittee has led the fight to secure significant funding increases for DRL and its critical mandate. Sadly, the previous Administration fought our efforts to increase the importance of human rights and the bureau's work, as reflected in its budget.

I would like to commend Secretary Powell for telling it straight for the most part in these country reports. We have had critical omissions and undue political tampering with the information in the past Administration that almost turned some of the country reports into a joke. Such favoritism and lopsided reportage has no place in the story that is told in these reports.

I appeal to the professionalism of those in the State Department to prevent the cult of personality that allowed these country reports to be riddled with inaccuracy and one-sidedness that only undermined the United States in the eyes of the world. I speak with specific reference to the Africa reports of the past, but the fact remains that whenever the facts are blurred, it is obvious, and it discredits the entire effort, and it is a lot of effort to put these reports together.

This year's reports are thorough and for the most part straightforward. On the other hand, this year's reports have important shortcomings that should be addressed. Concessions that are made for political expediency become really obvious when the words diverge from the facts on the ground.

This year's report on Colombia, for example, fits this category. It is clear that the State Department is building the case for certification of Colombia in the human rights issue, but we have received testimony from Afro-Latinos of Colombia that the situation has actually worsened for them in Colombia. And I am wondering if the Afro-Latinos even exist for the State Department or, for that matter, for the Colombian government. I would ask that the State Department raise the issue of the treatment of Afro-Colombians with the Colombian government.

I am also concerned that 25 percent of the Colombian military is positioned to protect oil lines, and I am wondering if our insistence on military help for Colombia has anything to do with our search to replace our dependence on Middle Eastern oil with a dependence on Colombian, Latin American, Asian, and African oil. Remarkably, allusions by our State Department to the "improved" professionalism of the armed forces and implications that state security forces are acting to curb paramilitary groups are contradicted by the report's own damning conclusions "that members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such groups to pass through road blocks, sharing information, or providing them with supplies of ammunition" and that "top paramilitary leaders largely remain beyond the reach of law." Moreover, both the State Department report and independent human rights monitors note that the presence of paramilitary groups in the country expanded greatly in 2001.

Meanwhile, the report on Nepal also features a number of contradictions. For example, the report talks of King Guyanindra's "limited powers" while simultaneously noting that he controls the army through a docile prime minister and has jailed several opposition newspaper editors. Additionally, the report states that "the

King suspended several constitutional rights, including the right to assembly, the right to public information, and the rights to opinion and expression." It does not sound like limited powers to me.

The report on the Democratic Republic of Congo thoroughly covers the human rights behavior of the Congolese government, including noting improvements in various areas. In addition, while it states that "the majority of abuses were committed in rebel-held areas," including "deliberate, large-scale killings, disappearances, torture, rape, dismemberment, extortion, robbery, arbitrary arrest and detention, harassment of human rights workers and journalists, forcible recruitment of child soldiers," it tiptoes around the role of Rwandan and Ugandan military forces who constitute the main fighting strength of the so-called "rebels" in Eastern Congo. Moreover, never does the report refer to the illegal presence of two foreign military forces as an "occupation."

Credible allegations by the Catholic Church and others that Rwanda was using slavery and forced prison labor to mine coltan in Eastern Congo is cited in the Congolese report as an unconfirmed report. These and other reports of abuses in Eastern Congo were carried by the international press and should figure more prominently in our approaches to Rwanda.

Lorne, I have asked you to change our Great Lakes policy and work for an immediate withdrawal of Ugandan and Rwandan troops from Congo. What I can say is that the warm way the State Department currently greets Paul Kagame and his followers is inconsistent with the lukewarm allegations in the report. It is clear that you are not serious about restoring justice and the rule of law in Democratic Republic of Congo. As Malcolm X said, "You cannot have peace until you have freedom." And until DRC is free of Uganda and Rwanda, there will not be peace.

U.S. treatment of Paul Kagame, accused of killing two sitting Presidents, is striking in contrast to our treatment of Robert Mugabe. Sadly, it seems that while we report human rights abuses on the one hand we also finance them on the other. One need only recall how last week the State Department announced that it would bar Zimbabwean President Mugabe and 19 of his top officials from entering the U.S. for election-related violence and intimidation. Meanwhile, the very same State Department just 2 weeks earlier had welcomed with open arms a Rwandan colonel by the name of James Kabarabe, a man accused of personally committing atrocities in Eastern DRC.

Sadly, three million dead Congolese later, it is clear that my pleas and those of the Congolese, the Catholic Church, and countless others are just blowing in the wind.

More generally, the State Department's selective outrage over the killings of certain civilians and not others further undermines whatever moral authority the United States may still have in the international community.

Nowhere is this gap between our rhetoric and ideals, on the one hand, and our policies and actions on the other, more pronounced than in our war on terrorism. Governments around the world have exploited the war on terrorism to consolidate their grip on power and settle old political scores through mass arrests, illegal deten-

tions, torture, assassinations, military attacks on civilians, restrictions on religious liberty, and other abuses with impunity.

On January 16th, Human Rights Watch warned that “the antiterror campaign led by the United States is inspiring opportunistic attacks on civil liberties around the world.” Two days later, Amnesty International issued a report entitled “Rights at Risk,” warning that the global war on terrorism risked “degenerating into a dirty war of torture, detentions, and executions.” These reports are a wakeup call to the free world.

Six weeks ago, President Bush promised us that America would “lead by defending liberty and justice” and that we would “always stand firm for the nonnegotiable demands of human dignity: The rule of law, limits on the power of the state, respect for women, private property, free speech, equal justice, and religious tolerance.” Instead, what we have seen is an Administration that has greeted abuses committed under the pretext of combatting terrorism with a wink and a nod.

One glaring example of the Bush Administration’s willingness to forego human rights concerns altogether in the name of the short-term, tactical support of the “war on terrorism” is Uzbekistan. As the United States expands financial and military aid to the government of Uzbekistan, that country has intensified its severe human rights abuses. Uzbek authorities have arrested, tortured, and imprisoned thousands of independent Muslims and others. More than 7,000 political and religious prisoners, including large numbers of religiously observant women, continue to languish in Uzbek jails.

Many of us are alarmed that while the State Department report accurately documents the severity of the repression in Uzbekistan, our government has done little to curb the systematic persecution of Muslims and other abuses. China and Russia and other countries are using the war on terrorism as a cover to repress ethnic and religious minorities. The message from our government to the world’s human rights abusers must not be you can violate human rights with impunity so long as you do it in the name of combatting terrorism.

As countries around the world increase their assaults on human rights, our domestic behavior continues to subvert America’s moral authority in advancing human rights. Hundreds of people are currently being held by our government, in most cases without ever being charged with a crime and often without access to legal counsel, something the London daily newspaper, *The Independent*, last week called “a scandal that shames the land of the free.” A scandal that shames the land of the free. If this is what is being said of us in London, we can only imagine what is being said by those who are not so fond of us.

Indeed, the world’s dictators and despots can only smile as they hear of the establishment of military tribunals to try civilian suspects in the United States. They can only gloat as human rights observers in the United States and abroad complain of the treatment of prisoners of war being held at Guantanamo Bay. They told us that we are hated because we are free, but perhaps we are not as free as we thought we were.

I hope we will heed the call. America can and should lead in the area of human rights, but it ought to lead by example. Thank you.

Ms. ROS-LEHTINEN. Thank you very much, and as a person who has personally visited Guantanamo and has seen the conditions of the Taliban and al-Qaeda terrorist criminals, enemies of democracy, freedom, and human rights, I can tell you that their civil liberties and their human rights are not being violated. And I respect your opinion, Congresswoman McKinney, but that is absolutely untrue.

I apologize profusely for being late for this hearing, as I had some previous appointments that could not wait, and I thank the Chairman for beginning the hearing. Before I make my opening statement, I recognize Congressman Rohrabacher and Congressman Pitts for their opening statements as well, and before we vote I would like to give the opportunity to Chairman Gilman to ask his question, as I know that he has another meeting that he has to attend, to Secretary Craner, whom we welcome today.

[The prepared statement of Ms. Ros-Lehtinen follows:]

PREPARED STATEMENT OF THE HONORABLE ILEANA ROS-LEHTINEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, AND CHAIRWOMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

After the deplorable terrorist attacks of September 11th, the nexus between terror and human rights violations became abundantly clear.

It became evident that it was *not* simply the United States as a powerful nation which had been attacked. It was the ideas and beliefs that it represents—the *freedoms that it defends throughout the world*—which were the targets of the attacks.

The tragic events of September 11th placed into focus the correlation which exists between the *behavior* of these states—their treatment of their *own* population—and their actions worldwide.

Empowered by the reality that a world of democracy, is a world in which terrorism *cannot* thrive, the U.S. war to *eradicate* the cancer of terrorism, quickly became part of a larger struggle for democratic principles, universal freedoms and the demands on human dignity.

The State Department Country Reports on Human Rights Practices for the Year 2001 reflect this interdependence in the approach used, in their content and depth of coverage of terrorist countries.

As a result, the Subcommittee hearing will review and assess the findings pertaining to countries named by the President in his State of the Union speech as “axes of evil”, as well as those which have been determined by the Secretary of State as state sponsors of terrorism—countries such as Cuba, Iran, Iraq, Sudan and North Korea.

Nevertheless, the new context of the reports has raised some concerns from human rights organizations about a “softening” of the language and moderation of the assessments on countries which are U.S. allies in the anti-terrorism effort. These critical observers note subtle changes in language on Uzbekistan, for example, where those referred to as “pious Muslims” in the 2000 reports have become “Muslims with extremist views” in *this* year’s reporting.

Still others will reference the criticism of China and Russia for cracking down on sectors of their civilian population under the guise of combating terrorism, as evidence that this year’s approach has only strengthened the reports, and has *not* affected the reporting of human rights conditions in countries which are U.S. allies in the anti-terrorism front.

Our witnesses today will address these concerns.

Overall, the Reports for 2001 have been praised for providing honest and detailed assessments of the horrific conditions in many countries. As articulated by Tom Malinowski of Human Rights Watch, “For the most part, the State Department deserves credit for pulling no punches.”

The reports highlight the use of torture and other cruel, inhuman and degrading treatment. These practices to suppress *dissent* range from psychological torture and intimidation; to placement in psychiatric hospitals; to denial of food and medical treatment; to forced exile; to branding, use of electroshock, beatings, and rape.

This year’s reports establish a clear differentiation between the *laws* of the countries and what the reality is *in practice* in all areas covered by the Universal Declaration of Human Rights and other such covenants.

The 2001 reports provide *much more documentation of specific* violations, while highlighting yet *unresolved* cases of imprisonment, disappearance, and death of dissidents, independent journalists, religious leaders, and other activists.

This year's Cuba country report, for example, while needing further improvement, includes more data about prison conditions and the denial of political rights by the Castro regime.

It further includes a more comprehensive chronology and reference to specific incidents of human rights violations which took place throughout the year 2001 and places economic development within the context of human rights. It states: "Tourism remained a key source of revenue for the Government" but the system of *tourist apartheid* continued where citizens remain barred from tourist hotels, beaches and resorts and "with foreign visitors who pay in hard currency receiving preference over citizens for food, consumer products, and medical services."

While in *some* instances, the reports provide comparisons to previous years, signaling improvement or deterioration. Some would highlight that the standard is a *stagnant* assessment of countries' human rights conditions. This is considered an *endemic* flaw that *needs to be corrected*.

Another concern repeatedly raised by human rights experts focuses on the editing process back in Washington where, some argue, the reports are somewhat compromised due to other U.S. political, commercial, and security considerations.

Frequently cited examples include the China and Vietnam sections of the report. In the case of Vietnam, observers contend that statements such as: "The CPV continued its efforts to strengthen the mechanism for citizens to petition the Government with complaints," are used to *soften* the *impact* of other statements such as: "the Government's poor human rights record worsened in some respects" and "abuses by the Government increased."

In such country reports as those pertaining to Sudan and Colombia, the 2001 Country Reports on Human Rights Practices place the evaluations within broader political contexts such as the escalation of war, internal conflict, terrorist acts and other politically-related violence.

However, this is not always the case. The need to place the reports in context to ensure an accurate reporting of the human rights situation in a particular country, was a paramount concern with regard to the assessment on Israel.

There are divergent views on whether the *recently* released report on *Israel* accomplishes the mission of providing an accurate account of the situation inside the country.

Fulfillment of this mandate is critically important in the aftermath of last year's World Conference Against Racism and in preparation for the upcoming session of the UN Commission on Human Rights.

Other general observations made about the 2001 reports—issues which have been raised before—refer to conflicting statements, which could render country assessments inaccurate.

For example, the Iran country report states that "*Many* subjects of discussion are tolerated, including criticism of certain government policies." The sentence *immediately following*, however, underscores the prohibition against the publishing of a broad and ill-defined category of subjects. It adds that prohibited topics include, for example, comments criticizing the personality and achievements of the late Ayatollah Khomeini, and comments advocating *rights* for *ethnic minorities*. A few paragraphs later, the Iran report states that: "The Government's record regarding freedom of expression, which has *worsened* during the past few years, continued to *deteriorate*."

Another issue raised about the Country Reports involves the *terminology* used and need for *uniform standards of measurement*.

For example, the report on *North Korea* accurately describes it as "a dictatorship under the absolute rule of the Korean Workers' Party". Later, it classifies the Penal Code as "Draconian."

The section on *Iraq* opens with "political power in *Iraq* lies exclusively in a repressive one-party apparatus dominated by Saddam Hussein and members of his extended family."

However, leaders of other repressive regimes such as *Cuba* and *Sudan*, are referred to as *President* Castro and *President* Bashir, respectively.

This is of grave concern and has become increasingly troublesome in the aftermath of September 11th, where *unelected* leaders such as Pakistan's General Musharaff are called "President" extending a certain *legitimacy* to them.

Experts would highlight that such references only serve to *empower* these oppressive rulers and to *undermine* the efforts of pro-democracy activists and dissidents inside these countries.

Ultimately, the central mission of the State Department human rights reports is to “*give voice* to those who have been *denied* the freedoms and rights provided for in the Universal Declaration on Human Rights.”

Today, for the first time in a hearing covering the reports, we will hear *directly* from some of the *victims* of human rights violations.

They are the reason we are here today. It is their struggle that gives us strength and focuses our efforts.

As President Bush declared in his State of the Union Address: “In a single instant, we realized that this will be a decisive decade in the history of liberty . . . We choose freedom and the dignity of every life.”

Thus, from the ashes of the World Trade Center and the Pentagon emerged a *stronger*, more determined United States—a country with a *reinvigorated* vision of its global commitment and role as the *vanguard* of democratic principles and freedoms.

Mr. GILMAN. Thank you very much, Madam Chairperson. I want to thank you, Madam Chairperson, for arranging this very important meeting on the Department human rights reports from the victims’ perspective, and we want to thank again Lorne Craner, our good Assistant Secretary of State in the Bureau of Human Rights and Labor, for his extensive work.

I just have one question, if I might intervene, and I thank the Chairperson for allowing me to do that. I have many questions, but one that troubles me, I noticed that the Tibet section of the report is an addendum to the China section versus its own section after Thailand. Just why is that so? Public Law 103–236, section 536[b], states that it is the sense of Congress that whenever a report is transmitted to the Congress on a country-by-country basis that there should be included in such report where applicable a separate report on Tibet listed alphabetically with its own state heading. The reports referred to includes, but are not limited to, reports transmitted under section 116[d], 50[b][d], of the Foreign Assistance Act of 1961 relating to human rights.

Assistant Secretary Craner, could you tell us why we neglect to do what we should be doing pursuant to those statutes?

Mr. CRANER. I can tell you that this year we removed something that had been in there for some time, which was a citation of the law, and saying that the report was consistent with it because it is not consistent with it. So the first thing I wanted to do was remove something that I thought was not true. And I talked to our lawyers about that, and they said that was fine.

The response I have gotten within the Department was that this was a sense-of-Congress issue and that the State Department wishes to have it remain as an addendum to the China report.

Mr. GILMAN. Thank you, Madam Chairperson.

Ms. ROS-LEHTINEN. Thank you. Thank you. We will follow up with that, Chairman Gilman.

After the deplorable terrorist attacks of September 11th, the nexus between terror and human rights violations became abundantly clear. It became evident that it was not simply the United States as a powerful Nation which had been attacked. It was the ideas and the beliefs that we represent—the freedoms that we defend throughout the world—which were the targets of the attacks.

The tragic events of September 11th placed into focus the correlation which exists between the behavior of these states, their treatment of their own population, and their actions worldwide. Empowered by the reality that a world of democracy is a world in

which terrorism cannot thrive, the U.S. war to eradicate the cancer of terrorism quickly became part of a larger struggle for democratic principles, for universal freedoms, and for the demands on human dignity.

The State Department Country Reports on Human Rights Practices for the Year 2001 reflect this interdependence in the approach used in their content and in the depth of coverage of terrorist countries. As a result, the Subcommittee hearing will review and assess the findings pertaining to countries named by the President in his State of the Union speech as the “axis of evil,” as well as those which have been determined by the Secretary of State as state sponsors of terrorism, countries such as Cuba, Iran, Iraq, Sudan, and North Korea.

Nevertheless, the new context of the reports has raised some concerns from human rights organizations about a softening of the language and a moderation of the assessments on countries which are U.S. allies in the antiterrorism efforts. These critical observers note subtle changes in language. As my Ranking Member pointed out, Uzbekistan, for example, from those referenced previously as “pious Muslims” in the 2000 report have now become “Muslims with extremist views” in this year’s reporting.

Still others will reference the criticism of China and Russia for cracking down on sectors of their civilian population under the guise of combatting terrorism as evidence that this year’s approach has only strengthened the reports and has not affected the reporting of human rights conditions in countries which are U.S. allies in the antiterrorism front. Our witnesses today will address these concerns.

Overall, the reports for 2001 have been praised for providing honest and detailed assessment of the horrific conditions in many countries. As articulated by Tom Malinowski of Human Rights Watch, “for the most part, the State Department deserves credit for pulling no punches.” The reports highlight the use of torture and other cruel, inhuman, and degrading treatment. These practices to suppress dissent range from psychological torture and intimidation to placement in psychiatric hospitals, to denial of food and medical treatment, to forced exile, to branding, to the use of electroshock, beatings, and rape.

This year’s report establishes a clear differentiation between the laws of countries and what the reality is in practice in all areas covered by the Universal Declaration of Human Rights and other such covenants. The 2001 reports provide much more documentation of specific violations, while highlighting yet-unresolved cases of imprisonment, disappearance, and the death of dissidents, independent journalists, religious leaders, and other activists.

This year’s Cuba country report, for example, while needing further improvement, includes more data about prison conditions and the denial of political rights by the Castro regime. If further includes a more comprehensive chronology and reference to specific incidents of human rights violations which took place throughout the year 2001 and places economic development within the context of human rights. It states:

“Tourism remained a key source of revenue for the government, but the system of tourist apartheid continued, where

citizens remained barred from tourist hotels, beaches, and resorts and with foreign visitors who pay in hard currency receiving preference over citizens for food, consumer products, and medical services.”

