

News

Amnesty International USA Human Rights Agenda for the 110th U.S. Congress

Amnesty International welcomes the 110th Congress and looks forward to working with its members to improve human rights conditions for children, women, and men around the world. The new Congress convenes with the promise of change and a chance to help restore the nation on a path that leads the world on human rights and sets an example for justice.

Amnesty International urges the Congress to embrace this human rights agenda and implement its recommendations. This human rights agenda can help prevent torture and cruel, inhuman, and degrading treatment by setting in place policies to prevent abuses such as the torture and ill-treatment witnessed at Abu Ghraib and the unlawful regime of prolonged and indefinite detention affecting hundreds of men at Guantanamo. This human rights agenda promotes consistent and effective human rights policy and highlights countries in crisis by focusing on Sudan, Iraq, China and Colombia, as examples. This human rights agenda identifies measures to advance the human rights of women and assist vulnerable populations, whether they are human rights defenders, prisoners of conscience, individuals attacked for their sexual orientation or gender identity, persons with disabilities, refugees or internally displaced persons, or children conscripted as soldiers. It seeks to improve the effectiveness of US foreign security assistance and offers recommendations to increase transparency and accountability for aggregate US assistance to foreign countries and global issues.

Amnesty International urges the Congress to make human rights a central force in foreign and domestic policy. The America we believe in would set an example in upholding international human rights and humanitarian law. It would embrace not only political and civil rights but also economic, social, and cultural rights, acting, for example, to protect the rights of Gulf coast residents displaced by hurricane Katrina, and it would seek to join the community of nations that have abolished the death penalty. The America we believe in would be a steadfast voice for the voiceless and it would offer consistent advocacy for freedom and justice for all. The America we believe in leads the world on human rights.

Restore US Leadership on Human Rights: End Abuses Related to the War on Terror, Uphold Rights in the United States

The America we believe in would close Guantanamo and restore Habeas Corpus, it would not tolerate torture and other cruel, inhuman, and degrading treatment, it would end Extraordinary Renditions and disclose Secret Prisons, and it would prevent the profiling of individuals based solely on their race, ethnicity, religion, or national origin.

- Guantanamo has come to symbolize US human rights violations committed in the name of the "war on terror." Since January 11, 2002, the United States has detained over 750 men from over 45 nations in Guantanamo. Despite allegations of torture and ill-treatment, international condemnation, three deaths in custody, several unfavorable court decisions, and not a single conviction of a detainee for any crime, the US government has responded by building more permanent facilities. No amount of permanent structures will make the detentions at Guantanamo lawful – it is time to shut it down. The International Committee of the Red Cross (ICRC) broke its habitual silence in 2003 to express its concern about the impact of such prolonged indefinite detention, and, in a 2004 confidential report that was leaked to the press, the ICRC charged that the US intentionally engaged in methods "tantamount to torture" against prisoners held at Guantanamo. There are increasing concerns about the deteriorating mental health of detainees due to increasingly harsh conditions of isolation. It is time to bring America back into the community of nations as a country that is recognized globally for upholding human rights and the rule of law. Congress should ensure that all detainees in Guantanamo be charged immediately and given a fair trial, or released unconditionally and not sent anywhere where they would face torture or other human rights abuses. Congress should conduct oversight hearings on current conditions for detainees and ongoing policies.

- Interrogation techniques that rise to the level of torture or other cruel, inhuman, or degrading treatment (CID) or violate Common Article 3 are strictly prohibited from use by the US military and any person in a Department of Defense facility as of December 2006. This was made clear by the Detainee Treatment Act (DTA), a Supreme Court decision (Hamdan), and the Army Field Manual regulations that apply to all services. Since the vast majority of people in detention are in DoD facilities this is a significant step forward. The CIA is bound by the prohibition on CID through the DTA and bound by Common Article 3 according to the Supreme Court (Hamdan decision). However, the Military Commission Act (MCA) of 2006 leaves ambiguous the available interrogation techniques and the future of secret detentions. Vice President Cheney's dismissive comments on "waterboarding" (explicitly prohibited in the Army Field Manual, for example) as a "no brainer" technique for use is a clear indication that more needs to be done. Congress should amend the MCA to restore provisions of the War Crimes Act that criminalize violations of Common Article 3, especially "outrages on personal dignity, in particular humiliating and degrading treatment".

