

## US Human Rights Advocacy: The Guantanamo Effect

*Written testimony submitted by the International Helsinki Federation for Human Rights to the United States Commission on Security and Cooperation in Europe*

*June 2007*

### Preface

The International Helsinki Federation for Human Rights (IHF) is grateful for the opportunity to submit written testimony to the hearing of the US Commission on Security and Cooperation in Europe (“Helsinki Commission”) on implications of the US detention facility at Guantanamo Bay, Cuba, for US leadership on human rights.

The present contribution is based on the premise that Guantanamo is not only a particular detention facility, but also – and more so – a symbol for the approach toward fundamental human rights principles that the government of the United States has displayed in the context of the campaign against terrorism pursued in the aftermath of the events of 11 September 2001. It examines the impact of policies symbolized by Guantanamo on the effectiveness of the US as an advocate and defender of human rights in several Helsinki signatory states, as well as on the promotion and protection of human rights in the Organization for Security and Cooperation in Europe (OSCE) region more generally.

The contribution has been prepared in cooperation with IHF members and partners in a number of OSCE participating States, which can be described as either “new democracies” or “democracies in the making” and therefore can be considered potentially receptive to US efforts to promote democracy and human rights.

### Summary

In the post-September 11 period, hundreds of terrorist suspects have been detained indefinitely without charge, denied access to courts and allegedly subjected to abusive treatment at the US detention facility at Guantanamo Bay. Around the world, Guantanamo has become a symbol for the willingness of the US to sacrifice basic human rights principles and circumvent international standards on detention, due process, trials and torture in the “war

---

MEMBER AND COOPERATING\* COMMITTEES IN:

Albania – Armenia\* - Austria – Azerbaijan - Belarus – Bosnia-Herzegovina – Bulgaria – Canada – Croatia – Czech Republic – Denmark – Finland – France – Georgia\* - Germany – Greece – Hungary – Italy – Kazakhstan – Kosovo – Kyrgyzstan – Latvia – Lithuania – Macedonia – Moldova – Montenegro – Netherlands - Norway – Poland – Romania – Russia – Serbia – Slovakia – Slovenia – Sweden – Switzerland – Tajikistan\* – Turkmenistan\* - Ukraine – United Kingdom – United States – Uzbekistan\*

COOPERATING ORGANIZATIONS: THE EUROPEAN ROMA RIGHTS CENTER – HUMAN RIGHTS WITHOUT FRONTIERS – MENTAL DISABILITY ADVOCACY CENTER

on terror.” Thus, it has become emblematic of how human rights can be trampled in the name of enhancing security.

The policies symbolized by Guantanamo have had profound and potentially long-lasting impacts not only on US leadership on human rights but also on the broader protection of human rights in the OSCE region. Above all, they have seriously undermined or even reversed perceptions of the US as an example of a government respectful of human rights and as an essential ally of the region’s democratically oriented civil society movements, thereby weakening America’s ability to contribute to the advancement of human rights in the region.

More specifically, the following trends have been identified in this contribution:

- The credibility of the US as a proponent of human rights has been severely damaged and it can no longer effectively address problems such as torture, arbitrary detention and disappearances in other countries;
- The US is perceived generally to have downplayed human rights in its foreign policies and to have allowed security and other issues to take precedence over human rights in bilateral political dialogues;
- The leverage of the US to address egregious abuses such as those perpetrated in the name of fighting terrorism in Chechnya and Uzbekistan has been greatly diminished;
- Governments with inferior human rights records have been emboldened by the US example of circumventing human rights principles and have sought to justify their own policies by arguing that they are only doing what the US is doing;
- Non-democratic regimes have found a convenient opportunity to reinforce charges of political bias and double standards in the US approach to human rights;
- The US and other western governments have been accused of seeking to meddle in the internal affairs of countries of the former Soviet Union when leveling criticism of human rights conditions in these countries, although they themselves violate international rules;
- Authorities of countries in a weak position to challenge the US have been pressured to allow security interests to override human rights concerns in individual cases in the “war on terror”;
- Respect for the US and the US model of democracy has waned, and nationalist movements have openly exploited alleged US abuses to fuel anti-American sentiments in their countries;
- US is perceived to have withdrawn support for “politically sensitive” activities by civil society groups in the region;
- Human rights NGOs have been accused of promoting political interests of the US and other western countries when accepting grants from foreign donors;
- Those involved in efforts to promote human rights have faced a more hostile working environment due to growing cynicism and disillusionment about human rights, often reinforced by negative government propaganda.