While in some instances the reports provide comparisons to previous years, signaling improvements or deterioration, some would highlight that the standard is a stagnant assessment of a country’s human rights conditions. This is considered an endemic flaw that needs to be corrected.

Another concern repeatedly raised by human rights experts focuses on the editing process back in Washington, where some argue the reports are somewhat compromised due to U.S. political, commercial, and security considerations. Frequently cited are examples such as China and Vietnam in those sections of the report. In the case of Vietnam, observers contend that statements such as, “the CPV continued its efforts to strengthen the mechanism for citizens to petition the government with complaints,” are used to soften the impact of other statements, such as, “the government’s poor human rights record worsened in some respects,” and “abuses by the government increased.”

In such country reports as those pertaining to Sudan and Colombia, the 2001 Country Reports on Human Rights Practices places the evaluations within broader political contexts, such as the escalation of war, internal conflict, terrorist acts, and other politically related violence. However, this is not always the case.

The need to place the reports in context to ensure an accurate reporting of human rights situations in a particular country was a paramount concern with regard to the assessment on Israel. There are divergent views on whether the recently released report on Israel accomplishes the mission of providing an accurate account of the situation inside the country. Fulfillment of this mandate is critically important in the aftermath of last year’s World Conference Against Racism and in preparation for the upcoming session of the U.N. Commission on Human Rights.

Other general observations made about the 2001 reports, issues which have been raised here before, refer to conflicting statements which could render country assessments inaccurate. For example, the Iran country report states that “many subjects of discussion are tolerated, including criticism of certain government policies.” The sentence immediately following, however, underscores the prohibition against the publishing of a broad and ill-defined category of subjects. It adds that prohibited topics include, for example, comments criticizing the personality and achievements of the late Ayatollah Khomeini and comments advocating rights for ethnic minorities. A few paragraphs later, the Iran report states that “the Government’s record regarding freedom of expression, which has worsened during the past few years, continued to deteriorate.”

Another issue raised by the country reports involves the terminology used and the need for uniform standards of measurement. For example, the report on North Korea accurately describes it as “a dictatorship under the absolute rule of the Korean Workers’ Party.” Later, it classifies the penal code as “draconian.” The section on Iraq opens with “political power in Iraq lies exclusively in a repressive, one-party apparatus dominated by Saddam Hussein

and members of his extended family.” However, leaders of other oppressive regimes, such as Cuba and Sudan, are referred to as “President Castro” and “President Bashir,” respectively. This is of grave concern and has become increasingly troublesome in the aftermath of September 11th, where unelected leaders, such as Pakistan’s General Musharaff, are called “President,” extending a certain legitimacy to them. Experts would highlight that such references only serve to empower these oppressive rulers and to undermine the efforts of pro-democracy activists and dissidents that are very active inside these countries.

Ultimately, the central mission of the State Department human rights reports is to give voice to those who have been denied the freedoms and rights provided for in the Universal Declaration on Human Rights.

Today, for the first time in a hearing covering the reports, we will hear directly from some of the victims of these human rights violations. They are the reason that we are here today. It is their struggle that gives us strength and focuses our efforts. As President Bush declared in his State of the Union address,

“In a single instant we realized that this will be a decisive decade in the history of liberty. . . . We chose freedom, and we chose the dignity of every life.”

Thus, from the ashes of the World Trade Center and the Pentagon emerged a stronger, more determined United States, a country with a reinvigorated vision of its global commitment and role as the vanguard of democratic principles and freedoms.

And I would like to recognize Congressman Rohrabacher for his opening statement.

Mr. ROHRABACHER. I will make this very quick because I know we have a vote on. I would like to submit my entire statement for the record.

Ms. ROS-LEHTINEN. Without objection.

Mr. ROHRABACHER. I would like to call the attention of this panel to the human rights situation in Vietnam, where a group of about a thousand Montagnards have fled Vietnam and are now in Cambodia. The Montagnards are being systematically persecuted in Vietnam for their religious convictions. Mainly they are evangelical Christians, but everybody in Vietnam who is not part of the official church is losing their rights to worship, but the Montagnards in particular are being persecuted. And I would hope that we pay close attention to that. The thousand Montagnards that are in Cambodia; the Huntsen government is trying to force them back for violating international rules and doing so.

I think we owe a special debt to the Montagnard people. In 1967, I was in a Montagnard village in the central islands of Vietnam for a short period of time. I will say that my life was made secure because of the dedication of these people. And thousands of American lives, if not tens of thousands of American lives, were protected by the dedication of these brave, little people, and we should not let them languish the way we are, and we certainly should not see them forced back into Vietnam into the hands of these tyrants. And I have recommended several courses of action, that we act against Cambodia if they continue in this repression of the Montagnards.

We owe them a special debt, and let us make sure we repay that debt. Thank you very much.

[The prepared statement of Mr. Rohrabacher follows:]

Madame Chairman:

Thank you for holding this hearing on the State Department's annual human rights report. I would like to call the panel's attention to a human rights problem in Vietnam where our former allies, the Montagnard tribal people, many of whom are Christians, are being systematically persecuted by the Vietnamese Communist regime. Religious persecution is rampant in Vietnam against all believers who are outside of Communist "official church" control. This includes, Buddhists, Cao Dai, Catholics, and Evangelical Christians—such as the Montagnards.

The Montagnards are special friends of the United States. I spent a little time in the Central Highlands with them in 1967 and can assure you that the tribal people's were America's best friend in that war—our Special Forces soldiers lives were in their hands—which is another reason why the Vietnamese Communists will never permit them to live in peace.

Currently, around 1,000 Montagnards who fled persecution in Vietnam are in a dangerous situation in Cambodia, where although they are under the protection of the United Nations as refugees, the Hun Sen regime and the Vietnamese Communists are conspiring to send them all back to communist tyranny. And this past Sunday, the UNHCR publicly stated that Cambodia is violating international law by forcing Montagnard asylum seekers back into Vietnam.

I recommend three courses of action: 1) The United States begin immediately processing the Montagnards in the Cambodia camps for resettlement for the United States. 2) The United States should invoke the penalty provisions of the Freedom From Religious Persecution Act against Vietnam. 3) I will introduce in this years Foreign Operations Appropriations bill a provision that the United States should oppose any new loans of financial aid for the Hun Sen regime through international banking or other financial institutions such as the World Bank and the Asian Development Bank.

Ms. ROS-LEHTINEN. Well said. Thank you, Congressman Rohrabacher. We will submit that in its entirety for the record. If you will excuse us, Mr. Secretary,—

Mr. CRANER. Sure.

Ms. ROS-LEHTINEN [continuing]. Democracy awaits us. Will the other countries that we will discuss today be as lucky.

Mr. CRANER. Thank you.

Ms. ROS-LEHTINEN. Thank you. The Committee will be in brief recess, and we will come back. I think we have three votes. I apologize, Lorne.

Mr. CRANER. Thanks.

Ms. ROS-LEHTINEN. Thanks.

[Whereupon, at 12:10 p.m., a recess was taken.]

Ms. ROS-LEHTINEN. I apologize to my Ranking Member, Congresswoman McKinney, for beginning the Subcommittee hearing once again, but time is tight, and I am going to recognize Congressman Pitts for his opening statement, and I will ask him to briefly chair the Subcommittee for a few minutes while I have a meeting outside. And, Cynthia, I was just apologizing for reconvening the meeting because the time is so tight. Congressman Pitts, for your opening statement, and thank you for your patience today.

Mr. PITTS. Thank you, Madam Chairperson. Thank you for holding this timely hearing to examine the State Department's annual country reports on human rights.

This annual report serves a very important purpose of publicizing the terrible human rights abuses occurring around the world, and I want to commend the State Department for the continued improvements to this report over the years and the tremendous amount of work poured into its compilation. And thanks to all

who assisted in the drafting and compilation of the human rights report. We look forward to hearing from today's witnesses.

As we all know, our Nation, in alliance with other countries, is in the midst of a war on terrorism, and as we fight this war it is important to note the intricate relationship between human rights abuses and terrorist activities. In numerous countries around the world local villagers attacked by officials or terrorist-type organizations have cried out to the international community for help. Unfortunately, many times these cries have fallen on deaf ears. If the international community had paid more immediate attention to these human rights violations, perhaps it might have helped prevent the spread of terrorism.

There is nothing we can do about the past. However, our Nation and the international community can be responsive from now on. And the State Department human rights reports are a valuable tool in documenting patterns of human rights abuses and the underlying issues behind those abuses. I will just mention one example of a link between human rights abuses and the growth of terrorism.

In Indonesia, in the Malocas and Posa and Chilewesi, local people have experienced horrifying suffering at the hands of Laskar Jihad, and extremist group trying to impose its brand of Islam on the local people. And both Christians and Muslims, ethnic minorities have had their homes, their villages destroyed when they refused to bow to the demands of Laskar Jihad. And we have heard about this for years.

Sadly, not many people cared until recently, when reports suggested that Laskar Jihad has ties with al-Qaeda and Osama bin Laden. Unfortunately, Laskar Jihad still operates in these islands and continues to attempt to impose a Taliban-style version of Islam on the local people.

Now, I will submit my entire statement for the record documenting many of these incidents—

Ms. ROS-LEHTINEN. Without objection.

Mr. ROHRABACHER [continuing]. And cases for other countries. But I just want to say that the importance of the State Department's annual report cannot be overstated, and our government must pour more resources into this report, into the Department of Democracy and Human Rights and Labor so that a spotlight continues to illuminate human rights abuses around the world. With that, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Thank you so much Congressman Pitts, and thank you so much, Secretary Craner, for your patience, and you are recognized, and your statement will be placed in its entirety in the record.

Mr. CRANER. Good.

Ms. ROS-LEHTINEN. We will not even ask you to summarize it. We have kept you waiting forever.

STATEMENT OF THE HONORABLE LORNE W. CRANER, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE

Mr. CRANER. Whatever you would like. Let me just mention, it is an honor to be here today, Madam Chairperson, to present the

Department of States' annual human rights report to Congress. This hearing is just one small indicator of the interest you and your Subcommittee show in our work. Bringing about positive change in human rights, democracy, and the rule of law is a job which the State Department cannot do alone, and we are indebted to you on the Subcommittee for your significant contribution.

A number of you have put our work in the context of the war on terrorism, and it very much is today. As the U.S. and our international partners commit resources to the fight against terrorism, we do so for all those who respect and yearn for human rights and democracy. The President has made very, very clear that democracy is part of the battle. And while that battle has only begun, we have achieved significant objectives already.

Afghan citizens have been released from the brutal and oppressive rule of the Taliban. There is, however, much more work to be done. Only through the promotion and protection of human rights can the international community be free from the scourge of terrorism.

I would like to mention a few high points from the last year. In Peru, presidential and legislative elections generally met international standards for free and fair election and demonstrated momentum toward democratic reform in the region.

The 2000 elections in Mexico and Serbia, or the overthrow of Mr. Milosevich in Serbia, in those two countries they continued to solidify democratic gains. Another high point this year was Ghana, which also had some very, very interesting elections. But there were some lesser noticed developments in the year 2001, one of which some of you may have seen come to fruition in a way a few weeks ago in the Persian Gulf, where Bahrain, though no one would describe it as a democracy, is definitely moving forward with political institutions. Elsewhere in the Persian Gulf, I would say in Oman and Qatar and to a degree in Yemen you see the same thing going on, some very interesting developments.

In contrast, harassment, intimidation, violence, and death threats marred elections and the political process in several countries, beginning with Belarus, where Leader Aleksandr Lukashenko extended his term of office through a process that failed to meet commitments he had made to the OSCE.

The Cuban government, as a number of you referred to, continued to deny its citizens basic civil and political rights. Political expression remained prohibited, and the Cuban government continued to imprison people for political reasons, including for simply criticizing the government. The government also continued to refuse to allow international organizations to inspect its prisons.

The fear of spillover from the antiterrorist campaign, as a number of you noted, in Afghanistan and a perceived opportunity to legitimize measures against the weaker activists under the antiterrorism umbrella led to an intensification of a crackdown in the Xinjiang Autonomous Region of China during the year.

Religious freedom remained elusive in many parts of the world. Incidents of arbitrary detention of Vietnamese citizens for the peaceful expression of political and religious views continued. Leaders of unregistered religious organizations suffered special harassment, detention, and imprisonment. In October in particular, a

Catholic priest, Father Nguyen Van Ly, was sentenced to 15 years in prison for calling for respect for religious freedom and human rights.

Obtaining reliable information about the situation in North Korea remained difficult; however, reports continued to surface of executions of Christian believers, even given the government's rigid control of information. And I think it is worth noting that a few months ago the Administration also designated North Korea as a country of particular concern under the Religious Freedom Act.

In Sudan, the government's insistence on Sharia law made religious freedom a critical interest in the peace process. The government continued to restrict the activities of non-Muslims, including Christians and followers of traditional indigenous religions, as well as some Islamic groups.

There was notable progress in human rights for women. In February, the International Criminal Tribunal for former Yugoslavia issued a landmark that found that the enslavement of women and girls in the Bosnian town of Foca for the purpose of continuous rape rose to the level of crimes against humanity. In April, the Inter-American Commission on Human Rights issued its first report on the issue of violence against Women.

By the end of the year, 80 nations, including the U.S., had signed the Optional Protocol to the Convention on the Rights of the Child and on the involvement of children in armed conflict. Children made up the largest proportion of internally displaced populations in many countries wracked by internal conflict, such as Afghanistan, Angola, and Liberia.

Trade union leaders continue to be targeted for killing and threats in Colombia, where 171 trade union leaders were killed, more than in the rest of the world combined. The U.N. reported that 73 percent of these trade union killings were committed by paramilitary groups.

Trafficking in persons is an issue that I know is of great concern to this Committee, and it is to us at the State Department, too. Somewhere between 700,000 and 1,000,000 men, women, and children are trafficked each year, an issue that affects almost every country and remains one of the most serious human rights problems facing the world. A number of governments took steps to combat trafficking, though much remains to be done. And here I would highlight the work of South Korea, for example, which has established over 50 district public prosecutors' offices designating special prosecutors for trafficking and has been operating joint crackdown teams for trafficking-related crimes. By the end of the year, there were over 100 signatories to the U.N. Protocol to Prevent, Suppress, and Punish Trafficking and 80 signatories of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography.

I just want to finish up by assuring you that our commitment to human rights and democracy was left unshaken. I do know that there were many at the time who worried about it. I know there are many who continue to worry about it, and I take counsel from their worry and from their words. But please be assured that both the President and the Secretary of State view human rights and democracy as a prerequisite to eliminating terrorism. They very

much believe that we cannot eliminate terrorism unless we further our work on these issues.

To accomplish these goals, we will need partners. One of our partners is the vibrant, global, civil society that exists here in our country and across the world on human rights. The private sector can also play an important part, and they are beginning to through corporate responsibility. But a partnership of governments, NGOs, and the private sector will be necessary to win the fight to ensure the observance of universal human rights in the 21st century.

Let me conclude, Madam Chairperson, by thanking you once again for the opportunity to appear before you today. I look forward to continuing to work with you and your colleagues to sustain the American tradition of a bipartisan policy in support of human rights. I now look forward to answering your questions.

[The prepared statement of Mr. Craner follows:]

PREPARED STATEMENT OF THE HONORABLE LORNE W. CRANER, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE

For the United States, indeed for the whole world, 2001 was a year in which the importance of universal human rights was brought sharply into focus by global terrorism. On September 11, 2001, the world changed. As President Bush declared in his State of the Union Address, "In a single instant, we realized that this will be a decisive decade in the history of liberty, that we've been called to a unique role in human events. Rarely has the world faced a choice more clear or consequential. . . . We choose freedom and the dignity of every life." This choice reflects both U.S. values and the universality of human rights that steadily have gained international acceptance over the past 50 years.

As the United States and our international partners commit resources to the fight against terrorism, we do so for all those who respect and yearn for human rights and democracy. Our fight against terrorism is part of a larger fight for democracy. In the words of President Bush, "America will lead by defending liberty and justice because they are right and true and unchanging for all people everywhere. No nation owns these aspirations, and no nation is exempt from them. We have no intention of imposing our culture. But America will always stand firm for the non-negotiable demands of human dignity: The rule of law, limits on the power of the state, respect for women, private property, free speech, equal justice and religious tolerance." This world of democracy, opportunity, and stability is a world in which terrorism cannot thrive.

While the battle only has begun, we already have achieved significant objectives. Afghan citizens have been released from the brutal and oppressive rule of the Taliban. Afghan women, who suffered violence and repression, are now beginning to resume their roles in society. Indeed Afghanistan is a triumph for human rights in 2001.

There is, however, much more work still to be done. The Country Reports on Human Rights Practices for 2001 captures a world still reeling and reacting to the events of last September. Yet the Reports' central mission remains the same—to give voice to those who have been denied the freedoms and rights provided for in the Universal Declaration on Human Rights. The Reports confirm that the battle of ideas between those who suppress democracy and human rights and those who would see them flourish remains far from over. Only through the promotion and protection of human rights and fundamental freedoms can the international community be secure from the scourge of terrorism.

II. THE YEAR IN REVIEW: DEVELOPMENTS IN HUMAN RIGHTS, DEMOCRACY, AND LABOR

The attacks on the World Trade Center and the Pentagon and the subsequent launch of the international war on terrorism were the defining events of 2001. Assembling a disparate group of nations into an international coalition, the United States led the way into a campaign to defend peace, security, and freedom. In addition to bringing the world together in a common cause, this effort has provided an opportunity to expand the dialog on human rights and fundamental freedoms with a broad spectrum of countries.

Institutional Changes: Perhaps nowhere was institutional change more significant than in Afghanistan, where 5 years of repressive Taliban rule came to an end. While all Afghans suffered under the cruel and arbitrary rule of the Taliban, women were particularly affected since they were denied their rights and civil liberties and effectively relegated to a state of nonexistence in society. By year's end, members of the international community were committing themselves to the rebuilding of Afghanistan, including the formation of a broad-based, pluralistic Government. Among the new ministers appointed to the interim Government were two women. In addition three women were appointed to the "loya jirga," a consultative council of elders.

In Peru presidential and legislative elections generally met international standards for free and fair elections and demonstrated momentum toward democratic reform in the region. Both transitional President Valentin Paniagua, who took the reins following President Fujimori's departure, and President Alejandro Toledo took significant steps during the year to address past abuses, combat corruption, and establish the Truth and Reconciliation Commission to investigate human rights abuses that occurred under the Fujimori Administration.

The Organization of American States adopted a landmark Inter-American Democratic Charter, which clearly states that "the peoples of the Americas have a right to democracy and that their governments have an obligation to promote and defend it." The date of the charter's adoption was, significantly, September 11, just hours after the terrorist attacks.

In the Middle East, a number of countries initiated steps toward increased democratic practices and pluralism in public life. For example, in Bahrain the Amir annulled the State Security Act, which permitted arbitrary arrest, prolonged detention, and forced exile, and conducted a national referendum in which male and female voters endorsed a plan to restore constitutional rule. The Government also released all political prisoners, took steps to encourage the development of nongovernmental organizations (NGO's) and engender an environment supportive of open political discourse, and registered the Bahrain Human Rights Society, the country's first human rights organization. Events in Qatar and Oman also provided encouragement in 2001.