- The Bush Administration has defended its practice of taking suspects into secret prisons and has refused to specify the standards of treatment that apply to those held there. This practice amounts to secret incommunicado detention and may even qualify as conducting "disappearances." Congress should pass legislation to end the practice of using secret prisons, ensure that all persons in US custody or effective US control are subject to the protections against torture and other cruel, inhuman, and degrading treatment and standards encompassed in Common Article 3, and require that, at a minimum, anyone in US custody or effective US control be registered and visited by the International Committee of the Red Cross.

- The Writ of Habeas Corpus is a historic legal right to challenge one's detention. It is considered a fundamental check on a government's ability to detain people arbitrarily. The DTA stripped the right to habeas for Guantanamo detainees. The Supreme Court in the Hamdan decision stated that the DTA Habeas stripping was not retroactive. By implication, this decision allowed the hundreds of habeas cases that were already in place for Guantanamo detainees to go forward. The MCA, in a direct response to the Hamdan decision, applies to all foreign nationals held as unlawful enemy combatants by the United States, stripping them of habeas rights and the right to file any other type of case relating to their detention. Senator Specter introduced an amendment to remove this provision; the amendment failed by a vote of 48-51. The MCA blocked the cases of hundreds of detainees, many with deteriorating health conditions. The right to file a habeas case is extremely important when coupled with the overly broad definition of "unlawful enemy combatant," a status not recognized in international law. The definition allows the US government to designate a person an "unlawful enemy combatant" based on vague or tenuous connections, and does not require that the person be picked up on a battlefield or during an armed combat. The MCA must be amended to restore the centuries old right to Habeas, to narrow or reject the definition of what constitutes an "unlawful enemy combatant," and to restore the US reputation as upholding basic due process.

- Extraordinary Renditions have been used by the Bush Administration to send people for interrogation to countries notorious for using torture. The hypocritical message is that the US may oppose torture publicly, but will send suspects to a country that will torture for them. The United States must end the current practice of extraordinary renditions by providing critical safeguards and confirming that the prohibition on returns to a place where someone is likely to be tortured applies anywhere a person is in US custody or effective US control. For the past two years, the US Congress has passed amendments to annual appropriations bills to restrict the use of funding for renditions. A permanent fix in the form of legislation is needed.

- Racial profiling has historically been used to target the African American, Native American and Hispanic/Latino American community and, since September 11, 2001, law enforcement has increased the use of racial profiling of Arab American, Muslim American, and South Asian American communities. Under the US Constitution and international treaties, every person has the fundamental right to equal protection under the law regardless of race, ethnicity, religion, or national origin. Targeting people for law enforcement activity based solely on their race, religion, ethnicity, or national origin is humiliating, degrading, and discriminatory, and it has been proven to be an ineffective investigatory technique. Congress should pass an End Racial Profiling Act to ban the use of racial profiling in federal, state, and local law enforcement.

Countries in Crisis and Leveraging Change

The America we believe in would be consistent in leveraging US policy to improve human rights around the world, it would act with urgency to assist regions in crisis and shine a spotlight on countries with a consistent practice of abuse. Amnesty International welcomes the opportunity to work with the Congress on these and

many more countries and to develop in detail the recommendations summarized below.