## Background about the IHF

The IHF is a community of 46 human rights NGOs in the OSCE region that work together at the international level to promote compliance with the human rights provisions of the Helsinki Final Act and its follow-up documents, as well as with other international human rights standards. The IHF focuses primarily on civil and political rights, and has a historical mandate to support and protect civil society activists who are at risk because of their efforts to hold their governments accountable to international human rights obligations.

Most of the Helsinki committees are among the leading independent human rights groups in their countries, and many of them have been encouraged and supported by the US government, both prior to and after the fall of the Iron Curtain.

In the post-September 11 period, the IHF has consistently emphasized that human rights must be respected when fighting terrorism and that any counter-terrorism campaign that undermines human rights is morally and legally unjustified as well as self-defeating.

At the IHF General Assembly held in November 2001, the Helsinki committees adopted a statement expressing concern about counter-terrorism measures taken by various governments in the immediate aftermath of September 11, insisting that “a campaign against terror ought to be a campaign for human rights and democracy.”<sup>1</sup> They also established a task force to monitor and analyze the human rights implications of the “war on terror,” which eventually resulted in the publication of a lengthy IHF report on this topic in April 2003.<sup>2</sup>

The issue of counter-terrorism and human rights has remained high on the agenda of the IHF, and in 2006 the IHF carried out a federation-wide campaign to promote adherence to the global ban on torture in the fight against terrorism.<sup>3</sup>

The IHF has appealed on numerous occasions to the US government to comply with international human rights obligations when combating terrorism. A few months after September 11, the Helsinki committees sent a joint letter to President Bush to urge him to repeal an emergency order creating special military commissions to try aliens suspected of terrorism, noting that there was no precedent for such an order “in either American or international law.” They also emphasized that the measure set a “very bleak example not only for non-democratic regimes, but also for emerging democracies established in the last 15 years, many of which countries we now represent.”<sup>4</sup>

---

<sup>1</sup> “No Contradiction Should Exist Between Combating Terrorism and Promoting and Protecting Human Rights,” 18 November 2001, at [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=1207](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=1207)

<sup>2</sup> *Anti-terrorism Measures, Security and Human Rights* (April 2003), at [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4082](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4082)

<sup>3</sup> For more information see [http://www.ihf-hr.org/cms/cms.php?sec\\_id=79](http://www.ihf-hr.org/cms/cms.php?sec_id=79)

<sup>4</sup> “Open Letter to the President of the United States of America Mr. George W. Bush,” 17 November 2001, at [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=1120](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=1120)

## Ten trends affecting human rights protection in the OSCE region

On the basis of ongoing monitoring as well as comments received from the representatives of member and partner organizations in Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Kazakhstan, Russia and Uzbekistan, the IHF has identified a number of trends regarding the implications of US policies against terrorism for the role of the US as an advocate and defender on human rights and the broader protection of human rights in the OSCE region:

1. The abusive practices employed by the United States in the campaign against terrorism have severely **damaged its credibility as a proponent of human rights**. Because of its own disregard for international human rights law with respect to terrorist suspects who have been apprehended and incarcerated since September 11, the US can no longer credibly address problems such as torture, arbitrary detention and disappearances in other countries. The US remains an advocate for democracy and freedom in the world, but its moral authority to speak out about human rights violations has been diminished. One human rights defender responded to the IHF that “Human rights are no longer a viable rationale for US actions,” while another remarked that the US “cannot speak about violations of human rights in one place and violate them itself in another.”

A resolution adopted by the Parliamentary Assembly of the Council of Europe in March 2007 reflects the concerns of NGOs:

*The United States of America, an observer state to the Council of Europe, has traditionally been and remains Europe’s long-standing ally in resisting tyranny, upholding the rule of law and defending human rights. Since the Second World War, the United States has led efforts to create a modern, multilateral, rule-based system of international law and has been among the principal driving forces in establishing the current architecture of international institutions.*

*The Parliamentary Assembly recognises that the United States remains strongly committed to a significant number of international legal norms [...]. However, [...] in pursuit of its so-called “war on terror”, the American Administration has inappropriately and unilaterally disregarded certain key human rights and humanitarian legal norms considered by it to be overly constraining or otherwise inappropriate in view of the perceived new situation. In so doing, it has done a disservice to the cause of justice and rule of law and has tarnished its own hard-won reputation as a beacon in defending human rights and in upholding well-established rules of international law.<sup>5</sup>*