Political Rights: Open and transparent elections and the peaceful transfer of power marked the coming of age of several democratically elected governments. Thailand held the first elections for its House of Representatives under the 1997 Constitution, following the election in 2000 of Senate members, who previously were appointed by the King. East Timor continued on its path toward independence with its first election since the 1999 independence referendum. The people of East Timor voted for a Constituent Assembly that then began talks on how the new state would be structured. In Kosovo well-organized elections attracted participation by all ethnic communities. Bangladesh further consolidated its democracy by successfully holding its third parliamentary election on October 1. The election marked the third democratic exchange of power between national Governments since 1991.

In contrast harassment, intimidation, violence, death threats, and fraud marred elections and the political process in several countries. Belarusian leader Aleksandr Lukashenko extended his term of office in September through a process that failed to meet commitments for democratic elections made by the Government to the Organization for Security and Cooperation in Europe. Allegations of irregularities in the election process in Madagascar caused massive demonstrations in that country.

The lead-up to 2002 elections in Zimbabwe was marred by a campaign of violence and intimidation of the opposition, a breakdown in the rule of law, and the undermining of democratic institutions, such as the judiciary and independent media, which put the fairness and transparency of the elections in serious doubt. In the preparation for Cambodian elections in 2002, the number of apparently politically motivated killings rose sharply. Reports of vote buying already had surfaced several months before the elections.

The Cuban Government continued to deny its citizens basic civil and political rights. Political expression remained prohibited, and the Cuban Government continued to imprison people for political reasons, including for simply criticizing the Government. The Government continued to refuse to allow international organizations to inspect prisons.

In Turkmenistan the Government continued to deny its citizens many fundamental political rights. Political parties and independent NGO's were not allowed.

Internal and Other Conflicts: While persistent strife in many countries continued to challenge efforts to protect the rights of the individual, there were indications in some countries that efforts to secure greater peace and stability were bearing fruit. The U.N. Observer Mission to the Democratic Republic of the Congo began to move forward with its plans for assisting in the voluntary disarmament and demobilization of nonsignatory armed groups in the Congo, as called for in the Lusaka Cease

Fire Agreement. Burundi negotiated an intermediate administrative structure and inaugurated a Transitional Government on November 1. International facilitators were able to defuse internal conflict in Macedonia when they mediated the negotiation of a peace agreement that guaranteed ethnic Albanians more rights.

Palestinian terrorist groups, including some members of the security forces and Fatah's Tanzim, killed 208 Israeli soldiers and civilians in the violence that began in September 2000. Violence intensified in Israel, the West Bank, and Gaza. Terrorist attacks on Israeli civilians increased, including numerous suicide bombings and shootings. Israeli security forces sometimes used excessive force in contravention of their own rules of engagement, killing 501 Palestinians and injuring thousands in response to terrorist attacks, violent demonstrations, and other clashes in Israel, the West Bank, and Gaza.

The fear of spillover from the antiterrorist campaign in Afghanistan and a perceived opportunity to legitimize measures against Muslim Uighur activists under the antiterrorism umbrella led to an intensification of a crackdown in the Xinjiang Autonomous Region of China late in the year. Chinese Government officials asserted that some persons engaged in legitimate political or religious activities were, in fact, involved in terrorist activities or had ties to al-Qaida. Russian forces in Chechnya continued to root out separatist fighters during the year. These sweeps often were accompanied by credible reports of disappearances, extrajudicial killing, extortion, torture, and arbitrary detention.

In Colombia longstanding and widespread internal conflict and rampant violence—both criminal and political—persisted. An estimated 3,000 to 3,500 Colombians died during the year as a result of the conflict, which involved state forces, paramilitary groups, and guerrillas. The Government continued to work to end collaboration between security forces and paramilitary groups, who were responsible for the majority of the killings. Guerrilla groups continued to kidnap large numbers of citizens for ransom. Journalists, judicial employees, human rights workers, and trade unionists were among those targeted by various groups. In addition the population of internally displaced persons continued to increase.

Integrity of the Person: Arbitrary detention, torture, and extrajudicial killings remained common tools of political and religious repression. Public security forces all too frequently tortured detainees in China, Indonesia, Kenya, Burma, Uzbekistan, Mexico, and many other countries. In Turkey torture remained a serious problem, although the number of reported cases declined. In Burma arbitrary detention remained a constant threat to civil liberty. Although Burma released approximately 200 political prisoners during the year, hundreds more remained in prison. Similarly, while Uzbekistan released approximately 800 prisoners accused of crimes against the Constitution, thousands more remained in prison.

The protections of due process and of timely and fair public trials continued to be unavailable in many countries. In Russia a series of so-called espionage cases during the year raised concerns regarding the lack of due process and the influence of the Federal Security Service in court cases. In Zimbabwe the Government undermined the independence of the judiciary by pressuring justices to resign and replacing them with those deemed to be more sympathetic to the ruling party's policies.

The Mexican National Commission on Human Rights released a report on disappearances dating to the 1970's. Of the 532 disappearances documented in the report, 275 allegedly involved public authorities. President Fox took an important first step towards addressing these past abuses by appointing a special prosecutor to investigate the cases outlined in the report.

The Lukashenko regime in Belarus undertook no serious measures to determine who was responsible for politically motivated disappearances dating from 1999. Credible reports emerged of a regime "death squad" operating out of the Ministry of the Interior that was responsible for the disappearances of prominent opposition figures and an independent journalist. An individual accused of ordering the disappearances was placed in charge of the investigations. Allegations made by investigators, who subsequently sought asylum abroad, indicated that the regime was blocking a thorough investigation.

Although prison conditions remained harsh in Kazakhstan, the Government took some measures to improve conditions and the treatment of prisoners.

Press Freedom: Governments losing popular support again targeted journalists and the independent media. In Zimbabwe President Mugabe expelled foreign journalists and proposed measures to rein in the free press at home. The Government of Liberia continued to repress and intimidate the free media. Similar incidents of politically motivated attacks on the free press occurred in the post-Soviet states and Russia, where there was apparent government manipulation of the legal system to gain control over the independent nationwide television broadcaster NTV. When NTV was taken over by the state-controlled gas company, Gazprom, TV-6 became

Russia's last independent station. Late in the year, TV-6 also came under fire from shareholder Lukoil-Garant, a company partly owned by the Russian Government. The absence of a prompt and transparent investigation into the 2000 killing of Ukrainian independent journalist Heorhiy Gonggadze remained of great concern to observers.

Azerbaijan began a new crackdown on the independent media during midyear, intimidating and imprisoning journalists for remarks critical of government officials. However, late in the year, the President called for an end to the harassment of journalists, and after many years of attempting to obtain licenses, several television stations throughout the country were granted licenses at year's end. In Kazakhstan the Parliament passed a media law that, among other things, holds local media outlets criminally responsible for content when reprinting articles published in the foreign media, limits the retransmission of foreign broadcasting, and places restrictions on the Internet. While the Government of Kyrgyzstan did reregister 16 media outlets after months of bureaucratic delay, it continued to pressure the independent media by using lawsuits and other harassing tactics. An independent media was virtually nonexistent in Turkmenistan.

Religious Freedom: Religious freedom remained elusive in many parts of the world. Based on the Department's Annual Report on International Religious Freedom 2001 (issued in October and covering the period July 2000 through June 2001), Burma, China, Iran, Iraq, North Korea, and Sudan were designated "countries of particular concern" by the Secretary of State. The Chinese Government's respect for freedom of religion and of conscience worsened. Various sources reported that thousands of adherents of the Falun Gong spiritual movement were arrested, detained, and imprisoned, and that 200 or more had died in detention since 1999. Some unregistered religious groups were subjected to increased restrictions, intimidation, harassment, and detention. Many leaders of unregistered religious groups remained in prison. In Tibet the Government promptly and forcibly suppressed any activities perceived as advocating Tibetan independence or separatism.

In practice Tibetan Buddhists were prohibited from expressing their reverence for the Dalai Lama as a religious leader.

Incidents of arbitrary detention of Vietnamese citizens for the peaceful expression of political and religious views continued. Leaders of unregistered religious organizations suffered special harassment, detention, and imprisonment. In October a Catholic priest, Father Nguyen Van Ly, was sentenced to 15 years in prison, apparently for calling for respect for religious freedom and human rights. Unified Buddhist Church of Vietnam leaders Thich Huyen Quang (the Supreme Patriarch) and Thich Quang Do continued to be held under house arrest.

Obtaining reliable information about the situation in North Korea remained difficult given the regime's rigid control of information. However, reports continued to surface of executions of Christian believers. The Government's human rights record remained poor, and it continued to commit numerous serious abuses. The regime continued to crack down on unauthorized religious groups and tightly control official groups.

In Uzbekistan security forces continued to arrest and detain persons arbitrarily on false charges, particularly Muslims suspected of extremist sympathies. The Government continued to view those who practiced an unauthorized version of Islam as enemies of the State and indiscriminately treated them as potential terrorists. Although some unauthorized versions of Islam advocate the overthrow of secular governments—in some cases by violent means—the Government often arrested those who do not advocate violence and are only guilty of possessing pamphlets from these groups.

In Sudan the Government's insistence on Shari'a law made religious freedom a critical issue in the peace process. The Government continued to restrict the activities of non-Muslims, including Christians and followers of traditional indigenous religions, as well as some Islamic groups. Reports of forced conversions to Islam of orphans, abductees, and army recruits remained a matter of concern.

Although the Government of Saudi Arabia has stated publicly that it will protect the right of non-Muslims to worship privately, the distinction between public and private worship remained unclear. This lack of clarity, combined with instances of arbitrary enforcement, has meant that most non-Muslims worship clandestinely. When discovered some worshippers have been detained and deported.

Women: The plight of Afghan women, who suffered under one of the most repressive regimes in the world, further raised awareness about the continued oppression of women throughout the world and prompted a radio address by First Lady Laura Bush on the Taliban's brutality toward women and children. The President signed the Afghan Women and Children Relief Act of 2001 in December, and the State Department's Democracy, Human Rights and Labor Bureau published The Taliban's

War Against Women, describing some of the abuses. Soon after the Taliban regime fell, Afghan women began to reassert their rights to basic human dignities. Some enthusiastically took on leadership roles in the Afghan Interim Authority or the *loya jirga*; others returned to work in different areas. As women returned to work, and young women and girls prepared to return to school, it became clear that women were eager to return to active participation in Afghan society.

There was other notable progress in human rights for women. In February the International Criminal Tribunal for the Former Yugoslavia issued a landmark verdict that found that the enslavement of women and girls in the Bosnian town of Foca for the purpose of continuous rape rose to the level of crimes against humanity. Sixteen women and girls testified that they had been held as slaves and raped multiple times.

In April the Inter-American Commission on Human Rights issued its first report on the issue of violence against women, observing that Brazil had violated the rights of a female petitioner because the country had failed to act and had tolerated the violence inflicted. The Commission recommended that the perpetrator be prosecuted, the victim compensated, and that the Government continue and expand its reform process to end the problem of state tolerance of domestic violence against women.

In Yemen the Government and a national women's association began a dialog to consider changes to laws that discriminate against women. The women's group provided the Government with legal and religious justifications for the changes. The Government also created a Minister of State for Human Rights and appointed a woman to the position, marking the first time that a woman has held a ministerial position in Yemen. In Turkey substantial reform of the country's Civil Code strengthened gender equality in civil matters. NGO's actively participated in the process and contributed meaningfully to the results.

Despite this progress, so-called honor killings and dowry deaths continued to be major problems in certain parts of the Middle East and South Asia. In many parts of Africa, female genital mutilation continued to damage the physical and psychological health of women and girls and to hinder the economic development of the continent. Millions of women are subjected to this practice each year. In March the State Department released a Report on Female Genital Mutilation.

The international community strongly protested a Nigerian court's decision to sentence a woman to be stoned to death for adultery. The sentence was under appeal at year's end. The incidence of violence, including domestic violence, discriminatory marriage and family laws, as well as unequal access to education, employment, and health care were still significant problems for women in many parts of the world.

Children: By the end of the year, 80 nations, including the United States, had signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Still, the rights of children in areas of conflict and in impoverished countries continued to be a major concern. Wars deprived many children of food, shelter, medical care, and mental well-being. Children displaced by conflict were deprived of their education. In many areas of the globe, street children faced similar problems. In addition these children remained especially vulnerable to sexual exploitation and abuse by some police and local officials. Many have become addicted to drugs. Some young boys in wealthy Persian Gulf states are exposed to great danger when used as jockeys in camel races.

Children made up the largest proportion of internally displaced populations in many countries racked by internal conflicts such as Afghanistan, Angola, and Liberia. In Sri Lanka, Rwanda, Burundi, and Sudan many children were forcibly recruited to engage in combat; however, in the Democratic Republic of the Congo and Sierra Leone, the Governments began demobilizing child soldiers as part of the process of conflict resolution in those countries.

Governments continued to ratify International Labor Organization (ILO) Convention 182 on the Worst Forms of Child Labor faster than any convention in the ILO's history. By year's end, 133 nations had deposited instruments of ratification. The Convention was adopted by the United States in 1999 and ratified in 2000. Among the countries that have yet to ratify the convention, Sudan continued to use forced child labor.

Worker Rights: Trade union leaders continued to be targeted for killing and threats in Colombia, where 171 trade union leaders were killed, more than in the rest of the world combined. The United Nations reported that 73 percent of these trade union killings were committed by paramilitary groups. In Burma forced labor remained a widespread problem, although under international pressure the Government promulgated new regulations to curb the practice. China experienced increased labor unrest as frustrated factory workers seized factories—and at times managers—demanding back wages and fair play from management. A new law on trade unions directed the official All-China Federation of Trade Unions to shift its

attention to collective bargaining and to represent workers' interests to management.

Russia promulgated a new Labor Code that appeared to weaken the role of independent unions and leave all unions vulnerable to management domination. In Guatemala several killings of trade union leaders remained unsolved, and workers attempting to organize a union were physically intimidated. However, the Government of Guatemala enacted Labor Code reforms that brought the country a step closer to compliance with international standards.

In Vietnam apparel factories experimented with a voluntary private code of labor standards designed to improve working conditions and certify the results to buyers in the United States and Europe.

Trafficking in Persons: The abhorrent practice of trafficking of more than 700,000 men, women, and children each year affected almost every country and remained one of the most serious human rights problems facing the world.

Women and children from Eastern Europe, the former Soviet Union, and Southeast Asia have become the primary targets of transnational criminal elements, including traffickers. Abducted by force or ensnared through misrepresentation, fraud, or coercion, trafficking victims are transported throughout the world, where they are forced to work in substandard conditions in factories, as domestic or farm laborers, or are exploited sexually. The abductions of men, women, and children from minority southern tribes in Sudan for forced labor and ransom remained a matter of grave concern.

A number of governments took steps to combat trafficking in persons, although much remains to be done. In South Korea, for example, over 50 district Public Prosecutor's Offices designated special prosecutors for trafficking and have been operating joint crackdown teams for trafficking-related crimes. Several countries in southeastern Europe have focused efforts to deal with the problem, despite significant resource constraints. For example, Albania created and passed a comprehensive National Strategy on Anti-Trafficking, which charts its course for dealing with trafficking, and Romania enacted a law that prohibits trafficking in persons. The Economic Community of West African States adopted a Political Declaration and Action Plan with achievable goals and objectives. The Philippines also drew up an action plan to combat this growing transnational crime and violation of human rights.

Signaling the U.S. Government's commitment, the State Department released its first Trafficking in Persons Report in July and formally opened the Office to Monitor and Combat Trafficking in Persons in November. By the end of the year, there were over 100 signatories to the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, and 80 signatories to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. Both agreements offer multilateral frameworks for addressing these horrific practices.

Corporate Social Responsibility: Partnerships among governments, business, labor unions, and civil society to promote human rights and address corporate responsibility grew during the year and gained new adherents. The U.N. Global Compact combined the resources of the private sector, working in conjunction with labor, civil society, and governments, toward corporate responsibility in the area of human rights. Multilateral financial institutions began to address more consistently the issues surrounding corporate responsibility.

During the year, positive examples of partnerships between the private and public sectors emerged. Chevron-Texaco, Conoco, Freeport MacMoRan, BP, Shell, and Rio Tinto together with human rights and corporate responsibility groups and the U.S. and British Governments worked to integrate and implement the Voluntary Principles on Security and Human Rights. The Government of the Netherlands joined this effort in December. Responding to media and other reports of forced child labor in West African cocoa plantations, companies and associations in the chocolate industry lent support to government and NGO initiatives to address child trafficking and child labor. Other efforts to improve labor conditions and worker rights also continued as various industries worked with NGO's and governments to implement voluntary codes of conduct and factory monitoring systems.

III. HUMAN RIGHTS IN THE 21ST CENTURY

The pervasiveness of global terrorism became shockingly apparent with the events of September 11. The events strengthened the argument made by the United States and our international partners that we were engaged in a struggle to defend our freedoms and values. Moreover along with the need to defend ourselves came the growing awareness that terrorism has been gaining adherents for some time in

countries where human rights are denied and civil liberties are repressed. The citizens in many of these countries also lack economic opportunity.

Extending the benefits of globalization, therefore, has added a new dimension to the challenge that we face in defending our values. The benefits of taking part in the global economy—the exchange of goods and technology, the creation of jobs and an educated workforce—are apparent. Stable, democratic governments offer the clearest path to the economic growth and prosperity that nations and their people seek. Ending corruption, assuring the observance of the rule of law, and providing fair judicial recourse are central to economic development and contribute to good corporate governance.

The U.S. Government's steadfast commitment to human rights and democracy was left unshaken by September 11. Indeed these events further strengthened our resolve to help ensure these rights for people everywhere. We will continue to press for human rights, democratic processes, and civil liberties in all countries using the range of tools available to us. We will continue to monitor and report accurately and comprehensively on human rights around the globe. We will continue to work to integrate human rights concerns—such as religious freedom, press freedom, good governance, worker rights, respect for women, and combating trafficking in persons—into our foreign policy and programs. And we will accelerate our programming work to assist other countries in improving human rights infrastructure and policies.

To accomplish these goals and achieve sustainable results, we will need partners. The emergence of a vibrant, global civil society over the past three decades has contributed to our efforts, as have our traditional partners—governments. The private sector also has an important role to play. They appreciate, as we do, that countries that respect democracy and human rights are stable and secure, and thus good investment environments. As the events of the past year illustrate, the protection and promotion of human rights can no longer be considered the purview of governments and NGO's alone. A partnership of governments, NGO's, and the private sector will be necessary to win the fight to ensure the observance of universal human rights in the 21st century.

Ms. ROS-LEHTINEN. Thank you so much. We appreciate it, Mr. Secretary.

I would like to start with a question dealing with Iran. During the year 2001, the government resorted to more flogging than ever before. According to the U.N. special representative, in the month of October alone 275 cases of flogging were reported. These pictures that I am going to show you that are just horrific in nature show young Iranians being publicly flogged and hanged for supporting the opposition movement, although a wide array of trumped-up charges were used to justify such horrendous and inhumane punishment, literally hanging, flogging time and time again. Some of them were just too horrendous to show. This is an execution of a young man in Teheran on state television, which they show proudly show.