- Sudan requires constant vigilance as we continue to press for an effective international peacekeeping force in Darfur, follow-through on development assistance in southern Sudan, and work to ensure human rights protections in the east where a peace agreement was signed in 2006. We remain deeply concerned about the humanitarian crisis in Darfur where Janjawid militias, Sudanese government forces, and rebel groups have claimed the lives of hundreds of thousands of Darfuri civilians, and displaced more than 2.5 million Darfuri and 50,000 Chadian civilians since 2003. Fighting which began in Darfur has since poured over the borders into Chad and the Central African Republic, causing regional instability and increasing human rights violations in these countries as well. The Congress should insist on immediate access for UN peacekeepers in Darfur (with adequate troop numbers, UN command and control responsibility, and a timetable for deployment), funding for African Union and UN peacekeepers operating in Darfur, and funding and access for humanitarian operations desperately needed by millions of civilians.

- Iraq continues to be plagued by human rights abuses that can be broadly grouped in three areas—violations committed by armed groups, by the Iraqi government, and by US forces. Violations by armed groups are marked by disregard for civilian lives and the basic rules of international humanitarian law. Reports of torture, ill-treatment, and lack of judicial process at the hands of Iraqi authorities continue. Adequate safeguards against torture and ill-treatment are not in place in Multinational Force detention facilities, and thousands continue to be held without charge or trial. Repeated instances of killings of civilians by US forces have raised concerns about the use of justified force. Amnesty International has condemned each of these violations and believes that for Iraq to achieve peace and stability all parties must respect and obey international human rights laws. Amnesty International also remains deeply concerned about the high number of Iraqi refugees in Jordan and Syria and the lack of effort to find them a durable solution. Congress should insist on thorough and transparent investigations into killing of civilians by US force. Congress should urge the Iraqi government to implement a human rights training program for its security forces and to take measure to ensure the Iraqi judicial system meets international standards. Amnesty International would welcome the opportunity to work with the Congress to identify adequate human rights safeguards and mechanism to prevent Iraq from further descending into a human right chaos in the event US forces pullout of Iraq.

- China is notorious for its poor human rights record. As China prepares to host the 2008 Olympics, the US Congress should identify points of leverage and work with the Administration to set a clear time table and specific benchmarks for human rights advancements. Widespread violations include severe restrictions on freedom of expression, religion, and assembly. There are tens of thousands of political prisoners in custody, an estimated 250,000 civilians in "reeducation through labor" camps, a market in harvesting human organs from executed prisoners without their consent, a one-child population policy that has led to forced abortions and sterilization, an

intensifying crackdown on Internet users, and the world's highest number of death penalty executions – 80%. The benchmarks should seek to address abuses listed above, and should also allow for unhindered access for human rights monitors and organizations.

- Colombia begins 2007 amidst one of the most serious political scandals of its recent history. Investigations have opened into collusion between Colombian government officials including politicians, judges, and security force personnel, and the paramilitary Autodefensas Unidas de Colombia (AUC), a US-designated International Terrorist Organization. In February, news coverage revealed that twenty-one military recruits were tortured by officers as they underwent training at the Colombian Army's Center for Instruction and Training. In November, paramilitary penetration of Colombia's Civilian Intelligence Department, Departamento de Administración de Seguridad (DAS), became undeniable when the Office of the Procurator General accused the former director of links to the paramilitary death squads. Congress should drastically alter its Colombia policy and redirect funding from predominantly security assistance to predominantly social aid and the protection of human rights defenders, indigenous peoples, Afro-Colombians, internally displaced persons, and communities defending their right to remain outside of Colombia's armed conflict. The percentage of certifiable aid to Colombia (presently only 25%) should be increased and there should be greater transparency regarding State Department benchmarks and criteria for fulfilling the congressionally mandated certification process on Colombia's compliance with human rights criteria.

- Russia continues to clamp down on human rights defenders and civil society through its restrictive January 2006 law on non-governmental organizations and through its failure to protect defenders. Leading Russian journalist Anna Politkovskaya was murdered in October 2006, the Russian-Chechen Friendship Society was closed in January 2007, and numerous other Russian NGOs remain under investigation. Torture and ill-treatment by Russian police remains a problem across the Russian Federation. Race-based violence has been increasing resulting in more than 30 race-based murders last year. Human rights violations including "disappearances" by security forces have spread beyond Chechnya to neighboring republics and impunity reigns. Russia also has failed to enact a law criminalizing domestic violence. Congress should hold hearings to scrutinize the deteriorating human rights situation in Russia, it should continue to maintain current levels of assistance to non-governmental organizations in Russia, and continue to provide humanitarian and reconstruction assistance to Chechnya and neighboring republics.