2. There is a widespread perception among the civil society community in the OSCE region that the US has noticeably **downplayed human rights in its foreign policies** in the post-September 11 period because of changing political priorities and loss of credibility to raise concerns. Many of the members and partners of the IHF share the impression that the US has allowed security and other issues to take precedence over human rights in its interactions with

---

<sup>5</sup> Parliamentary Assembly of the Council of Europe, *Resolution 1539 (2007): The United States of America and international law*, 16 March 2007, at <http://www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/ERES1539.htm>

the authorities of their respective countries, and that human rights no longer feature as prominently in political dialogues but primarily are dealt with on a pro forma basis. One human rights defender remarked that the US “does not speak clearly about human rights” anymore, while another concluded that the US and its allies have stopped “playing the human rights card.”

A Kazakh civil society activist stated that the US used to be an outspoken defender of human rights in his country, but because of Guantanamo its voice has been diminished, and the Kazakh authorities now have a pretext for opting for the alternative of a “dialogue” on human rights promoted by some European countries.

**3. Because of Guantanamo, the US has lost opportunities to address some of the most serious human rights situations in the OSCE region.** The attempts by the Russian government to portray Chechnya as another front in the “war on terror” have gone largely unchallenged by the US government,<sup>6</sup> and the Bush administration has refrained from raising specific concerns about the pattern of gross abuses taking place in the region. A Russian human rights activist pointed out that the US, in the current situation, cannot expect to have any impact when it speaks alone on this and other persistent human rights problems in Russia since any criticism coming from it is received with derision by Russian authorities.

As a result of close counter-terrorism cooperation with Uzbekistan, the United States has also failed to effectively challenge the Uzbek government about its brutal and indiscriminate campaign against alleged religious extremists, which has been waged for more than a decade already but has been reframed as a contribution to the global fight against terrorism in the aftermath of September 11.<sup>7</sup> The authoritarian Uzbek regime became a strategic partner of the US when agreeing to let the US use its airspace and airbases after the terror attacks on New York and Washington, and it has reportedly assisted in the implementation of US rendition operations by acting as a “surrogate jailer.”<sup>8</sup> The intimate US-Uzbek relationship only cooled down after the May 2005 killings of civilians in the Uzbek city of Andijan.

In the view of an Uzbek human rights defender, it appears that the Bush administration was aware of the well-documented abusive practices employed by the Uzbek government when inviting it to join the international counter-terrorism coalition after September 11. He finds that this policy of “embracing a dictator” for the purpose of fighting terrorism raises serious doubts about the rationale of that fight, and questions why the US has not consistently protested the methods of the Uzbek authorities – which he describes as “state terrorism” – if it is really interested in combating terrorism in all its forms.

**4. The human rights violations committed by the US in the campaign against terrorism have, further, emboldened governments with poor human rights records and made it possible**

---

<sup>6</sup> For more information about Russian counter-terrorism policies in Chechnya see the chapter on “Counter-terrorism Measures and the Ban on Torture” in IHF, *Human Rights in the OSCE Region. Report 2007 (Events of 2006)*, at [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4387](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4387)

<sup>7</sup> For more information about abuses related to Uzbek counter-terrorism policies see *ibid.*

<sup>8</sup> “US recruits a rough ally to be a jailer,” *The New York Times*, 1 May 2005, at <http://www.nytimes.com/2005/05/01/international/01renditions.html?ex=1272600000&en=932280de7e0c1048&ei=5088&partner=rssnyt&emc=rss>

**for them to cite the US example to justify their own abusive policies** or to deflect criticism of these policies. According to United Nations Special Rapporteur on Torture Manfred Nowak, governments around the world have tried to rebut criticism of how they treat detainees by stating that they are only doing what the US is doing. “Today, many other governments are kind of saying, 'But why are you criticizing us, we are not doing something different than what the United States is doing?'” he was quoted as telling journalists at a news conference in October 2006.<sup>9</sup>

In the OSCE region, Russian President Vladimir Putin has repeatedly sought to divert attention from the human rights situation in Russia by calling for increased attention to alleged abuses of terror suspects held by the US at Guantanamo Bay and elsewhere,<sup>10</sup> and he has referred to the Abu Ghraib scandal to argue that responsibility for the endemic problem of torture in Chechnya rests solely with low-ranking soldiers.<sup>11</sup> In late 2006 UN Special Rapporteur Nowak was forced to cancel a planned visit to the Russian North Caucasus region after Russian authorities refused to allow him to talk privately to detainees, similarly to US authorities with respect to Guantanamo Bay.<sup>12</sup>