Would you agree that the deterioration of the human rights condition in Iran, as reported by the U.N. special representative, other human rights organizations, and to the extent that your own report reveals, is it a clear indication that the Iranian regime, under the Khatami regime remains a brutal government that represses the Iranian people, and if so, what practical measures beyond mere condemnation do you intend to take against the Iranian regime?

Mr. CRANER. There is no question that the human rights situation in Iran remains very, very poor. I think there were people who were somewhat hopeful a year or two or three or four ago that things might be changing in Iran, but the disappearances, torture, the kind of pictures you just showed us, I see quite a bit in my job, as you can imagine, but those are as horrific as anything I see. It makes it clear that there is very, very little change on the ground in Teheran.

Just this year, issues of freedom of expression, which you refer to, and freedom of the press certainly deteriorated. And it has come to the point where I believe there are now 60 parliamentarians who have been arrested in Iran for their political views. The Council of Guardians, in particular, on elections continues to screen candidates, and religion remains very, very restricted in Iran.

As you know, we do not have an embassy in Iran, and we do not have a lot of contact with them. What we are doing is working with countries who do, including in Europe, to make sure that they are pushing these issues and raising the issue of human rights in Iran and continuing to badger them for change. I think also you will see at the upcoming Geneva conference some action on Iran.

Ms. ROS-LEHTINEN. Let's hope so, and certainly I know that there are a lot of individuals in my congressional district and throughout the United States and, indeed, throughout the world who are strong leaders of the opposition movement, strong supporters, and I hope that we give them the support that they need and no longer consider them part of the terrorist organization. They are the freedom fighters.

I would like to ask you questions regarding Cuba. On Monday of this week, Castro authorities came looking for Elsa Morejon, the wife of the Cuban prisoner of conscience, Dr. Oscar Elias Biscet, who is pictured here. And after searching her home they confiscated the exit permit that she had been issued by the United States to visit her ill father in this country.

Given your background and knowledge of the situation in Cuba, would you not agree that this is the norm, not the exception? Why, then, did the country report provide only passing reference to the intense restrictions on the freedom of movement, including internal exile of dissidents and their relatives and to the severe restrictions on their foreign travel, and why does the report not highlight the suffering endured by such defectors and refugees, such as Luis Grave de Peralta and Jose Cohen, who have spent years away from their children. They are here in the United States; their children are in Cuba because the Castro regime uses them as pawns, as instruments of psychological torture against these dissenters.

And lastly, do you commit to helping to reunite these and other brave Cubans—we have a list of them in our congressional offices—with their children being held hostage by the regime?

Mr. CRANER. Let me give you a very short answer, which is yes. The situation in Cuba gets worse and worse. The harassment of dissidents picked up even more so this year, and this in a country while many other countries in the world, even ones that you could call authoritarian, are at least adopting a different economic system, which may lead to more political freedom one day, this is a country that is still living in a situation that one would have found many, many decades ago in which there is absolutely no economic or political progress that one can describe.

As far as the information in the report, we would be happy to receive information from you, both to put into next year's report but also to supplement our ongoing knowledge. A good deal of information does get out of Cuba, but it is no thanks to the Cuban government. And wherever there is a closed society like that we can always use help sending all the information we can.

Ms. ROS-LEHTINEN. Please keep at it. They need the help. The Cuba report states that

“Neither the constitution nor the labor code prohibits forced labor, that children were required to work without compensation, and that the student work brigades were used extensively in the farming sector.”

Within this context, what would you say to those who seek normal agricultural trade relations with the Castro regime about how their efforts would actually help promote the use of child labor in the farming sector?

Mr. CRANER. The report, as you mentioned, does cover this issue in some detail, and absent reforms on their own before such a thing happened, my instinct tells me that it would worsen the problem there. But the broader issue is whether or not this Administration is going to normalize relations with Cuba, and both the President and, most recently, the Secretary of State, in an article he published over the weekend, have made it very, very clear that is not going to happen.

Ms. ROS-LEHTINEN. That is good to hear time and time again.

Regarding Israel, we were told that the sponsors of the perennial anti-Israel resolutions expected to have these approved by consensus or unanimous consent. Are we engaged in discussions with allies who are on the commission to prevent this from happening? If there is one strong ally that we have in international forums such as the United Nations, it is Israel, and yet time and time again in every human rights forum the one country that they most like to beat up on is Israel. What are we doing to stop these resolutions from going forward?

Mr. CRANER. I think we are going to exert the same kind of effort we did at the World Conference Against Racism last year. We are going to stand by the very same principles that we did there, and we fought very, very hard. We are a little handicapped this year because we are not on the commission, but we will be going to our allies whom we think will also—

Ms. ROS-LEHTINEN. It is incredible, the makeup of that commission. They are losing credibility by the minute.

Mr. CRANER. It is not getting any better. It is not getting any better.

Ms. ROS-LEHTINEN. It is certainly not. Let me just, if I could, turn in these requests, and you can give those to me in written form, on behalf of some constituents. Two urgent cases—I would like to highlight them—one related to Uzbekistan and one to Vietnam, and they were brought to my attention by former Congressman Livingston and former Congressman Zimmer.

I would like your assistance in helping three citizens from Uzbekistan who are in jail in what was a former KGB prison there, and they are reportedly being tortured by the authorities of that government. Their families in the U.S., who are American citizens, are extremely concerned for their safety, and we are going to provide you with a packet of information on their case. We would like your assurance that this issue will be raised at the highest level with the government of Uzbekistan to ensure the safety and freedom of these three men.

Mr. CRANER. You have my assurance. I visited Uzbekistan in January, and I expect I will be going back there in the next 2 or 3 months.

Ms. ROS-LEHTINEN. That would be wonderful, Mr. Secretary. This next case was brought to my attention by Colonel Carl Reagan, who is a constituent in my district and is an expert on the situation that Congressman Rohrabacher had talked about regarding Vietnam.

We have one of our witnesses on the second panel, a truly courageous man who suffered greatly at the hands of the Vietnamese regime. He was granted political asylum in the U.S. last year, but his children remain in Vietnam and are in grave danger. Some of the children are in orphanages. Others stayed behind with relatives. However, some of the relatives have since been arrested by Vietnamese authorities. I am going to provide you also with their names and where they live, and we ask that you do everything within your power to ensure that they are afforded every protection that the U.S. can provide and that you work to help secure their freedom so that they can be reunited with their father here in the United States.

Mr. CRANER. I would like to see that personally.

Ms. ROS-LEHTINEN. Thank you. I would like to recognize Congresswoman McKinney, and if I could ask Congressman Pitts to chair the hearing for a few brief moments. Like Tip O'Neill said, "All politics is local," and here is my favorite mayor, the mayor of South Miami, Julio Robaina. I have got to see him. Thank you, Congressman.

Ms. MCKINNEY. Thank you, Madam Chair. The photographs that you brought to show to us are literally riveting, and this one in particular. Now, I think these are Iran, but for an African-American, to see a noose is particularly poignant. Currently, in Atlanta at the headquarters of Georgia Power Company, black employees are finding nooses on their desks, and the latest one happened just last week.

So for an African-American Member of Congress on the Human Rights Subcommittee, to see a picture of a noose is particularly important to me. I remember the 100 years of lynchings. We have a case of lynching in Georgia that is still unresolved, 20th century lynchings. We have got the death penalty here, too, and I just had to intervene with my governor to make sure that a young, black, mentally retarded man—now he was a man, but he was a child at the commission of the crime—was not executed. Those pictures are horrific. They are not pretty, but human rights abuse anywhere is not pretty.

I note that you mentioned the elections in Ghana, and I was pleased that you mentioned them because that was something very special. It was a very special moment for the African continent—a smooth transition, different parties, and Ghana is doing fine today. It can happen on the African continent with support. The United States government ought to be supporting all African countries find their way to democracy.

Now, you know I have got to ask you a question about the Great Lakes. You just know I have got to do that.

Mr. CRANER. I did.

Ms. MCKINNEY. And you know that I have said that the policy of President Clinton was abysmal and Madam Albright, and now we have got a new Administration, and you guys can make a difference. All you have to say is two words to Uganda and Rwanda: "Leave Congo." That is all you have got to say. Do not embellish it with all this other stuff about, you know, you have got to abide by the agreement and all of that. Just say leave Congo.

Has the Bush Administration come up with a policy that will say to Uganda and Rwanda leave Congo, in a yes or no, please?

Mr. CRANER. Yes.

Ms. MCKINNEY. Well, now you have got to do more than a yes or no. [Laughter.]

Mr. CRANER. The Bush Administration is operating in support of the Lusaka Protocols, and we have—

Ms. MCKINNEY. Yes. That is what I was afraid of.

Mr. CRANER [continuing]. Told Rwanda and Uganda that they have to leave, but we have also told everybody else that is in the country that they have to leave.

Ms. MCKINNEY. I know you have to put that on the record, but I hate that you have to put that on the record because the other countries that are there were asked to be there by the government. Uganda and Rwanda are occupying forces inside Congo. Three million Congolese have died, three million. That does not count the one million that died after the terrorist act of shooting down the plane with our ally, Paul Kagame. But three million Congolese have died, and the American government finds it impossible to say to Uganda and Rwanda, leave Congo.

It is an affront to anybody who cares about Africa that we can go through 8 years of the Clinton Administration and now whatever many years we have had of the Bush Administration, and they cannot say those two words, leave Congo. We need to have some demonstrations if you guys cannot do it the right way. Hopefully, there ought to be some people pressure in this country, not just the issuing of reports after reports after reports. People are dying, and somebody has got to care. But I have been singing this song for years, ever since August 1998 when the invasion happened, and words of people like me are just blowing in the wind.

You mentioned partnerships with civil society and the private sector.

Mr. CRANER. Uh-huh.

Ms. MCKINNEY. But in your testimony you mention Shell, Rio Tinto, and Freeport MacMoRan. How in the world can those corporations be partners in human rights, or what kind of partnership has this country entered into? Shell. In 1995, Ken Sarowewa and 19 other Nigerians were hanged with the complicity of Shell.

Rio Tinto. Rio Tinto has a claim against it for the way it operates a uranium mine in Namibia. Rio Tinto has a claim against it for its operation of a copper mine on Bugevula Island for killing the people of Bugevula Island. How can we have a partnership with them?

Freeport MacMoRan. Henry Kissinger sits on that board. Cyanide. Cyanide is poured down the mountain. It goes into the water. The people do not have drinking water, all so they can get gold.

And there is a lawsuit that has been filed against Freeport MacMoRan.

Chevron. Chevron is in court today for murdering Nigerians. Chevron helicopters. Chevron boats. Nigerian security forces murdered innocent Nigerians only trying to protect their patrimony. And these are our partners. Don't you think you need to rethink your partnership with these corporations?

Mr. CRANER. Not in the least. The case you just mentioned is part of what led us to this. Let me give you a little context. When you did not wear glasses, and I had more hair, when we were young, my family used to drive us to LA every year to go to Disneyland, and the road was strewn with garbage. Now if you drive that road, there is no garbage, and the reason is because people understand that the environment is an important issue. And whereas 30 years ago corporations like this did not care about the environment, now if you look at their ads on TV, you would think that all they did was plant trees and feed birds, that they do not actually drill for oil.

I would like to see the same thing happen on human rights issues. Where we are now is where we were in the 1960's on environmental issues. But I think where companies are willing—

Ms. MCKINNEY. This is not against you, by the way, personally.

Mr. CRANER. Okay.

Ms. MCKINNEY. It is against your boss, but go ahead. And I do not mean Powell.

Mr. CRANER. Where companies are willing to engage in discussions on this, particularly on the security aspects, which is part of what led to, as you mentioned, the Chevron case, to figure out how they can do security better, and where they are willing to learn from each other, like BP Amoco working with other companies, I think that is a very, very worthwhile endeavor. And it may happen that this year or next year one of these companies does something that you would disagree with or I would disagree with, but I would like it to happen—it may take 10 or 15 or 20 years—that when we are all older they are doing good things on these issues, just like many companies are now doing good things on the environment. This is the very, very, very beginning of this process, and I cannot tell you I can take credit for it. It was actually started at the very end—

Ms. MCKINNEY. I know.

Mr. CRANER. But anyway, I actually think it is a very good thing to continue. I think corporate responsibility is a very, very important and potentially transforming issue, and I think it is important to get them engaged.

Ms. MCKINNEY. Well, does that mean you support my legislation promoting corporate responsibility, then?

Mr. CRANER. I would have to read it.

Ms. MCKINNEY. It is the corporate code, and I would invite you to check it out.

Mr. CRANER. I will.

Ms. MCKINNEY. In fact, I am going to make sure you do.

Mr. CRANER. Okay.

Ms. MCKINNEY. Now, as far as Afro-Colombians are concerned, I would just like to put that on your radar screen. They are caught

in the middle of a terrible situation, and they are bearing a disproportionate brunt of the war. And if there is anything you could do to raise the issue of this particular group of people, whose leaders are being abducted, kidnapped, harassed, it would certainly be helpful.

Mr. CRANER. I would be happy to. Colombia was actually the first country on this job that I have been to twice. And I will tell you, some of these reports, as you have probably noticed, are a little long and thick. I do not know if you got to page 87 in Colombia, but we actually talked about the situation in the Afro-Colombian community—

Ms. MCKINNEY. Great.

Mr. CRANER [continuing]. Under the national racial and noted that they were disproportionately affected by the war. So I would be happy to keep it on my radar screen and continue working on it.

Ms. MCKINNEY. Great, great. Thank you. Mr. Chairman.

Mr. PITTS [presiding]. Thank you. And Secretary Craner, let me ask a couple of questions. Statements from Amnesty International about the 2001 country reports emphasize that where the Administration is willing to report honestly on violations it should develop a foreign policy that actively pressures these nations to uphold fundamental freedoms.

This raises another longstanding criticism of the human rights reports that is the lack of reporting on U.S. actions pertaining to particular cases or incidents in the individual countries and the absence of U.S. policy statements concerning violations. Would you respond to these and what steps you would take to address these issues?

Mr. CRANER. Yes. I actually agree with you, and I am having an argument within the State Department about whether and how we should do that. I do know that the House State authorization bill contains language that would tell us to report on that. I actually like that language, and I believe our legislative office has passed that on to you. It may be that it would be more appropriate separate from the reports if it were issued as a separate volume, perhaps even at a separate time. But I think it is important for you to know if we are doing something, what we are doing, and I think it is important that it be related to issues that are raised in these reports. So I would like to get back to you. I may differ slightly on the method, but I like the intent.

Mr. PITTS. Okay. Well, once the 2001 reports were released, was there a concerted effort by the Department in connection with our posts overseas to disseminate this information in the various countries? Did our chief submissions make the contents of reports public? Did they raise them with the leadership in individual countries? Is there a plan of action?

Mr. CRANER. Actually, the order of delivery on these reports is, first, the Hill; second, foreign governments. So each report was delivered to each foreign government by somebody in our embassy. And third, we release them publicly. We also encourage people overseas, our folks overseas, to do TV/radio programs, et cetera, and I am actually going to start doing that myself this year in a

number of countries, offering to meet with reporters or phone radio stations in those countries.

Mr. PITTS. Can you tell us how the human rights reports are used to assess the impact or the effectiveness of U.S. democracy aid?

Mr. CRANER. I think to a degree they are, but this is, you know, the conundrum of these reports. How much do they translate into policy? As you know, AID has most of the money on these issues, and I was just testifying this morning on the Senate side about the close coordination that is needed between us, and in that coordination I am going to be bringing in these reports. That is why it is important that these reports be as objective as possible but also talk about structural changes within these countries so we have a good idea of what is out there and what could use assistance.

Mr. PITTS. To follow up on the Chairwoman's question on Iran, the annual report says that Mohammed Hatami was elected to a second 4-year term as President in a popular vote in June, with 77 percent of the vote. How can we refer to a popular vote when the Iranian people have been denied the opportunity to choose? There is no opposition candidate allowed to participate. All of the candidates are vetted by the Council of Guardians.

The report refers to moderates and hard liners within the Iranian regime, and this seems to be misleading, as it implies that only one faction might be responsible for human rights abuses. Would you not agree that this is a wrongful assumption and that this only provides the current regime with the ability to escape international scrutiny of atrocities against its own people? Hatami was minister of Islamic guidance for 11 years. He was director of cultural affairs and ideologic affairs for the Armed Forces General Command during the Iran-Iraq war, was one of the leaders responsible for massacres. How can the Iran human rights reports continue to refer to such an individual as a moderate?

Mr. CRANER. I would say three things. On the election issue, the terminology we would generally use if we thought it was a half-decent or a decent election is that they were generally regarded as free and fair. So the fact that it is missing from that report is meaningful.

The second thing is that within the Iranian context I think you could describe Hatami as a moderate. But as you know, this Administration has most recently in the President's speech, his state of the union address, looked at Iran as a whole and found it terribly, terribly wanting and found it to be a sponsor of terrorism.

Mr. PITTS. One other question about North Korea and China. Is there any indication of whether Chinese or North Korean border guards or officials are involved in the trafficking of refugee women? Are the Chinese authorities in the region doing anything to combat trafficking? Could you also comment on the renewed reports that the World Food Program has been hoodwinked by the North Korean regime in its food assistance program, that donated food aid is either retransferred to the army or sold for profit, and if so, don't you think we should put that in the country reports?

Mr. CRANER. On the WFP question, I will have to take that one and get back to you. On the trafficking question, it is becoming clearer and clearer the extent of the trafficking problem out of

North Korea into China. As far as the complicity of guards on either side, neither side is a terribly open country, so that is difficult to actually gather verifiable accounts on.

But again, the fact is that it is a pretty tightly sealed border. They are not very easy going on either side of the border, so that tells you something. But there is no doubt that there is a lot of trafficking out of North Korea into China, number one; and number two, that while the Chinese, for everything else that they do wrong, have exerted efforts on trafficking, they can do a lot more on this issue within their own country.

Mr. PITTS. One final question. Everyone is aware of the human rights abuses against the various ethnic groups in Burma. Could you comment on what more perhaps the Administration could be doing to support the struggle of the opposition, the democracy activists, to the Burmese dictatorship?

Mr. CRANER. As you know, the Administration policy currently, in partnership really with Congress, is to try and leave Burma quite isolated. We had thought a year or even 6 or 8 months ago that things were beginning to change in Burma. There were contacts between An Sang Suchi and the SPDC. Those have not borne fruit as we had hoped. Not nearly as many political prisoners have been released as we had hoped. There is not nearly the room for political activity by her party and others that we had hoped, and we are now going through a consideration of what policy we ought to pursue to try to bring that about to a greater degree. But there is certainly nobody who is advocating an embrace of Burma.

Mr. PITTS. Thank you, Mr. Secretary.

Ms. ROS-LEHTINEN. Thank you. Thank you so much, and, Mr. Secretary, thank you for your patience, thank you for an excellent report and presentation, and I look forward to getting those responses on behalf of those constituents and former members in writing from you.

Mr. CRANER. Thank you.