The Rights of Women

The America we believe in would use its leverage to improve conditions for women and stop violence against women, it would embrace the international treaty for the rights of women, and it would press governments to ensure equal protection of human rights and human dignity for all. Amnesty International welcomes the opportunity to work with the Congress on these and many initiatives to assist women around the world and in doing so promote better conditions for communities and nations.

- International violence against women is a global problem of epidemic proportions. An estimated one in three of the world's women will experience gender-related violence in her lifetime, with rates reaching 70% in some countries. Congress should pass an International Violence Against Women Act (IVAWA) that offers a comprehensive approach to confronting international violence against women and girls. Congress should systematically integrate efforts to end gender-based violence against women and girls into all appropriate US foreign policy programs, including health, education, economic growth, legal reform, human rights and humanitarian assistance.

- The United States should ratify the Treaty for the Rights of Women, officially the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Treaty is crucial because it provides an international standard that holds all countries accountable to protect human rights of women and because it seeks to end violence against women, ensure equal access to education and health care, provide equal protection before the law, and prevent other human rights abuses. Americans are united in supporting basic human rights for women around the world. The Treaty enjoys bipartisan support, but has never come before the full Senate for a vote on ratification, even though it has been voted favorably out of committee twice.

- Native American and Alaska Native women experience rates of sexual assault 2.5 times higher than women in the United States in general, according to US government statistics. The Violence Against Women Act (VAWA), as reauthorized in 2005, begins to address the unique circumstances of Native American and Alaska Native women. VAWA contains a Tribal Title (Title IX) that directs the US Attorney General to conduct a national baseline study to examine violence against Native American and Alaska Native women and to evaluate the effectiveness of tribal, federal, state, and local responses. VAWA also mandates that ten percent of all its funding, including ten percent of the STOP grant program, be set aside for tribal programs. Congress should examine the findings of the AG report to identify and support mechanisms to end the violence and it should ensure full funding of VAWA.

- The killing of women in Guatemala and Mexico has risen to alarming proportion. In Guatemala, over 2,500 women and girls have been brutally murdered since 2001. Likewise in Ciudad Juarez and Chihuahua, Mexico, over 400 women and girls have been kidnapped and brutally murdered since 1993. The vast majority of the cases in both countries remain unsolved exemplifying a lack of political will and resources on the part of government officials to bring those responsible to justice. Congress should prioritize in its bilateral relations with Guatemala and with Mexico activities aimed at stopping the killing of women in those countries, ensuring proper investigations, and bringing those responsible for these crimes to justice. Congress should also press those governments to fund appropriate programs addressing violence against women.

Vulnerable Populations

The America we believe in would be a voice for vulnerable individuals and populations around the world, it would seek the release of prisoners of conscience and defend human rights of all. Amnesty International welcomes the opportunity to work with Congress to assist the communities identified below and other vulnerable populations, such as refugees and internally displaced persons, persons with disabilities, and individuals targeted for abuse because of their sexual orientation or gender identity, including lesbians, gays, bisexual and transgendered persons.