Belarus President Lukashenko has called on the international community to be less concerned with human rights in Belarus – one of the countries with the worst records in the entire OSCE region – and to care more about ensuring “independent trials” for Guantanamo detainees and “defending the rights” of torture victims at Abu Ghraib.<sup>13</sup> The government of Uzbekistan has compared its actions following the May 2005 Andijan events to the US response to the September 11 attacks, thereby hoping to escape criticism for arbitrary mass arrests, show trials of alleged religious extremists and an unprecedented crackdown on human rights defenders and others challenging the official account of what happened in Andijan.<sup>14</sup>

**5. Similarly, non-democratic governments have used the example established by the US to support claims that human rights are violated “everywhere” and that criticism of their human rights practices by foreign governments reflect double standards and attempts to meddle in the political affairs of their countries.** Such rhetoric has been particularly

<sup>9</sup> “Many Follow U.S. Example on Detainees,” *Associated Press*, 25 October 2006.

<sup>10</sup> For example, he used the opportunity at a meeting with human rights leaders in Moscow in January 2007 to criticize Guantanamo, the situation at which he called “lamentable.” At a press conference ahead of the G8 meeting in Germany in June 2007, he cited the example of the US to parry questions about Russia’s record, saying “Let’s look what happens in North America -- sheer horror: torture, the homeless, Guantanamo, keeping people in custody without trial or investigation.” See “Putin Blasts US Over Guantanamo Prison Camp,” *Mosnews*, 12 January 2007; “I’m the world’s only true democrat says Putin,” Reuters, 4 June 2007, at <http://www.reuters.com/article/worldNews/idUSL0454405820070604?feedType=RSS&rpc=22>

<sup>11</sup> “Angry Putin rejects public Beslan inquiry,” *The Guardian*, 7 September 2004, at <http://www.guardian.co.uk/russia/article/0,2763,1298905,00.html>

<sup>12</sup> For an IHF comment see “Torture Epidemic in Russian North Caucasus Region Makes UN Access to Detention Sites Essential,” 5 October 2006, at [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4312](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4312)

<sup>13</sup> Statement by President of the Republic of Belarus Alexander Lukashenko at the 60th Session of the United Nations General Assembly, at <http://www.president.gov.by/en/press11510.print.html>

<sup>14</sup> Following the publication in February 2007 of an IHF report on human rights defenders in Uzbekistan, the Uzbek foreign ministry issued a set of comments in which it staunchly defended the actions taken by the Uzbek authorities in the wake of the Andijan events, e.g. by claiming that they “were carried out in accordance with the law and in the interests of national security” and that they “were no different” from actions taken by the US authorities following the September 11 events. The comments are available on the IHF website, at [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4378](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4378)

prominently used by the Russian government, with other governments in the former Soviet Union following its lead.

In a recent example, the Russian Foreign Ministry dismissed the annual US State Department report on human rights practices released in March 2007 as “politically biased,” asserting that it featured “skewed,” “exaggerated” and “groundless” information about developments in Russia, while remaining silent on the “ambiguous” record of the US. The ministry stated that Russia remained open for “a constructive dialogue,” but would not tolerate “using democracy and human rights issues as a cover for interference in its internal affairs.”<sup>15</sup> Both houses of the Russian parliament subsequently adopted statements denouncing “provocative assessments” of the human rights situation in Russia as well as “unprecedented attempts” by the US to interfere in Russia’s political processes.<sup>16</sup>

The Belarus government has likewise spoken out against the “political exploitation” of human rights and sought to counter UN censure of its human rights policies by introducing a draft General Assembly resolution referring to criticism raised by US and international NGOs regarding arbitrary detentions, disappearances and other abuses committed by the US in the “war on terror.”<sup>17</sup>

**6. Broadly speaking, governments looking to the United States for guidance have been encouraged to allow security interests to override human rights concerns** in the campaign against terrorism. For example, the Azerbaijani government, which has been eager to demonstrate loyalty to the US in its counter-terrorism endeavors, has extradited numerous terrorist suspects to countries where they risk abusive treatment in violation of international human rights standards.

Moreover, some **governments in a weak position to challenge the US have been pressured to comply with US requests for cooperation despite human rights objections.** In Bosnia and Herzegovina, the so-called “Algerian case” has become an infamous example of the sacrifice of human rights in the fight against terrorism. In early 2002, six men of Algerian origin were handed over from Bosnia and Herzegovina to the United States, which thereafter brought them to Guantanamo Bay, although the Human Rights Chamber created under the Dayton agreement had ruled against such a move.<sup>18</sup> Local civil society representatives

---

<sup>15</sup> U.S. human rights report fails to reflect reality – ministry, *RIA Novosti*, 2 April 2007, at <http://en.rian.ru/russia/20070412/63523048.html>; “Russia Criticizes U.S. Human Rights Report,” *Associated Press*, 12 March 2007.