Ms. ROS-LEHTINEN. We always look forward to working with you, and please feel free to summarize your remarks.

Mr. CRANER. Okay. I want to again thank you for having me up here. I know a number of Members, again, describe some trepidation about our policy, and as I said, I think we will keep moving forward. There are many, many things that need to be done in many, many of these countries, but we are very slowly and incrementally being able to achieve some of them, working with the governments in these countries. One of them was mentioned in the newspaper this morning, and I think there is more to come. These are things that I am not satisfied with the pace or the scope, by any means, but I think they are also things that would not be happening if we were not there. Thank you very much.

Ms. ROS-LEHTINEN. I agree. I agree. Thank you very much, Mr. Secretary, for joining us.

I now would like to introduce our second panel, and please feel free to come up. The second panel begins with the general testimony of Ms. Alex Arriaga, director of government relations at Amnesty International USA. I would like to tell you, Alex, that my daughter is going to be President of Amnesty International in her high school next year, so you have a good homegrown lobbyist right

there. In this capacity, Ms. Arriaga is the chief liaison representing Amnesty's concern to the U.S. and foreign government officials.

Before joining Amnesty, she served at several posts during the Clinton Administration at the State Department and at the White House. However, like Secretary Craner, she got her start in Congress as director of the Congressional Human Rights Caucus, and we thank Alex for joining us today. Welcome. Go lobby Amanda Michelle Lehtinen. She is giving me her petitions every day to sign. I said, enough already.

Following Ms. Arriaga will be, and I apologize, Arsene Kirhero. I hope I did you some justice there. For over a decade Mr. Kirhero has been active in the civil society movement of the Democratic Republic of Congo. For over 7 years he worked with Networks and Innovations for Development, a group dedicated to helping local community groups throughout Congo, Rwanda, and Burundi address human rights, democracy, good governance, and conflict resolution. He now works with the International Human Rights Law Group in shaping that group's efforts. And we welcome you here today. Thank you very much.

Our next witness today comes under the pseudonym of Ekei Ede. He is a practitioner and activist from Vietnam. He became a Christian at the age of seven and attended secret village churches most of his life. He became a deacon in his church and was subsequently arrested and beaten several times. He bears two long scars on his skull from those beatings. After escaping to Cambodia, after being resettled in the U.S., he offers his testimony here today despite possible reprisals against his five young children still in Vietnam. We appreciate your valor, your courage in testifying here, and we welcome you, and we are honored to be in your presence.

Our last presenter today will be Mr. Humberto Colas, a former Amnesty International prisoner of conscience. Innovators in the nonviolent Cuban opposition movement, Mr. Colas and his wife, Berta Mexidor, founded the first independent library in Cuba. Their idea spread like wildfire across the island, and today there are over 100 independent libraries. They are located in the homes of these brave volunteers and activists.

Due to their efforts to provide the Cuban people with a space for the free exchange of ideas, the Castro regime forcibly relocated him and his family to a military remote camp, burglarized the library that they kept. After continual harassment from the regime, leading to their losing their jobs and homes and their children being kicked out of school, Colas and his family were finally able to seek refuge into the United States just before the new year. And we will begin with Alex and work our way out. Thank you. We will be happy to present your full testimony for the record, and feel free to summarize your remarks. Thank you.

Ms. ARRIAGA. Thank you, Madam Chair. I am so pleased to hear about your daughter.

Ms. ROS-LEHTINEN. I am telling you, she is tough on me. Mom, how about this petition? How about that or how about this? I get it everywhere. There is no escaping it.

**STATEMENT OF ALEX ARRIAGA, DIRECTOR OF GOVERNMENT
RELATIONS, AMNESTY INTERNATIONAL USA**

Ms. ARRIAGA. Well, thank you. It really is an honor to be here today. It is an honor to be before this Committee, and also I would like to say about Assistant Secretary Craner, who has just left us, he is someone who has worked for so many years on human rights. I am very pleased that he is in his position and look forward to working closely with him.

The true heroes, however, are those that are here at the panel with me, and I am very much looking forward to listening to their statements and assisting them in any way that we can.

Madam Chair, I wanted in particular to thank you for the good work that you have done in the release of a number of prisoners of conscience in recent time. In particular, I wanted to identify Tibetan musicologist Ngawang Choepel; Egyptian academic Dr. Saad Ibrahim; and, of course, the Mexican general, Jose Gallardo. Your work on behalf of Jose Gallardo was absolutely instrumental in securing his release, so thank you very much for that.

Sadly, I would like to highlight, since this hearing does focus on the individuals that we are currently working on a number of other individual cases, in particular, Taye Wolde-Semayat, an Ethiopian professor and labor activist. He has been failed since 1996 for his activism. Leyla Zana, a fellow Member of Congress; she is the first Kurdish parliamentarian in Turkey, and she has also been imprisoned since 1994. And, of course, Rebiya Kadeer, who is a successful businesswoman in China. She was arrested in 1999. She was en route to discuss the human rights situation with representatives to the Congressional Research Service, and while she was on her way to meet with them, she was detained. We are especially troubled to hear that in the lead-up to President Bush's trip to China that she was very severely beaten, and we would urge that the Congress focus especially on her case at this time.

Ms. ROS-LEHTINEN. We will be glad to look at it.

Ms. ARRIAGA. Thank you. It is cases like these that really demonstrate the importance of the report as a tool for human rights advocacy. They are hard hitting and thorough. I am pleased to report that this year they continue to represent an important analysis and measure of human rights developments around the world. Every year, governments look to these reports as a report card to see how they measure. This is a way of holding them accountable for international human rights standards.

Not surprisingly, a quick perusal of the reports, those governments that the Administration has publicly criticized, such as Burma, certainly Cuba, Vietnam, Zimbabwe, many others, while there is always room for more, those tend to have quite a bit more detail in them. Certainly, this would include also the countries in the current, so-called "axis of evil."

That said, a preliminary reading of the reports points to some important changes in tone and emphasis that appear to be a direct result of the past year's most devastating human rights violation, those perpetrated on September 11th.

Before addressing this, I would like just to take a moment as a representative of the human rights community to state some of the things that Amnesty did in response for September 11th just for

the record. In the immediate aftermath of those horrific events, we spoke out forcefully, demanding justice for the victims and insisting that these were not only human rights violations but that these were crimes against humanity. We also documented and spoke out against the backlash that took place in this country, and we were joined by many leaders in those statements.

With the start of the war in Afghanistan, we called on all parties to respect international humanitarian law. We made available documentation of violations of human rights that had been committed both by Taliban and Northern Alliance forces. We spoke forcefully on the need for women's rights to be addressed by all parties and for women to have a voice in any transitional government. We continue to call on the transitional government and occupying authorities to ensure that respect for human rights be central to efforts as the political and economic reconstruction continues.

In addition, we are playing an active role domestically. Amnesty International opposes the presidential executive order because we see that it could be used by repressive governments as an example of how to conduct secret military commissions. We certainly do not expect the United States to conduct such commissions, but the way in which the order is written, other governments could utilize it in that manner.

We have also called on the Administration to uphold the Geneva conventions and international humanitarian law. We believe that civilian courts and that transparency and the strength of our system is the best way of demonstrating that justice can be served.

Madam Chair, the reports acknowledge that only through the promotion and protection of human rights and fundamental freedoms can the international community be secure from the scourge of terrorism. Amnesty International also believes that national security can best be guaranteed through the promotion and respect for human rights, and we remain convinced that we cannot achieve security by sacrificing values that the United States has embraced and championed for so many years.

In the reports the Administration acknowledges that the current war has provided an opportunity to expand the dialogue on human rights and fundamental freedoms with a broad spectrum of countries. If it is genuinely committed to using the current conflict to promote human rights, the Administration must do a better job of making it abundantly clear to our newfound allies in private and public that pursuit of freedom and security and peace includes the promotion of and respect for human rights for all.

Some critics have argued that in tracking the war in Afghanistan that Amnesty International and other human rights groups failed to acknowledge the positive impact of the fall of the Taliban on the human rights conditions there, and the reports spend considerable time noting these developments, calling them a triumph for human rights in 2001. We believe the Administration is right to welcome the end of the Taliban for its having led to significant and welcome improvements in human rights for many Afghans, but others continue to suffer. Millions more remain internally displaced or in refugee camps. Many currently are denied basic rights as food, housing, and education.

Amnesty remains deeply concerned about the status of women in Afghanistan. The report acknowledges that significant improvements took place at the end of the Taliban rule. However, they do not adequately recognize the widespread violations of women's rights that continue today.

The report's focus on the current conflicts also appears to have tempted the Administration to downplay reports of certain human rights abuses that contradict key Administration positions. Although they continue to include information on military tribunals, in some cases criticism has been downplayed or discussion narrowed.

This year's country reports also illustrate the continued unwillingness of many Department of State officials to link the reporting of specific violations to making policy. This perhaps is the greatest criticism and the greatest challenge at the same time. Each year, Department staff spend literally thousands of hours preparing the reports, yet in many cases beyond taking the reports to the foreign government, they sit on the shelf. It is important to note that this is a problem that long predates the current Administration, and the challenge is truly to translate the documents into a tool for policy.

Madam Chair, I will now turn my attention to Amnesty International's concerns about specific reports. Today, per discussions with the Committee, I will focus on countries that are allies of the United States in the current war, and I will ask to submit the full statement for the record.

Ms. ROS-LEHTINEN. Without objection.

Ms. ARRIAGA. Thank you. One of the countries that we focused on is Russia. The report is thorough and comprehensive. It documents continuing serious human rights violations and includes abuses committed in Chechnya by both Russian forces and Chechens, including extrajudicial killings and Federal soldiers' use of indiscriminate force in areas of significant civilian populations.

It includes information about Russian government investigations of its military for crimes against civilians in Chechnya, and it also includes information about arbitrary arrests, the crackdown on independent media, including NTV and TV-6; the espionage case, including the imprisonment of prisoner of conscience Grigory Pasko; and problems of religious groups as well as continuing torture. Restrictions on religious freedom are included. In particular, the situation for Christian groups and continued anti-Semitism.

However, the introduction excludes important information that was included last year about police beatings and extortion, as well as the Russian government's failure to curb abuses by soldiers. The report recasts the Chechen conflict in a post-September 11th world. Last year's "Chechen separatists" are now "Chechen fighters." The change in wording may signify a shift in the Department's perspective, previously viewing the conflict as one about territorial control and now casting it in other terms.

The report states that "bin Laden reportedly sent funds . . . to elements in the rebel camps," but it does not provide any evidence for this. Overall, the report could have used stronger language on issues of impunity and lack of enforcement for the protection of groups, such as pretrial detentions, servicemen, and ethnic minori-

ties. The report also does downplay the Russian government's role in obstructing access to Chechnya for NGOs, the press, and even the U.N. special Rapporteurs.

Turkey. The report is thorough and details that torture remains a significant problem, that there is harassment of human rights defenders, there are poor prison conditions, and restrictions on freedom of speech. It states that police and special teams, as well as antiterrorist squads and other police personnel, village guards, and the Jandarma committed serious human rights abuses. It cites—

Ms. ROS-LEHTINEN. Alex, if you will excuse me,—

Ms. ARRIAGA. Sure.

Ms. ROS-LEHTINEN [continuing]. I have been informed that we need to clear the room at a specific time, so if you could summarize.

Ms. ARRIAGA. Okay. I will summarize. The Turkey report; the main issue there is the issue of torture. It downplays the level of torture, says it has decreased. In fact, most say that it has increased or that it remains widespread and systematic.

Bosnia and Herzegovina. The main issue there is the treatment of the SFOR and local authorities. There was a marked decline this year compared to previous years in the number of arrests for war criminals, which are found primarily in their region, and so that is our primary concern, the treatment of that issue in the reports.

Uzbekistan. Uzbekistan, I could go on, but I will not. Uzbekistan, perhaps what I would focus on is that—

Ms. ROS-LEHTINEN. As you have seen so many of us.

Ms. ARRIAGA [continuing]. Yes, yes—is simply the fact that President Karimov will be here next week, and I would urge you to use that as an opportunity.

China. Primarily there the report is generally good, but there is more that could be said. There are some nuances in downplaying violations.

Pakistan. Generally accurate. It is softer in some critical information as far as actually using the voice, calling the Pakistan government for its abuses as opposed to evidence of abuses.

I will not mention Indonesia and the Philippines.

Israel and the occupied territories. The general issue here is that this year there is a marked shift in tone, and there has been contextual information provided that is not necessarily provided for other reports. The issue is one of consistency and that context not be used to prevent accountability for human rights violations.

Ms. ROS-LEHTINEN. Thank you. Just to summarize.

Ms. ARRIAGA. Okay. That is what I am trying to do. Egypt and Saudi Arabia, I will pass.

Ms. ROS-LEHTINEN. It does not work with my daughter either.

Ms. ARRIAGA. And I have included Sudan only because, quite honestly, it is unclear to the human rights community at times whether the Administration is considering it among the axis of evil or among the potential allies, so that is simply a question—

[The prepared statement of Ms. Arriaga follows:]

PREPARED STATEMENT OF ALEX ARRIAGA, DIRECTOR OF GOVERNMENT RELATIONS,
AMNESTY INTERNATIONAL USA

Madam Chair, Members of the Committee, it is my pleasure to represent Amnesty International USA here today in helping you assess the State Department's annual

Country Reports on Human Rights Practices. We welcome the opportunity to present you with our views and we appreciate all that you and the Committee have done on a wide range of important human rights issues.

In particular, I would like to thank you, the Ranking Member, and the other Members of the Committee for your work on cases of individual prisoners of conscience who have been released over the past year. I would like to highlight three cases in particular: Tibetan musicologist Ngawang Choepel; Egyptian academic Saad Ibrahim; and Mexican General Jose Gallardo. Madam Chair, your leadership in organizing a Dear Colleague letter in the Gallardo case played a critical role in convincing the Government of Mexico of the need to expedite his release.

Sadly, many others remain in prison, including Teye Wolde-Semayat, an Ethiopian professor and labor activist who has been jailed since 1996 for his activism, and Leyla Zana, the first Kurdish woman elected to the Turkish Parliament who has been detained since 1994. Another is Rebiya Kadeer, a successful businesswoman and women's activist based in China's Xinjiang Uighur Autonomous Region. She was arrested in 1999 while en route to discuss human rights with representatives of the Congressional Research Service. I am sorry to have to report that Amnesty International received credible information recently that Rebiya Kadeer was beaten in prison in the days or weeks leading up to President Bush's recent trip to China.

Madam Chair, it is cases like these that demonstrate the continuing need for the annual *Country Reports on Human Rights Practices*. I am pleased to report that this year's *Country Reports* continue to represent an important analysis and measure of human rights developments around the world. Every year, government leaders and grassroots activists alike eagerly await this report card, which has become a crucial tool in holding governments accountable for upholding international human rights standards.

For many years, the breadth and accuracy of the *Reports* has improved considerably, so much so that they are now widely regarded as the most comprehensive report on human rights. This year's *Reports* are detailed, thorough and frequently unblinking in their assessment of human rights conditions. They document a wide range of serious abuses, including torture, extrajudicial killings, denials of freedom of expression, association, assembly, movement, and religion, and violations based on religion, nationality, and gender. Most of the reports continue to meet a very high standard of accuracy and detail. Not surprisingly, the reports on those governments that the Administration has publicly criticized or condemned—Burma, Cuba, Vietnam, Zimbabwe, and the so-called "Axis of Evil," to name just a few—are among the most complete and direct in their criticism.

That said, a preliminary reading of the reports points to some important changes in tone and emphasis that appear to be a direct result of the past year's most devastating human rights abuse: the attacks on the Pentagon, World Trade Center, and four airliners on September 11. Before addressing our concerns in that regard, I would like to take a moment to brief you on what Amnesty has done in response to 9/11.

In the immediate aftermath of those terrible events, Amnesty International spoke out forcefully, demanding justice for the victims and insisting that human rights remain at the heart of any response. We framed the attacks as a human rights crisis, characterizing them as a crime against humanity. We also documented and demanded justice for the victims of the post-9/11 backlash.

With the start of the war in Afghanistan, Amnesty called on all parties to the conflict to respect international humanitarian law. We made available our extensive documentation of human rights violations by both the Taliban and the Northern Alliance. We spoke out forcefully on the need for women's rights to be addressed by all parties to the conflict and the need for women to have a voice in any transitional government. We have called on the transitional government and occupying authorities to ensure that respect for all human rights be central to efforts at both political and economic reconstruction.

In addition, we have played an active role in the domestic debate on what constitutes an appropriate response. We continue to oppose President Bush's executive order, which could be used to establish secret military commissions to try suspected terrorists. We believe that it sets a dangerous precedent for repressive governments to abuse human rights. We also believe that justice for the victims of these terrible crimes can best come through the use of civilian courts, demonstrating the strength of transparent trials that respect the rule of law. We have challenged Attorney General Ashcroft's suggestion that demanding adherence to human rights standards gives aid and comfort to the enemy. We have urged the Justice Department to account those individuals currently held without charge who have been cleared of involvement with September 11.

Most recently, we have spoken out on the Administration's transport and treatment of detained combatants connected to the Afghan war. We have criticized the conditions in which some were moved to Guantanamo Bay; demanded a role for the International Committee of the Red Cross; and urged the Administration to recognize all combatants as prisoners of war, in accordance with the Geneva Conventions.

Madame Chair, we recognize the challenges the Administration confronts as it seeks justice for the victims of September 11. The *Reports do* acknowledge that "only through the promotion and protection of human rights and fundamental freedoms can the international community be secure from the scourge of terrorism." Amnesty International also believes that national security can best be guaranteed through the promotion of and respect for human rights. But we remain convinced that we cannot achieve security by sacrificing the very values that the United States has embraced and championed for so many years.

To its credit, the Administration acknowledges that the current war "has provided an opportunity to expand the dialogue on human rights and fundamental freedoms with a broad spectrum of countries." But the Administration fails to follow up on its own suggestion. Although most individual *Country Reports* do a fairly good job of identifying specific abuses by specific governments, the Administration failed to use the bully pulpit of the *Reports'* introduction to challenge the wide range of states that have chosen to justify abuses in the name of combating terrorism. In fact, the introduction only makes passing reference to the linkage in citing China's suppression of Uighur Muslims. If it is genuinely committed to using the current conflict to promote human rights, the Administration must do a better job of making it abundantly clear to our newfound allies—in private and in public—that the pursuit of freedom, security and peace includes the promotion of—and respect for—the human rights of all citizens.

Some critics have argued that in tracking the war in Afghanistan, Amnesty International and other human rights groups have failed to acknowledge the positive impact of the fall of the Taleban on human rights conditions there. The *Reports* spend considerable time noting these developments, calling the war "a triumph for human rights in 2001."

The Administration is right to welcome the end of Taleban rule for its having led to significant and welcome improvements in human rights for many Afghans. But others continue to suffer a wide range of human rights abuses, including denial of such basic rights as food, housing, and education. Millions more remain internally displaced or in refugee camps. Although the Administration takes credit for positive developments in Afghanistan, it fails to acknowledge allegations of continued abuses—by the Northern Alliance, by warlords allied with the interim government, and by coalition forces themselves. The *Reports* also do not acknowledge the role of U.S. forces in suppressing the November uprising of Taleban and al Qaeda prisoners at Mazar-e-Sharif, and make no mention of possible complicity by coalition forces in a range of human rights violations.