- Countries across the world have detained prisoners of conscience for the nonviolent expression of their beliefs. The Congress can help free many of these prisoners of conscience. Last year, Members of Congress helped win freedom for Gurbandurdy Durdykuliev, a prominent dissident in Turkmenistan, who had the temerity to advocate openly for forming an opposition political party. Congress also helped secure the release in Syria of reformists who had called for greater democracy following president Bashar al-Assad's election. Members of Congress successfully pressed Syria to release Riad Seif, Habib 'Isa, Fawwaz Tello, Walid al-Bunni and parliamentarian Mamun al-Humsi. Around the world many prisoners of conscience languish without hope. Congress should work to secure the release of journalists in Eritrea, such as Fessahaye Yohannes, and the release of imprisoned human rights defender Mesfin Woldemariam in Ethiopia. Congress should press for the release of Shi Tao in China who used a Yahoo! email account to send a message to a US-based pro-democracy website, for Ma Khin Khin Ley in Myanmar (Burma) who helped plan a peaceful demonstration, and for Yusak Package and Filep Karma in Papua, Indonesia, who were incarcerated for peacefully raising a Papuan flag and could spend the next decade in prison. These individuals and many others remain imprisoned for the non-violent expression of their beliefs and Members of Congress could help achieve their release.

- There are an estimated 300,000 child soldiers under the age of 18 serving in government armed forces, paramilitaries, civil militia, and a wide variety of non-state armed groups. With new weapons that are lightweight and easy to fire, child soldiers are more easily armed, with less training than ever before. In areas such as the Democratic Republic of Congo (DRC), Sudan, Ivory Coast, Sri Lanka, Colombia, Myanmar (Burma), and others, child soldiers continue to be forced to kill, maim, or serve as sex slaves. Amnesty is seeking to reduce the number of child soldiers and create a better future for them by improving the funding and effectiveness of Disarmament, Demobilization, and Reintegration (DDR) programs and putting pressure on armed forces and/or armed groups that recruit children. The Congress should increase funding for DDR programs and pass a Child Soldier Prevention Act to help put pressure on the perpetrating forces and groups.

Improve Oversight of US Assistance and Ensure Adequate Funding for Human Rights

The America we believe in would ensure US security transfers do not contribute to human rights abuses, it would work to prevent the use of and help rehabilitate child soldiers globally, and it would ensure stringent human rights criteria govern the US training and equipping of foreign forces.

- Over the past few years, the Department of Defense has increasingly been granted authority over the training and equipping of foreign security forces. Traditionally, the Department of State has overseen such assistance programs and has been required to meet human rights criteria and conditions as stipulated in the Foreign Assistance Act of 1961 (Section 502B) and other relevant legislation. Unfortunately, the same rigorous criteria have not been required of the Department of Defense. Amnesty is seeking a mechanism by which all US government agencies are held to the same human rights standards and criteria in its programs to train and equip foreign forces.

- At least tens of thousands of innocent men, women, and children have been killed or maimed by rockets armed with cluster munitions in the last three decades. Horrifying examples of the effects on civilians of cluster munitions used in Eritrea, Serbia and Montenegro, Afghanistan, and recently Lebanon, make it clear that the time has come to restrict the use of these weapons in or near civilian areas. Cluster munitions are intended for attacking large-scale enemy troop formations, not heavily populated civilian areas. Unexploded cluster munitions often remain active after a conflict has ended, severely threatening children and others civilians. The Congress should hold hearings on this issue and adopt legislation instructing the US government to restrict the use and export of US cluster munitions used in civilian populated areas.

- US assistance relating to human rights continues to diminish relative to other forms of assistance, especially in relation to assistance for security forces. It is also difficult to identify the levels of US funding dedicated to cross-cutting issue, such as rights of women globally or initiatives to strengthen the rule of law, for example, or to determine the totality of US assistance designated for a particular country. The recent restructuring of the State Department and the creation of an "F" bureau offers an opportunity to examine current funding practices and increase transparency. Amnesty International would welcome the opportunity to work with the Congress to publicize the need to increase US funds for human rights and humanitarian assistance, and also to support and develop initiatives that improve oversight and public disclosure of the aggregate US funds and assistance allocated to foreign countries and global issues.

The America we believe in leads the world on human rights. Leadership that is based on consistent and credible human rights policies will not only help restore this nation's international standing, but will also ensure that the human rights of untold millions of people around the world are better protected. Amnesty International has nearly two million members promoting human rights in over 150 nations. We look forward to working with the 110th Congress to fulfill this Human Rights Agenda and affirm US leadership on human rights around the world.