<sup>16</sup> “Russian Lawmakers Lash Out at US ‘Meddling,’” *CSN News*, 13 April 2007, at <http://www.csnnews.com/ViewForeignBureaus.asp?Page=/ForeignBureaus/archive/200704/INT20070413d.html>

<sup>17</sup> A resolution to this end was unsuccessfully introduced by the Belarus in November 2006 in response to a US-sponsored resolution on Belarus. The text of the resolution is available at

[http://www.belarusembassy.org/news/digests/US\\_human\\_rights\\_record.pdf](http://www.belarusembassy.org/news/digests/US_human_rights_record.pdf)

<sup>18</sup> The Chamber, which is comprised of six Bosnian and seven international judges and enjoys powers under the Dayton Agreement to issue decisions binding on the authorities of Bosnia and Herzegovina, ordered that the men not be forcibly taken out of the country pending a full examination of their cases on the basis of complaints filed by the lawyers of the men. The Chamber later concluded that the men had been arbitrarily expelled and that the expulsion had exposed to a real risk of being tried by a military commission that is not independent from the executive branch and operates with significantly reduced procedural safeguards, while enjoying powers to impose the death penalty. For more information on this case see the chapter on extraditions, expulsions and deportations in *Anti-terrorism Measures, Security and Human Rights* (April 2003), at [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4082](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4082); and the chapters on Bosnia and Herzegovina in

consider this case to represent a step toward declining attention to human rights in the country, whereby human rights issues have increasingly slipped off the political agenda.

**7. In another distinct trend, US counter-terrorism policies have contributed to waning respect for the US and worsening attitudes toward the country.** In a recent poll commissioned by BBC World Service, 51% of those interviewed in 26 countries said that the US is having a mostly negative influence in the world, while 69% expressed disapproval of US treatment of detainees at Guantanamo and elsewhere.<sup>19</sup> Another survey conducted by the Pew Research Center in 2005 showed that the United States was broadly disliked in most of the 16 countries covered, with only a minority of respondents expressing a favorable opinion of the US in major European countries such as France, Germany and Spain.<sup>20</sup>

In Bosnia and Herzegovina, the US has lost much of the high standing it enjoyed after its crucial role in ending the 1992-1995 war and bringing about the Dayton agreement, which rendered it an image as a symbol of hope and peace. Among Uzbek civil society activists, American democracy used to be the major point of orientation, but the strategies used by the US government in the campaign against terrorism – in particular its engagement with Uzbek President Islam Karimov – has ruined its reputation as a model. According to a local human rights defender, it is a widespread popular perception in Uzbekistan that both the Uzbek and the US government use the "war against terrorism" as a pretext for pursuing interests that have nothing to do with terrorism. In Kazakhstan, there has reportedly been a growing favorable perception of the Arab world vis-à-vis the US and Europe in the post-September 11 period.

In some countries, nationalist political movements have openly exploited alleged US abuses to fuel anti-American sentiments. For example, in Bulgaria, this tactic has been employed by the extremist nationalist party Ataka ("Attack"), which has established itself as a major political actor in the country since it gained representation in parliament in 2005 and its leader won more than 24% of the vote in the second round of the presidential elections in 2006. Anti-Americanism has also recently been on the rise in Russia, with political leaders and state-controlled media reviving propaganda of the past to depict the US as the number one enemy. In the view of Russian human rights defenders, this development is not directly related to the abusive counter-terrorism policies of the US, but these policies have made it more difficult for the US to defend itself against attacks on its reputation, as well as for Russian NGOs to support it.