Amnesty International also remains deeply concerned about the status of women in Afghanistan. The *Reports* acknowledge the significant improvements that took place with the end of Taleban rule. However, they do not adequately recognize that widespread violations of women's rights continue.

The *Reports'* focus on the current conflict also appears to have tempted the Administration to downplay reports of certain human rights abuses that contradict Key Administration positions. Although the report continues to report on military tribunals, in some cases the criticism has been downplayed or its discussion narrowed. In the Peru report, the Administration notes that American citizen Lori Berenson's initial conviction was overturned, it fails to note—as had past reports—that the Government of Peru's decision to retry her in a civilian court was largely the result of U.S. concerns that her trial before a military tribunal did not provide sufficient guarantees of due process.

This year's *Country Reports* also illustrate the continued unwillingness of many Department of State officials to link the reporting of specific violations to the making of policy. Each year, Department staff spend literally thousands of hours preparing the *Reports* and thousands more turning them into a cohesive product. Yet most Ambassadors and country desk officers never look at them once they are produced, allowing them to gather dust rather than referring to them or relying upon them to make policy. It is important to note that this problem long predates the current Administration.

Madame Chair, I now would like to turn my attention to Amnesty International's concern about specific reports. Today I will focus on countries that are allies of the United States in the current war, and ask to submit additional information in my statement for the record.

RUSSIA

The report is thorough and comprehensive. It documents continuing serious human rights violations and includes abuses committed in Chechnya by both Russian forces and Chechens, including extra judicial killings and federal soldiers' use of indiscriminate force in areas of significant civilian populations. It includes information about Russian government investigations of its military for crimes against civilians in Chechnya. It also includes information about arbitrary arrests, the crackdown on the independent media, including NTV and TV6, the "espionage" cases, including the imprisonment of Prisoner of Conscience Grigory Pasko, problems for religious groups and torture. Restrictions on religious freedom are included, such as the difficulty some Christian groups face and continued anti-Semitism.

However, the introduction excludes important information included last year about police beatings and extortion, as well as the Russian Government's failure to curb abuses by soldiers. The report recasts the Chechen conflict in a post-September 11 world. Last year's "Chechen separatists" are now called "Chechen fighters." The change in wording may signify a shift in the State Department perspective, previously viewing the conflict as about territorial control and now casting it in other terms. The *Report* states that "Bin Laden reportedly sent funds . . . to elements in the rebel camp" but there is no detailed evidence provided for this. Overall the report could have used stronger language on issues of impunity and lack of enforcement for protecting groups such as pre-trial detainees, servicemen, and ethnic minorities. The report also downplays the Russian Government's role in obstructing access to Chechnya for NGOs, the press, and even the UN special Rapporteurs.

TURKEY

The report is thorough and details the torture issue, harassment of human rights defenders, poor prison conditions and restrictions on freedom of speech. It states that the police "special teams," anti-terror squads, other police personnel, village guards, and Jandarma "committed serious human rights abuses." It cites that the military courts or state security courts are problematic and create human rights violations by protecting state interests over individual rights. The report also includes information about the closure of Kurdish TV and radio broadcasts and the obstacles to broadcasting in Kurdish. Unfortunately the introduction omits details about important investigations into police abuses that continue without results, as well as information about how "police and courts continued to limit freedom of expression."

Amnesty International disagrees with the report's assessment that the "number of reported cases [of torture] declined." The State Department contradicts its own assertion later in the report by quoting the Turkish Human Rights Foundation, which estimated the number of credible applications by torture victims increased. According to statistics of the Human Rights Association, case of reported torture and ill-treatment received in the first 9 months of 2001 showed a 150% increase compared to 2000. The report also backs off from an important assertion last year that clearly stated that "police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation," while this year the statement is in the passive tense, saying only that "there were reports that police and Jandarma often employed torture and abused detainees . . ."

BOSNIA AND HERZEGOVINA

Although the *Report* is generally good, several concerns are worth noting. Specifically, the mention that "SFOR and local authorities arrested numerous war crimes suspects," obscures two important facts. First, SFOR arrested only two war crimes suspects in 2001, a marked decline compared to previous years. Second, the Republika Srpska, failed to carry out its responsibility to turn over indicted suspects to the ICTY. Arrests by both the RS and SFOR must be an urgent priority. The *Report* also criticizes the failure of local authorities to intervene to stop mob violence in May by Serb demonstrators protesting the rebuilding of mosques in Trebinje and Banja Luka. While it is true that local police failed to intervene, it is also true that SFOR failed to deploy its own special crowd control unit.

UZBEKISTAN

The Uzbekistan report is generally very strong, recognizing that "Uzbekistan is an authoritarian state with limited civil rights" and that "the government's human rights record remained very poor." The report mentions the harassment of non-official Islamic believers, including the detention of 7500. It details police and National Security Service violations including torture. It acknowledges that the government tolerates "little, if any, criticism of its actions," has blocked Radio Free Europe/Radio

Liberty and Voice of America, and has failed to make good on its promise to provide the International Commission of the Red Cross with open access to pre-trial detention centers.

The report's coverage of limitations on religious freedom could be stronger. The repression of religious freedom and violation of the rights of ordinary, non-political and non-violent Muslim believers is severe and widespread. The report does highlight security force arrests of Muslims on false charges, although last year the victims were described as "pious Muslims" where this year it refers to Muslims "suspected of extremist sympathies." The shift from "pious Muslims" to "extremist Muslims" could be interpreted as an attempt to justify the government's wrongful detainment of thousands.

During President Karimov's visit next week, Amnesty urges President Bush to push on the issue of religious freedom particularly for the Muslim community, to urge him to permit registration of the two main human rights organizations, to provide the International Committee of the Red Cross unfettered access to pre-trial detention centers, and to cease the restrictions on freedom of expression and the press.

CHINA

The report is generally accurate and details cases of arbitrary arrest; detention; reeducation-through-labor system; denial of fair public trial; freedom of speech and press, of peaceful assembly and association; torture and other cruel, inhuman, or degrading treatment or punishment; death in custody, religious persecution, and death penalty. Amnesty agrees with the report's statement that the Government's human rights record throughout the year remained poor and the Government continued to commit numerous and serious abuses. This year's report characterizes authorities as "quick to suppress" rather than having "cracked down" on any person or group, whether religious, political, or social, that they perceived to be a threat to government power, or to national stability, and citizens who expressed openly dissenting political and religious views faced brutal repression. It acknowledges that respect for religious freedom on the part of the government remained poor and crackdowns against unregistered groups, including underground Protestant and Catholic groups, Muslim Uighurs, and Tibetan Buddhists continued.

The real test for the Bush Administration is to translate these facts into policy changes, so we won't be reading of the same atrocities in next year's report. The Administration can take steps to sponsor a resolution at the upcoming UN Commission on Human Rights in Geneva later this month and should use the upcoming visit of Vice President HU Jintao to Washington to raise the cases mentioned in the report, including that of Rebiya Kadeer.

PAKISTAN

The report is generally accurate. It states that the government's human rights record remained poor. The report documented extrajudicial killings, rape, impunity, harsh prison conditions, arbitrary arrest, discrimination against religious minorities, child labor, restriction of worker rights, honor killings, limits on freedom of movement, restriction on freedom of assembly, fair trials, and political prisoners.

The tone of the report is softer than last year and certain critical information is missing. As an example, while last year's report clearly stated that the "Government (of Pakistan) committed numerous abuses," this year's report omits that language. While the last year's report said that "police also detained relatives of wanted criminals in order to compel suspects to surrender," this year's report omits mention of that practice. We reported in March 2001 that "as news of arrests spread and activists went into hiding, police arrested family members in their stead." Although the harassment against Afghan refugees is mentioned, it does not reflect the intensity of the abuse.

INDONESIA

The report is generally accurate. The report documented disappearances, torture, rape, beatings, arbitrary detention, indiscriminate shooting of civilians, unfair trial, harsh prison conditions, discrimination against women and child labor. Amnesty International agrees with the report's statement that the Government's human rights record remained poor, and that it continued to commit serious abuses. The report specifically highlights the Security Forces involvement in massive human rights abuses by stating, "Security forces were responsible for numerous instances of, at times indiscriminate, shooting of civilians, torture, rape, beatings and other abuses, and arbitrary detention in Aceh, West Timor, Papua, and elsewhere in the country." Given the documented behavior of the security forces by the State Depart-

ment, any military aid—including anti terrorism training—to Indonesian security forces will encourage them to continue their abuses with impunity.

PHILIPPINES

The report is generally accurate. The report documented disappearances, extrajudicial killings, torture, harsh prison conditions, impunity, fair trials, harassment of human rights activist, violence against women, trafficking of women, child labor, discrimination against indigenous and Muslims, arbitrary arrest and detention. Amnesty International agrees with the report's statement that "the members of the security services were responsible for extrajudicial killings, disappearances, torture, and arbitrary arrest and detention; there were allegations by human rights groups that these problems worsened as the Government sought to intensify its campaign against the terrorist Abu Sayyaf Group." Given this record of the Philippines security services, the current U.S. training for them raises serious questions about the how seriously the Bush Administration takes the State Department's report. Will the current training give the green light to Philippines security forces to continue their abuses? The Bush Administration should make public the type of training given to the Philippines forces and take steps to prevent soldiers involved in human rights abuses from getting the training.

ISRAEL, THE OCCUPIED TERRITORIES, AND THE PALESTINIAN AUTHORITY

The State Department's entry on Israel and the Occupied Territories, which includes territory under the jurisdiction of the Palestinian Authority, covers the violations by all parties in detail. This includes not just the Israeli and Palestinian governments and security forces, but also armed groups, paramilitary groups, and civilians who take up arms. It includes good coverage of a range of violations by the Palestinian Authority, including arbitrary arrest, unfair trials, abuse and torture of prisoners, and prolonged detention. There is also much written about the attacks on Israeli citizens by Palestinian armed groups, including several groups by name.

By far the balance of the report covers Israeli violations of the human rights of Palestinians in the Occupied Territories, which is consistent with Amnesty International's reporting. This includes lack of freedom of movement, arbitrary arrest, unfair trials, prolonged and incommunicado detentions, torture and mistreatment of detainees, administrative detention, extrajudicial executions, and widespread impunity for security forces and Israeli civilians who kill or injure Palestinians.

There is a marked shift in tone between this year's report on Israel and last year's. There are numerous additions and deletions over last year's language, for example "credible evidence" last year is simply "evidence" this year. The section on "targeted killings" cites examples of bystanders who were targeted, stating that "In most cases, the only death or serious injury was the person targeted, although in some cases there were unintended victims." The report should not qualify deaths as "unintended" without still holding a government accountable for these human rights violations. The report itself cites the use of missiles and other heavy weapons being fired into civilian areas, and presents a pattern of civilian deaths. It is worth noting that many of these violations occur using US made weapons.

Most notable, however, is that the report now opens by chronicling the "dramatic escalation of violence against Israelis," including "hostility from states in the region," and puts violations of human rights in that context and as "a response to the terrorist threat." It also provides historical context. This is a departure from last year. While the context may not be dispute, it would need to be provided for other entries too for the reports to be consistent. It also cannot become a justification for additional human rights violations.

EGYPT

The human rights situation in Egypt is poor and generally deteriorating. Although new detentions of political prisoners have declined in recent years, the government has targeted a broader cross section of civil society for repression and harassment. Now in its 20th consecutive year under a state of emergency, Egypt continues to experience a full range of human rights violations, including incommunicado detention and detention without charge; ill-treatment and torture of detainees, particularly in police stations and detention centers; extremely poor prison conditions; and unfair trials. Many of these human rights abuses are in violation of Egypt's own laws and its obligations under international treaties and agreements, including the International Covenant on Civil and Political Rights.

The State Department report does a good job of covering these violations and this situation in detail. It notes the release of Saad Eddin Ibrahim. It also notes that there has been some progress on prosecutions of police accused of torturing detain-

ees. It also covers extensively a number of violations, including military trials of civilians and the persecution of homosexuals. In general, though, the language in this section is straightforward, neither excusing nor condemning Egyptian actions, with one small exception. Arbitrary killings, or what we still refer to as extrajudicial killings, are cast in light of "killings of suspected terrorists by security forces," while similar language last year referred to political killings.

SAUDI ARABIA

The report on Saudi Arabia does a good job of describing the human rights situation. The section on torture is particularly evocative; a similar degree of specificity in other sections would have made the report more compelling. The report does contain some serious omissions and shortcomings. It makes no reference to the harsh treatment of homosexuals, who can be and have been, executed for their sexual orientation. It also does not report significant backsliding by the Government of Saudi Arabia in beginning to adhere to international human rights instruments, failing to note both the Government's failure to facilitate a promised visit by the UN Special Rapporteur on the Independence of Judges and Lawyers and its withdrawal from a commitment to appear before the UN Committee Against Torture. Although it notes the imprisonment of prominent Shi'a scholar Sheikh Ali bin Ali al-Ghanim, it leaves out allegations that he has been tortured. The report does acknowledge that "[f]reedom of religion does not exist," but its discussion of "sorcery" fails to acknowledge that the government has used this term to threaten and intimidate Shi'a and Sufi practitioners. Perhaps most importantly, however, the report represents nothing more than a token effort to document abuses. The reality is that it will not be followed up by meaningful efforts by the Administration to effect fundamental changes in Saudi behavior.

SUDAN

This year's State Department *Human Rights Report* is thorough and does a good job of documenting the scope of the human rights crisis in Sudan. The report addresses cases of disappearance, torture, and other forms of ill treatment, arbitrary arrest and detention, the wide spread use of rape, and the State's discrimination against and persecution of non-Muslims. The report also does an adequate job of documenting human rights violations caused by fighting between different rebel groups in the south. The report acknowledges that the Sudanese Government continued its policy of bombing of civilian targets in southern Sudan despite numerous pledges that it would cease doing so. Government security forces detained and ill-treated human rights activists and political opponents using punishments such as cross-amputations, torture, beatings and detention. The government targeted lawyers, journalists, students and human rights defenders for harassment and intimidation, arresting and torturing dozens with impunity. Restrictions on the rights to freedom of expression and association in cities under government control persisted.

The report includes documentation of the number of slaves in Sudan captured by both Government and opposition groups. It cites the government's rhetorical commitment to end the civil war and calls their efforts a failure. However the report fails to discuss in similar detail how the exploitation of oil has contributed to human rights abuses nor does it identify the entities responsible, be they foreign companies or domestic security forces.

Ms. ROS-LEHTINEN. Thank you. And regarding the religious freedom in Pakistan, if you could help us getting more cosponsors for the resolution that we have filed on that, that would be wonderful. Thank you.

And now we would like to hear from Mr. Kirhero. Thank you.

Mr. KIRHERO. Thank you very much. I apologize. I cannot speak in English because my English is very, very little.

Ms. ROS-LEHTINEN. I have difficulties myself.

Mr. KIRHERO. So my neighbor is going to interpret.

Ms. ROS-LEHTINEN. It sounds like you speak it very well to me.

**STATEMENT OF ARSENE KIRHERO, INTERIM PROGRAM
COORDINATOR, INTERNATIONAL HUMAN RIGHTS LAW GROUP**

Mr. KIRHERO. [through interpreter] My name is Arsene Kirhero. I coordinate the office of the International Human Rights Law

Group in Bukavu in South Kivu Province in the east of the Democratic Republic of Congo, and our work essentially consists of strengthening local human rights organizations.

I am happy for this opportunity to testify at this hearing on the release of the State Department's country reports on human rights practices.

Ms. ROS-LEHTINEN. We welcome you.

Mr. KIRHERO. I will speak about the situation in Congo generally, but more specifically on Eastern Congo, where I live and work.

In general, the report reflects the reality that we live on the ground; however, I note in several instances difficulties in access to information, and this in itself reflects difficulties that local human rights groups have as well. I would, however, like to make five comments and critiques on the way the report treats the human rights situation in the Democratic Republic of Congo.

First, the report could have more elaborately and precisely addressed the responsibility of external actors in the deteriorating human rights situation in Congo, more specifically, their use of local, armed militia groups, fanning conflicts between these groups, which lead to a deteriorating human rights situation.

I would like to thank the authors of the report for recognizing the significant military presence of the armies of Rwanda and Uganda in Eastern Congo, which lead to several violations. It is, however, my opinion that the report could have gone further in describing the nature of the responsibility that these armies have for the human rights violations that take place. The report does not go far enough in recognizing these armies as occupation forces, which would entail a responsibility for protecting the civilian population in Eastern Congo.

While the report notes the economic integration effected by Uganda and Rwanda of the provinces of Congo under their occupation, the report, however, does not mention that progressively economic interests have taken the upper hand over national security interests that were advanced by these nations initially when they occupied Congo.

The report notes, as have done a number of other international reports, such as that by the U.N. panel of experts on the exploitation of natural resources of the Democratic Republic of Congo, that these economic motivations are significant and that, in effect, the actual nature of the combat that takes place is very much influenced by considerations of strategic access to minerals.

Fourthly, the report appropriately notes the deficiencies in the military justice system in the parts of Congo under control of the Kinshasa government. However, it could have gone further in describing the political context, which is one of refusal of reform by elements in the military, in the hierarchy of the military justice system.

The report, lastly, appropriately notes the problem of impunity in the Democratic Republic of the Congo, which in itself constitutes an invitation to a continuation of these violations.

To conclude, having considered the extensive violations that have been documented in this report, previous testimony that has been presented to this Subcommittee, including by previous witnesses,

such as Father Bahala from Eastern Congo, having listened to Congresswoman McKinney speak about the situation in Eastern Congo, what exactly are the consequences of these human rights violations that have been noted? In what way will the policy of the United States change in the Great Lakes region of Central Africa? Having listened to and documented so extensively all of these violations, will there be any concrete improvement?

That is why we affirm that the United States possesses the capacity and is perceived to possess the capacity to hold those responsible for human rights violations accountable, to send signals to them to assume responsibility for their violations, to desist from actions that promote these violations. That is why we also affirm that the United States can effectively take measures, and these are not mentioned in the report, to improve the situation concretely.

And my last word is it is effectively the opinion of civil society and human rights groups in the Democratic Republic of Congo that through the instruments of its foreign policy—trade, aid, diplomacy, human rights advocacy—the United States can and should send signals that positively impact on the human rights situation in the Congo. Thank you for your attention.

[The prepared statement of Mr. Kirhero follows:]

PREPARED STATEMENT OF ARSENE KIRHERO, INTERIM PROGRAM COORDINATOR,
INTERNATIONAL HUMAN RIGHTS LAW GROUP

INTRODUCTION

I am Arsene Kirhero, Coordinator of the International Human Rights Law Group's office in Bukavu, South Kivu province, in the Eastern part of the Democratic Republic of Congo. The mission of the Law Group is to strengthen the capacity of Congolese organizations that promote and protect human rights.

Thank you for the opportunity to testify at this hearing related to the publication of the U.S. State Department's country reports on human rights practices for 2001. I will briefly comment on the report as pertains to the Democratic Republic of Congo, with an emphasis on its presentation of the human rights situation in Eastern Congo, where I live and work.

OBSERVATIONS ON THE CONGO COUNTRY REPORT

The Congo country report generally reflects the reality we have witnessed on the ground in the last year. The report acknowledges the difficulties in obtaining access to, or verification of certain information—a reflection in itself of the challenges Congolese human rights organizations face in their work. I would like to commend the report's examination of the problems of sexual and gender-based violence in the armed conflict, as well multiple violations of the rights of the child. Nevertheless, in its analysis of state human rights practices, the State Department report does not adequately nuance the violations of international human rights and humanitarian law that are being committed by various actors throughout government and occupied territories. My statement will raise five comments and critiques on its treatment of the human rights situation in the Democratic Republic of Congo:

First, the State Department could more elaborately address the *responsibility* of external actors in Congo in the deteriorating human rights situation, especially their role in fanning local conflicts and using militias and armed groups to attain their strategic objectives;

Second, the report inadequately recognizes the *nature* of the presence of external actors in Eastern Congo and the degree of control and influence they have over the human rights situation;

Third, exploring the extent to which economic and other strategic interests versus interests of national security, explain the heavy foreign military presence, armed confrontations and ensuing human rights violations;

Fourth, with respect to the part of the country under government control, the report discusses Congo's military justice system, but fails to sufficiently highlight the political context in which this military court system operates and consistently violates fundamental fair trial standards;

Fifth, the report appropriately acknowledges the impact of widespread impunity enjoyed by perpetrators of the blatant violations that have been documented and reported.

Firstly, it is important to highlight the role played by external actors, even when acting behind the scenes, through support to an array of armed groups that have committed massive violations. In South-Kivu and Ituri provinces, the armies of Uganda and Rwanda deliberately create chaos to justify their presence. In Ituri, for example, violent clashes between Hema and Lendu tribal militia have resulted in hundreds of civilian casualties and thousands of displaced persons. This rivalry has extended to other ethnic groups and now engulfs nearly the entire region. Support by elements of the Ugandan military to diverse Congolese warring factions—including the Hema and Lendu—has intensified the conflict significantly. Similarly, in South Kivu, in the mountainous regions of South Kivu, fighting has broken out between RCD soldiers and dissenters from the Banyamulenge ethnic group. In this case, one group of Banyamulenge are reportedly receiving military and logistical support from external actors to crush a Banyamulenge uprising. Recent reports from Bukavu confirming significant numbers of wounded persons admitted in hospitals attest to the on-going nature of the fighting. The support received by RCD combatants from the Rwandan army is strikingly similar to the role played by Uganda's army in Ituri. This trend of foreign armies exacerbating conflict warranted more specific attention in the country report.

Secondly, while noting the heavy military presence of Uganda and Rwanda in Eastern Congo, the report could go further in establishing the responsibility of these armies for the upsurge of violence in areas effectively under their control. As noted by other international human rights observers on Congo, the report does not characterize the presence of the Rwandan Patriotic Army (RPA) and the Ugandan People's Defence Force (UDPF) as "occupying forces", which would entail a responsibility to protect the civilian population. The report re-states the position adopted during the initial deployment of these troops in Congo—that it was primarily explained by the need to counter a number of hostile armed groups, such as the Interahamwe, ex-FAR, Mayi-Mayi, and the Ugandan ADF. In cataloguing dozens of grave violations of human rights and humanitarian law committed by the foreign armies, as well as abuses perpetrated by groups closely allied to, and receiving direction from them, the report itself implicitly provides a foundation for more authoritatively establishing the responsibility that these external actors bear for the deteriorating human rights situation.

Third, the report notes the integration of the economies of the occupied provinces into the economies of the respective external actors—Rwanda and Uganda. However, it does not explore the extent to which economic and other strategic interests—as opposed to national security interests—explain the heavy foreign military presences, combat activity and ensuing human rights violations in areas under their effective control. However, consistent reports from human rights organizations on the ground, from UN bodies, including the U.N. Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of the Congo, and several international human rights and humanitarian organizations all conclude that economic interests have taken on increasing significance in the conflict in Congo. These economic interests fuel the war and the ensuing human rights violations. It also appears noteworthy and far from coincidental, that armed confrontations between Congolese groups supported by external actors and other armed groups, or even between external actors themselves in Congolese territory, occur in areas of strategic importance for mineral extraction, particularly diamonds and coltan.

Fourthly, while the report appropriately notes the systematic abuses that pervade the military justice system in areas under government control, an explanation of the political context that surrounds abuses related to Congo's Military Order Courts would provide a more complete understanding of the nature of these violations. In the last year, as the report notes, the military justice system, armed with courts that have extensive jurisdiction and operate largely outside of the purview of any civilian authority, has meted out harsh justice in proceedings that do not conform to fundamental standards of due process. Imposition of the death penalty in summary trials, trials of civilians in military courts, accused persons lacking proper representation, detention of accused persons in conditions that violate international norms, and the imposition of convictions, including death sentences with no right to appeal have plagued proceedings in these courts. Several Congolese and international human rights observers have decried the arbitrary nature of this justice system, and the unwillingness to reform, apparently due to resistance from the military and the military justice system hierarchy. This phenomenon, which raises

questions about the influence or control exerted by the country's authorities over the military, deserves special mention.

Fifth, in noting the lack of any real commitment on the part of the main protagonists in the DRC conflict to hold persons to account for widespread abuses committed, the country report appropriately highlights the impunity that prevails. The widespread impunity enjoyed by those—on all sides—who commit, instigate, or tolerate severe human rights abuses constitutes in reality a signal to the multiple belligerents that these actions do not entail any consequences. Addressing impunity must therefore remain a key objective, in breaking the chain of violations and abuse that has characterized the on-going conflicts in the DRC.

In conclusion, I would ask what are the implications of this country report that documents persisting human rights abuses on a massive scale? How will this comprehensive inventory of systematic attacks on the rights to life, to freedom from torture, to health, to an adequate standard of living for millions of Congolese, concretely influence the policy of the United States in the Great Lakes region of Central Africa, and towards all actors in the war in Congo? The U.S. possesses, and is perceived to possess by actors in the region, the potential to exert pressure on perpetrators of abuses to desist from them, and to hold accountable those responsible for these acts, as it has done elsewhere in the world. The view constantly expressed by Congo's civil society and human rights movement—that deserves support and reinforcement—is that through the instruments of U.S. foreign policy—aid, trade, diplomacy, and human rights, amongst others—the U.S. can send signals that positively impact upon the human rights situation in the Democratic Republic of Congo.

Thank you for your attention.

Ms. ROS-LEHTINEN. Thank you. And now I am very pleased to hear the testimony of Mr. Ekei Ede, and we know that that is his pseudonym. We thank him for his bravery in coming here today and hope that everything works out for his children.

**STATEMENT OF EKEI EDE (PSEUDONYM), MONTAGNARD
PRACTITIONER AND ACTIVIST**

Mr. EDE. [through translator] Madam Chairwoman, distinguished Committee Members of the Human Rights Subcommittee, I am Ekei Ede. I was born in Dac Lak Province, Vietnam, in 1965. Since last April I have lived in Greensboro, North Carolina. I would like to tell you my own story.

I became a Christian when I was 7 years' old. I have been active in the church since then. In my village we always had to hide our faith. The secret police several times a month come trying to find Christians. Once they found a church organ we had hidden. They confiscated it. We had to divide our congregation into seven secret home churches to avoid detection. In 1997, I was caught talking to friends about God. I was taken to the district jail. I was beaten so badly that I had a concussion. I still have two long scars on my head. One of my brothers was beaten in a similar way for gathering to pray. What happened to me happens all the time in Vietnam.

Last year, my brother was a village organizer in the Dega peaceful protest in Central Highlands. Two days after the demonstration the police came to look for me. I hid in a coffee plantation. The secret police beat my brother and a close friend very bad, trying to make them tell where I was. It was then that my brother and I fled through the jungle to Cambodia. The police took my possessions, then they forced my young children to sign a paper authorizing them to take everything I had. My little girl was staying with her aunt. She was arrested last year, last May, and is still in the jail. She was blinded in jail by a chemical. I do not know where my little girl is right now.

Things in the Central Highlands of Vietnam are very bad right now. Please help. Please at least convince the government of Vietnam that my people are not a threat to them. Please find a way to help my people to live in peace. Please find a way to protect our people in the refugee camps in Cambodia and move them to freedom. The Vietnamese have said that they intend to take all of them back to Vietnam, and I believe that only the United States government can prevent all that. Thank you so much.

[The prepared statement of Mr. Ede follows:]

PREPARED STATEMENT OF EKEI EDE (PSEUDONYM), MONTAGNARD PRACTITIONER AND ACTIVIST

HUMAN RIGHTS CRISIS IN VIETNAM'S CENTRAL HIGHLANDS

Madam Chairwoman, distinguished committee members of the Human Rights Subcommittee, I am Ekei Ede. I am Dega, or as most Americans say, a Montagnard. I am a member of Vietnam's disappearing hill tribes. My brother was a village organizer in the Dega peaceful protest in Vietnam's Central Highlands just a year ago. My brother and I were forced to flee to Cambodia where we were protected by the US Embassy and UNHCR until the United States accepted us as refugees and brought us to this great country last May. I was very active in my Christian church in Vietnam. I was a deacon. My religion caused me to be repeatedly persecuted, beaten, and threatened with death. I have stitches in my head from a 1997 beating when I was arrested for talking about God. I have come here today to tell you what is happening in Vietnam's Central Highlands. I will tell you first hand what happened to me.

Since 1975 there has been a pattern of deliberate abuse. Organizations such as Human Rights Watch, Amnesty International, and the US State Department have documented serious human rights abuses committed against the Montagnards in the Central Highlands, including systematic suppression of the Protestant "house church" movement, beating and torture of detainees, restrictions on freedom of movement and public gatherings, and a media blackout on the region. I mention the long-term trend as background to the horrors that have occurred since February 2001.

On January 31st and in the first few days of February of 2001 there were demonstrations at provincial and district People's Committee offices in Dak Lak and Gia Lai Provinces. They were peaceful except for a crowd reaction when police beat a pregnant Dega woman. The assembled Montagnards were protesting the government-sponsored theft of their land, forced sterilization of their women, and denial of the right to practice their Protestant Religion. The group swelled to twenty thousand. The Vietnamese authorities told the crowds that they had received their message. They promised change and asked the demonstrators to go back to their villages. The demonstrators complied with the request. The next day, possibly the most repressive and brutal crackdown in the history of Vietnam began.

Thirteen Regiments of the Vietnamese Army were moved into the Central Highlands. Ten thousand retired secret police (Cong Ang) were recalled to active duty and two were stationed in virtually every Montagnard house in Dak Lak and Gia Lai Provinces. Our people who were already hungry were forced to feed our watchers. Once the forces were in place there ensued a wave of arrests involving anyone identified as being part of the protesting groups leadership. Leaders apprehended were tortured to extract the names of others involved in the peaceful demonstration. When the police came looking for me I hid in a coffee plantation. The secret police beat my three brothers and a close friend severely trying to make them tell where I was. It was then that I fled through the jungle to Cambodia. The Police took all my possessions. Then they forced my young children to sign a paper authorizing them to take everything I had. The next day they demolished my house. The exact number of persons tortured, jailed or killed is not yet known and may never be fully known, but it is in the many hundreds.

Since the new crackdown began over 1000 Montagnards fled into Cambodia and reached the two United Nations High Commissioner for Refugees (UNHCR) sites. Many more were captured either by Vietnamese or Cambodian security forces and returned to Vietnam for torture, imprisonment, and almost certainly in some cases execution. Some Montagnard refugees were secretly hunted down by Cambodian forces and sold back to Vietnam for bounty. Sadly, the Government of Cambodia has recently announced it will no longer honor its obligations under the 1951 Conven-

tion on Refugees. Dega refugees are now being openly hunted down by the Cambodian Army and sent back to Vietnam where in many cases the younger women have been raped and the men imprisoned and tortured. Sixty-three were sent back last Saturday, March 2nd, 2002. Their fate is unknown. Even the people in the camps are not safe. In the larger of the two camps in Mondolkiri there are known Vietnamese Cong Ang (Secret Police) agents masquerading as refugees. They threaten the real refugees that they will be sent back to Vietnam and punished if they tell all they know. Also, Vietnamese assisted by Cambodians have come to the camps to intimidate the refugees. When, on February 23rd, the refugees at Mondolkiri shouted at the Vietnamese Ambassador to Cambodia that they would not go back to Vietnam they were beaten and shocked with cattle prods in front of the UNHCR staff who tried to protect them.

After the initial wave of arrests and intimidation a new and stronger anti-Christianity campaign started last spring in the Central Highlands. The policy of opposing religious freedom is long-standing and public. Only "approved" religions with "approved" leaders are allowed to function. Recently, the severe restrictions became a total ban on religious observance for Dega Christians. Some churches were burned down. Christians were ridiculed. For example, eighteen Montagnards deported from Cambodia after they were denied protection by the UNHCR were tortured every day by security forces in their village of Buon Bu Ruah. As they inflicted the beatings they repeatedly called out "Let your Jesus help you now"

Villages were searched for Bibles, which were confiscated. Owners were jailed. A traveling team of cadre went from village to village forcing occupants to sacrifice an animal and drink the blood in a rough approximation of their long discarded animistic religious rituals. When villagers refused on religious grounds or out of fear that they would be poisoned, they were beaten.

The ethnic minority people of the highlands have lived with terrorism every day since 1975. That terror comes from their own government bent on punishing them for supporting the US in the Vietnam War, paranoid that peaceful village Christian churches somehow represent an assault by the United States, and strategically moving toward eliminating the Montagnards and settling their land with Kinh or Lowland Vietnamese. The tempo of that state organized terrorism has increased greatly in the last year. It is crushing the Dega people.

Please help. Please convince the Government of Vietnam that my people are not a threat to them. Please find a way to help my people live in peace. Please find a way to protect the refugees in Cambodia and move them to freedom. The Vietnamese have said that they intend to take them all back to Vietnam. I believe that only the United States can prevent that.

An Asian axis of evil :

One of the latest acts of terrorism is being played out in the remote portion of Northeast Cambodia. The United Nations High Commission for Refugees (UNHCR) recently made a pact with the devil - the Vietnamese communists, and the devil's minion - the Cambodian communists, in an attempt to forcibly return more than 1,000 **Montagnards** in UNHCR camps in Mondulkiri and Rattanakiri in Northeast Cambodia. The **Montagnards** fled to Cambodia about a year ago following the Vietnamese communists' violent crackdown and wave of terrorism in response to peaceful **Montagnard** protests of starvation conditions resulting from land confiscation, religious repression, cultural leveling and a litany of other human-rights abuses.

Thousands fled the Central Highlands seeking a sanctuary in Cambodia, but only these few survived the Vietnamese gantlet that cordoned off the Cambodian border. Some who were caught were returned to their villages and suffered severe consequences, while the rest just "disappeared," presumably buried where they were dropped.

On Feb 21, a number of Vietnamese troops reportedly crossed into Cambodia and surrounded the UNHCR camp in Mondolkiri, and the Vietnamese ambassador to Cambodia, Vietnam's deputy chief of security police from Dak Lak Province, and the chief of Cambodia's National Police, Hok Lunde (himself a Vietnamese national), entered the camp with about 50 soldiers and police. The Vietnamese ambassador told the refugees that all would have to go back to Vietnam in April, and said there would be no third-country resettlement.

It was evident that Hok Lunde was doing the bidding for the Vietnamese ambassador. Witnesses told Reuters news agency that after one of the Vietnamese delegates asked a group of asylum-seekers if they would return to Vietnam voluntarily, they rose to their feet shouting they would not go back. Cambodian and Vietnamese police officials then used electric cattle prods on the protesting **Montagnards** and six others were reportedly beaten in the presence of UNHCR officials.

On Jan. 21, a controversial agreement was signed by Vietnam, Cambodia and UNHCR. Numerous human-rights groups and high-ranking members of the U.S. State Department protested the deeply flawed agreement, and were joined by a bipartisan congressional group who were petitioning the United Nations High Commissioner for Refugees Ruud Lubbers for a moratorium on returning the **Montagnards** until their rights can be guaranteed. They emphasized that the agreement makes no mention of the word "refugee" or "asylum-seeker," or that any return must be voluntary, nor of the option of third-country resettlement.

Furthermore, it makes no promise that returned refugees will not be punished for practicing their Christian religion, for expressing their political opinions, or for other "perceived crimes" either before or after their departure from Vietnam.

UNHCR must also have frequent and unfettered access to all returnees, and meetings with returnees should ordinarily take place outside the presence of government officials.

Without the establishment of these conditions, repatriation of **Montagnards** to the Central Highlands constitutes a violation of UNHCR's core responsibility: the protection of refugees from forcible return to a country in which they have a well-founded fear of persecution.

They went on to say, "This goes to the heart of UNHCR's mandate to protect refugees who have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group."

Indeed, the Vietnamese government is using the text of the agreement to support its assertion that the **Montagnards** are "illegal migrants" rather than refugees. The ink wasn't even dry on the agreement when the Vietnamese communists, in a secret kangaroo court in Vietnam's central highlands, jailed four for terms of up to 6 1/2 years.

The case seems unlikely to spur faith that Hanoi will stick to pledges not to punish those who return unless the U.S. or other donors have the gumption to condition their aid, and Sen. John Kerry, Massachusetts Democrat, continues to block that condition - the proposed Vietnam Human Rights Act - preventing it from coming to the floor for a vote.

Several of a group of 15 men who were returned to Kontum Province by UNHCR on Feb. 19 said they feared being beaten or arrested, and they had only returned because UNHCR officials promised to check on their welfare.

Several international journalists were allowed to go to one village where Vietnamese authorities thought they had intimidated the villagers so they would speak the party line. However, the **Montagnards** broke rank. One woman told the journalists, "I am afraid my husband will come back and be caught," and said she and other villagers, who are mostly Protestants, were under constant surveillance from authorities. "They watch us, all the time."

At this, the chief of the Chu Se town's peoples committee, suddenly interrupted and ordered the journalists to leave, a command backed up by dozens of security men. "It's finished, it's finished," he said. As the journalists left, they were tailed by throngs of emotional villagers, who seemed desperate to communicate to outsiders, but could do little more than sob and clasp the departing visitors' hands."

UNHCR in Geneva has now issued in a statement that the agreement was being seriously eroded by the actions of the Vietnamese and Cambodian governments, and UNHCR "is seeking urgent clarification." Also, UNHCR had to withdraw a team of monitors from the Central Highlands recently, after Hanoi refused further access to villages where asylum-seekers were to return.

There are five known Vietnamese terrorists operating with impunity in and out of the refugee camp in Mondulkiri in collaboration with Cambodian and Vietnamese police officials who surround the camp. UNHCR officials are aware of the identities of these terrorists. Y-Neak Buon Krong and his assistant Y-

Hung are the leaders of this terrorist unit of Vietnamese secret police - Luoc Luong 04, who in order to prove their loyalty, each killed three family members - including children - of a **Montagnard** who had fought for the U.S. or in the resistance.