**8. While the US continues to support the work of civil society groups in different countries, it is the impression of several of the affiliates of the IHF that the "war on terror" has impacted US donor programs.** In their experience, funding allocated to human rights groups has shrunk, and it has become more difficult to obtain grants for projects that address

---

various issues of the IHF report on Human Rights in the OSCE Region at [http://www.ihf-hr.org/cms/cms.php?sec\\_id=71](http://www.ihf-hr.org/cms/cms.php?sec_id=71)

<sup>19</sup> See "America's Image in the World," Testimony of WorldPublicOpinion.org before House Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights, and Oversight, 6 March 2007, at [http://www.worldpublicopinion.org/pipa/articles/views\\_on\\_countriesregions\\_bt/326.php?nid=&id=&pnt=326&lb=btvoc](http://www.worldpublicopinion.org/pipa/articles/views_on_countriesregions_bt/326.php?nid=&id=&pnt=326&lb=btvoc)

<sup>20</sup> See Result of Pew Global Attitudes Survey at <http://pewglobal.org/reports/display.php?ReportID=247>

“sensitive issues.” According to one human rights defender, funding is preferably given to projects that do not explicitly focus on human rights but are differently framed, e.g. as a contribution to the fight against corruption. Another defender noted that issues such as fair trial violations in cases involving alleged terrorist suspects and extraditions of terrorist suspects to countries that practice torture are now “taboo” and do not qualify for US support.

**9.** At the same time as US funding priorities have changed, **NGOs that receive funding from US sources have been accused of promoting political interests of the US**, a charge that has been leveled together with the argument that US human rights policies are characterized by hypocrisy and political prejudice. Russian government officials have frequently alleged that NGOs funded from abroad serve as fronts for “foreign powers” seeking to influence political developments in the country and foment a “color revolution” of the kind seen in other countries of the region. President Putin has set the tone by, *inter alia*, claiming that NGOs supported by US or other foreign donors “cannot bite the hand that feeds them”<sup>21</sup> and “he who pays the piper calls the tune.”<sup>22</sup> This kind of rhetoric was used to justify the adoption in late 2005 of new NGO legislation, which enhanced oversight of NGOs and greatly increased their reporting burden, e.g. by requiring them to report in detail on all funds received from foreign sources and how these are allocated or used. Most of Russia’s pro-democracy and human rights groups are currently heavily dependent on US and other foreign funding since domestic sources of funding have dried up in the last few years.

Authorities of other countries of the former Soviet Union have resorted to similar language as Russian authorities and used it as basis for adopting harsher measures against NGOs in their countries, which are equally dependent on assistance from abroad. A Kazakh NGO representative stated that authorities of his country scornfully tell human rights groups that accept US money to “challenge the US,” and that these groups are generally “on the defensive about their relationships to the US.” US organizations operating in the country are told to “go home” and deal with human rights there. An Azerbaijani human rights defender reported that pro-governmental groups in his country campaign against “Western grant-eaters,” scolding them for being “anti-national.”

**10.** In the post-September 11 period, human rights NGOs in the OSCE region have also faced a more hostile working environment due to **decreasing public confidence in human rights**. Many of the members and partners of the IHF witness that the human rights violations committed by the US and other western democracies in the name of fighting terrorism have contributed to growing cynicism and disillusionment about human rights in their countries, often reinforced by the rhetoric used by governments.

In the view of one human rights defender, the entire international human rights machinery has been tainted by US claims for exception to universal standards and its conduct of a “war without rules,” while another defender commented that “the concepts of human rights and rule of law as such have been discredited” and “human rights law is no longer considered law.” As a result of these developments, it has become more difficult for human rights groups to attract attention to the concerns they raise and to gain support for their actions, and they

---

<sup>21</sup> This expression was used by President Putin in his 2004 state of the nation address.

<sup>22</sup> Putin made this remark at a meeting with human rights activists in Moscow in July 2005.

increasingly find themselves confronted with mistrust and suspicion among their constituencies. According to a human rights leader in the IHF network, the human rights community in his country is now essentially “alone” in its struggle for human rights, and the struggle is more of an uphill one than ever before.

### **Conclusions**

The trends described in this written testimony have contributed to an overall setback for human rights in the OSCE region and had the effect of isolating and leaving in an exposed position, civil society movements that can play a key role in the advancement of democracy, rule of law and human rights in their countries.

The only way for the United States to remedy the situation and to regain lost ground as a beacon of human rights and democracy is to change course and get back on a human rights track in the fight against terrorism. All abusive practices must end and the United States must ensure that its policies fully conform to international standards. Among the most important steps to this end would be an immediate closure of the detention facility at Guantanamo Bay and abolition of the military tribunal system for trying terrorist suspects, measures recently supported by former US Secretary of State Colin Powell.

In the words of a Russian human rights defender, the United States will have to “clean its own house” before it can credibly act as a human rights proponent again and exercise influence when it raises human rights concerns with other governments. Current US policies send the signal that the US is not serious about human rights. The longer US practices encourage this message to persist, the more harm will be done, not only to US interests but also to those of people around the world who seek to have their rights honored and protected.