These five have been threatening others in the camp that retribution would be taken against them if they refused repatriation to Vietnam. Acting as Judas' goats, these five exited the camp to intercept a large group of **Montagnards** and lured them into the hands of the waiting Vietnamese and Cambodian police.

The **Montagnards** had left their villages after Vietnamese authorities arrested large numbers of people for celebrating Christmas and organizing sessions to pray for peace. According to reports, the women and young girls were repeatedly raped but were returned to their villages; however, the men simply "disappeared."

"War on terrorism must never be an excuse to persecute minorities," according to President Bush ("President speaks out on rights," The Washington Times, Oct. 20, 2001), yet the Socialist Republic of Vietnam SRV has been systematically terrorizing one of America's most stalwart allies, the **Montagnard** people of the Central Highlands of Vietnam who lost one-half of their adult male population fighting for the U.S. However, words are one thing, but the proof is in the pudding and the president is the cook. Unless something is done soon, I will be writing an obituary for these **Montagnards**.

MIKE BENGE
Commentary; FORUM
The Washington Times
March 03, 2002

Mr. Benge is a senior adviser to the **Montagnard** Human Rights Organization. He spent 11 years in Vietnam as a U.S. Foreign Service Officer and worked closely with the **Montagnards** during that time.

Ms. ROS-LEHTINEN. Let us hope so. Thank you so much. Thank you so much, Humberto. It was a pleasure seeing you last week, and we welcome you back to our Subcommittee.

STATEMENT OF HUMBERTO RAMON COLAS, FORMER POLITICAL PRISONER, FOUNDER OF THE CUBAN INDEPENDENT LIBRARIES

Mr. COLAS. [through translator] The pleasure is all mine. Thank you, Madam Chairwoman, for inviting me to participate in this very important hearing today. I come before the Subcommittee today to expose my experience as a victim of a regime which has held onto the island of Cuba for 43 years and limited all of its people's freedoms. I am the son of poor peasants. My family never suffered the loss of their property because when Castro took over they had nothing, and today they have even less.

I was born after that fatal accident history which rid every Cuban of their liberty: the communist revolution. At a particular time in my life, I walked alongside this new system until I realized it had turned me into a modern-day slave, subjected to unjust laws, discriminatory practices which made me a nonperson.

When I began to live in the real world, I learned the true nature of the regime. I was overtaken by threats, unjust detention and imprisonment, harassment, forcibly separated from my work, and removed from my home where my children had been born. My friends were forced to abandon me, and of my person was written the epitaph of "counterrevolutionary" and traitor. Because I earned from the state, and as a black man, I was immediately discriminated against, and my moral integrity was offended.

I would very much appreciate it if this Subcommittee would consider the statement that I am making today as a testament of all that I have suffered. I became a dissident in 1990 after receiving a savage beating in a public square in Santa Clara. I was an activist with a political party until 1998, when together with my wife, we founded the Cuban Independent Libraries Project. From that moment on, the repressive vigor of the Cuban government was aimed against me and my family. The only crime I had committed was to open the doors of my home to offer my compatriots books.

This act of defying censorship would take away my freedoms on many occasions. They confiscated my books. They would open my mail. My calls would be intercepted. On two occasions I was attacked by government officials.

Like me, there are hundreds in Cuba that have not been afforded this opportunity to expose the suffering they endure because of their struggle to defend liberty and construct a democratic country. Human rights violations are not only suffered by the opposition movement. Rather, millions of people, including those who support the regime, are subject to violations of their most basic rights.

For instance, Cubans are not allowed to participate in the economics of their country. There is no freedom through which to express one's opinions. This is perhaps the freedom most sharply curtailed by the regime in order to limit the amount of information available to the Cuban people. The ability to assemble and form institutions is not allowed. The Cuban people are not allowed to travel freely throughout the world, and more shameful is the inability

to travel freely within one's own country. Intellectual freedom is only afforded when it benefits the regime. Only government officials can gather freely without fear of reprisal by political police and mobs fabricated with the intent to squelch the will of those who choose to defy the system.

Human rights violations in Cuba are hidden behind a curtain of free education, which in reality is only a system which promotes government-sanctioned ideals, and universal health care, which in reality is poorly funded for Cubans but abundant for tourists and members of the political elite.

The country's laws and constitution have been made to sanction the violations of these basic rights. The Cuban government does not offer truthful statistics about the number of persons detained, jails, or the conditions found there. However, Cuba has over 300 prisons, and the Cuban government has never allowed a single one to be inspected by international human rights or humanitarian organizations. For Cubans, a prison is synonymous with a cemetery for the living. Accounts of daily beatings, punishments, deaths, suicides, and other mistreatment against political and common prisoners are known.

In Cuba there are many cases of beatings carried out against Cuban citizens by state security forces, and while this abuse has become commonplace, there exists no mechanism with which to bring this reality to the outside world, nor a way to bring the perpetrators of these crimes to justice. The impunity with which the state acts has created deep-seated feelings of hate among the Cuban people. The only voices that can be raised to denounce these violations are those of the independent journalists, the human rights activists, and the dissident political organizations. Because of their work, they are subject to intense repression.

Fear is instilled in the soul of every Cuban citizen. It is a form of psychological torture that permeates all corners of society and is even witnessed by those who come to visit Castro's so-called "socialist paradise."

Throughout this world there are countries whose governments violate the rights of their own people, as evidenced by the State Department's yearly human rights report. In my country the violation of these rights has lasted more than 43 years, and every day more Cubans become victims of the regime, trading in their morality, prostituting themselves in exchange for mere scraps. More saddening is the fact that many of these victims are Cuba's children and youth.

The economic crisis has created social divisions among cubans. Tourist sector jobs have become the most coveted form of employment, jobs which are systematically denied to Cubans of African descent. Cubans are denied the same rights enjoyed by those tourists who come to visit the island. They are barred from participating or engaging in any of the foreign investment activity that takes place on the island. The regime is the country's only employer. Salaries are paid in almost worthless Cuban pesos while foreign investors are made to pay the Cuban regime in dollars. It is a new form of slave labor and abuse, denying the Cuban worker just compensation for his or her work.

Real democracies are those that respect the rights of the minority. In Cuba the regime does not take into account minority groups nor the right of the people to demand that their most basic human rights be respected. Instead, the regime creates a false image of support for the system.

Ladies and gentlemen, you may ask why I am here before you today. I am here because there are millions of Cubans like myself dispersed throughout the world that have been denied the right to live in the country in which we were born. Our families struggle to overcome the great barriers that have been erected between us by exile and that prolong our return to Cuba. This is only one of the many crimes committed by the regime of Fidel Castro, crimes for which he will be judged in a trial which only history has reserved for him.

One morning in November 1997, at 7:15 a.m., an official of the state police woke up my youngest son in order to search under the mattress of his cradle. Imagine the surprise of a 6-year old when he is awakened, not to the familiar faces of his parents but by the rough hands of a military officer dressed in olive green fatigues, a uniform which represents a government that denies the Cuban people their right to freedom.

This is why I believe it is critical that the Department of State and particularly the Bureau of Democracy, Human Rights and Labor continue to closely monitor and report on the status of human rights in Cuba, shining a light on the systematic abuses perpetrated by the regime.

[The prepared statement of Mr. Colas follows:]

PREPARED STATEMENT OF HUMBERTO RAMON COLAS, FORMER POLITICAL PRISONER,
FOUNDER OF THE CUBAN INDEPENDENT LIBRARIES

Thank you Madame Chairwoman for inviting me to participate in this very important hearing today. I come before this subcommittee today to expose my experience as a victim of a regime which has held onto the island of Cuba for 43 years and limited all of its people's freedoms. I am the son of poor peasants. My family never suffered the loss of their property, because when Castro took over they had nothing, and today they have even less.

I was born after that fatal accident in history which rid every Cuban of their liberty, the communist revolution. At a particular time in my life, I walked along side this new system, until I realized it had turned me into a modern slave, subjected to unjust laws, discriminatory practices which made me a non-person.

When I began to live in the real world, I learned the true nature of the regime. I was overtaken by threats, unjust detention and imprisonment, harassment, forcibly separated from my work and removed from my home where my children had been born. My friends were forced to abandon me and of my person was written the epitaph of "counter-revolutionary" and traitor. Because I earned my wage from the state and as a black man, I was immediately discriminated against and my moral integrity was offended.

I would very much appreciate it if this Subcommittee would consider the statement that I am making today as a testament of all that I suffered. I became a dissident in 1990 after receiving a savage beating in a public square in Santa Clara. I was an activists with a political party until 1998, when together with my wife, we founded the Cuban Independent Libraries Project. From that moment on, the repressive vigor of the Cuban government was aimed against me and my family. The only crime I had committed was to open the doors of my home to offer my compatriots books.

This act of defying censorship would take away my freedoms on many occasions. They confiscated my books. They would open my mail. My calls would be intercepted. On two occasions, I was attacked by government officials.

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construct a democratic country. Human rights violations are not only suffered by the opposition movement. Rather, millions of people, including those who support the regime, are subject to violations of their most basic rights.

For instance, Cubans are not allowed to participate in the economics of their country. There is no freedom through which to express one's opinions. This is perhaps the freedom most sharply curtailed by the regime in order to limit the amount of information available to the Cuban people. The ability to assemble and form institutions is not allowed. The Cuban people are not allowed to travel freely throughout the world, and more shameful is the inability to travel freely within one's own country.

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Throughout this world there are countries who's governments violate the rights of their people, as evidenced by the State Department's yearly human rights report. In my country the violation of these rights has lasted more than forty-three years and every day more Cubans become victims of the regime, trading in their morality, prostituting themselves in exchange for mere scraps. More saddening is the fact that many of these victims are Cuba's children and youth.

The economic crisis, (created by the regime's failed policies), has created social divisions among Cubans. Tourist sector jobs have become the most coveted form of employment—jobs which are systematically denied to Cubans of African descent. Cubans are denied the same rights enjoyed by those tourists who come to visit the island. They are barred from participating or engaging in any of the foreign investment activity that takes place on the island. The regime is the country's only employer. Salaries are paid in almost worthless Cuban pesos while foreign investors are made to pay the Cuban regime in dollars. It is a new form of slave labor and abuse denying the Cuban worker just compensation for his or her work.

Real democracies are those that respect the rights of the minority. In Cuba, the regime does not take into account minority groups nor the right of the people to demand that their most basic human rights be respected. Instead the regime creates a false image of support for the system. Ladies and Gentleman, you may ask why I am here before you today. I am here because there are millions of Cubans like myself, dispersed throughout the world that have been denied the right to live in the country in which we were born. Our families struggle to overcome the great barriers that have been erected between us by exile and that prolong our return to our homeland. This is only one of the many crimes committed by the regime of Fidel Castro—crimes for which he will be judged in a trial which only history has reserved for him.

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Thank you.

Ms. ROS-LEHTINEN. Without objection. It will be entered into the record.

You have said that Cuba has the capacity to become one of the most attractive and strongest democracies in the Western Hemisphere. If you could elaborate on that statement and tell us what we can do to support those efforts.

Mr. COLAS. Before Castro came to power, although there was a dictatorship in power of the country, there was still some type of representative democracy that had taken root. The current Cuban regime, when they came into power in 1959, promised to restore the 1940 constitution, which had been violated by the previous regime. They utilized this as an excuse to impose a regime that was even more ruthless and repressive than the previous one.

I still believe, aside from this, that Cuba has the possibility to grow in the democracy of nations in the future and for democracy to take root because the Cuban people have the ability and the desire. The Cuban people are hard workers. They have a true desire for freedom, and they count with the support of the Cuban exile community abroad that will go back at one point and help to restore democracy and institutions on the island.

Ms. ROS-LEHTINEN. Let us certainly hope that that happens. I would like to ask you if you have ever been visited by members of the congressional delegations who have gone to Cuba.

Mr. COLAS. Unfortunately not. I have not had that opportunity.

Ms. ROS-LEHTINEN. You are not on the approved list of the dissidents. See, Castro has an approved list of dissidents, and when you go to Cuba, and if you want to pretend that you are visiting opposition leaders, Fidel Castro will give you a list of the good housekeeping seal-of-approval dissidents. These are dissidents who are able to criss-cross the world, go to Paris, go to Geneva, come back to Cuba, go to the United States. Unfortunately, the real dissidents, such as you, are kicked out of Cuba, harassed, persecuted, or placed in jail. So I am not surprised that you have never been visited by a Member of the United States Congress.

What would you tell President Bush and the United States Congress about the policy which should be followed toward the Castro regime?

Mr. COLAS. While I was in Cuba, I wrote to President Fidel Castro on five occasions, and I never received a response. It would be a wonderful opportunity for me and for the people within Cuba, which I represent. I would tell the President that there is a people who waits and desires freedom and democracy and that there is a growing dissident movement within Cuba that needs his support.

I would also ask that he continues to isolate and pressure the Castro regime. The Castro regime becomes more flexible when it is pressured. Any type of assistance that is sent to Cuba through the Cuban government remains in the nomenclature of political needs.

The government of Fidel Castro does not care about its people, and I have testimony and proof of that. People who visit Cuba have an idea that it is a place where it is prosperous and people are free because Castro only allows them to visit certain parts of the country. I would tell President Bush that he can count on the opposition and the dissidents within Cuba to help establish a future democ-

racy in the country. The Cuban government has created the myth that the only opposition to the regime exists in Miami, and this is a false image. There is a very live and active opposition in Cuba, and I would make this known to President Bush.

Ms. ROS-LEHTINEN. Thank you very much. Thank you.

Cynthia, I am going to come back and ask them some more questions. I do not know if you have the time or if you would like to ask your question now in case you are not able to come back.

Ms. MCKINNEY. This is 10 minutes?

Ms. ROS-LEHTINEN. Yes.

Ms. MCKINNEY. I will take 5 minutes and then play it by ear.

Ms. ROS-LEHTINEN. I will come back.

Ms. MCKINNEY. I would like to ask a question of Arsene. Do we know who killed Laurent Kabila?

Mr. KIRHERO. [through translator] I do not know exactly. I know there is a trial that just began of persons suspected of having killed him.

Ms. MCKINNEY. Are the people who are under consideration at this trial, does it include outsiders?

Mr. KIRHERO. I must state that I do not have the best of information on that question because I am in Bukavu, 2,000 kilometers away from Kinshasa, where the key speculations on that issue are taking place currently.

Ms. MCKINNEY. Well, I would just note for the record that two sitting Presidents were murdered, that is, President Habyarimana of Rwanda and Ntaryarimania of Burundi, with the assistance of an outside power. And the striking similarity, even though it was not a terrorist act, shooting down a plane, as it was with the murder of those two Presidents, but the fact that Laurent Kabila's last words to an important visiting delegation were, and I quote, "I will never betray Congo," and then he is dead.

I can only assume that the same outside power that assisted in the terrorist act that resulted in the murder of two Presidents could also have an interest in the murder of Laurent Kabila. And my question was, do you know if there is any process in place that will consider inside parties but outside parties, too?

Mr. KIRHERO. We in the region witnessed the assassination of the Presidents of Rwanda and Burundi in 1994, as well as the assassination of President Kabila last year, and all of these incidents came as a shock, shocking incidents, to people in the region because they instill a very terrible culture about Presidents and about how the end of a career should be like for Presidents.

Madam, we know there are several speculations and suggestions about who were involved in these assassinations. The real desire of the Congolese people and the people in the region is that thorough and credible inquiries and investigations be carried out into these incidents and that the persons responsible for these assassinations be effectively brought to justice and punished.

Because there is a prevailing culture which needs to be nipped in the bud and is the culture of assuming power by the barrel of a gun, which often entails as well eliminating one's own predecessor, it is an unfortunate culture that is developing in the region and that has to be checked.

Ms. MCKINNEY. You say that there is a need for—

Ms. ROS-LEHTINEN. Congresswoman McKinney.

Ms. MCKINNEY. I understand that you want to take a photograph. We still have some time, and I want to finish my—

Ms. ROS-LEHTINEN. Sweetheart, listen. The hearing is all yours. I have got to go.

Ms. MCKINNEY. Great. Thanks.

Ms. ROS-LEHTINEN. Take all the time you want.

Ms. MCKINNEY. I will.

You said that there is a need for a real investigation. Given the fact that President Eisenhower agreed to the murder of Patrice Lumumba, and Belgium recently apologized, who can do such an investigation?

Mr. KIRHERO. Madam, the question you ask is a very pertinent one. I am not sure I have a complete response to it. You know, there is a famous saying in Congo that is captured in a song that says: "Falsehoods come down with an elevator, but the truth only goes up using the stairs." So it indicates that falsehood actually moves a lot faster than the truth can be discerned.

Mr. KIRHERO. To complete my response to that question, Madam, we have followed in Congo with a lot of interest the discussions in Belgium about their responsibility for the assassination of Patrice Lumumba, and although that information came to light in some cases decades, almost 40 years, after the events happened, we are sure and we are confident that information about those responsible for these assassinations, these more recent assassinations, will come to light and hopefully will take place in less than those 40 years and that those responsible will be brought to justice.

Ms. MCKINNEY. I have to run and go vote now, and so I will adjourn the meeting. But I would say to all of you, thank you for coming. Your stories are of interest to us, and I wish that individual Members of Congress could do more to make human rights more important in our foreign policy, but today human rights is not important in our foreign policy. Thank you.

[Whereupon, at 2:25 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr Chairman, I want to congratulate Secretary of State Colin Powell and Assistant Secretary Lorne Craner for their splendid effort in putting together this year's Country Reports on Human Rights Practices.

I also want to thank the Human Rights Bureau, the Country Reports team and the foreign service officers in the field who spent countless thousands of hours talking to witnesses, compiling data, and checking facts. I want all of you to know that the Congress and the American people are grateful to the contribution you have made to advancing the cause of human freedom.

This year's Reports, which include almost 190 countries and comprise over 3000 pages are a balanced, candid and accurate assessment of human rights conditions on all corners of the globe.

As in previous years, the Reports will serve as a critical component of our effort to expand democracy and freedom in the world. In telling the world the truth about evil and cruel acts perpetrated by governments toward their own citizens, they give a voice to the voiceless and bear witness for those victims who do not have access to fair trials or other protections.

This year, however, the events of September 11th have put these reports and our decades long effort to advance human rights in a totally new context.

The War we are fighting against terrorism is the ultimate human rights struggle.

We know that terrorism thrives in places where humans rights, women's rights, the rule of law and religious freedom are ignored.

Therefore, we must redouble our efforts to promote democracy and human rights not only in Afghanistan, but in other states that are pivotal in the war against terrorism such as Sudan, Saudi Arabia, Syria and China.

As these reports point out severe human rights violations continue to exist in these and other key countries.

To achieve victory in the war against terrorism we must convince these regimes to make major advancements in respecting limits on the power of the state, the rights of women, the rule of law, private property, free speech, and freedom of religion.



Flogging of a young man, May 2001

Recent Flogging & Tortures of young men



A young supporter of the Iranian Mojahedin opposition movement whipped by the ruthless clerics in Tehran











Execution of a young man in Tehran, State Television January 2001

July 2001

