



**Statement by Senator Benjamin L. Cardin
Co-Chairman
Commission on Security and Cooperating In Europe
Hearing on
“Guantanamo: Implications for U.S. Human Rights Leadership”**

June 21, 2007

Mr. Chairman, I commend you for convening this important hearing. As you have rightly noted, the credibility of the United States demands that we answer our critics when they raise human right issues with us, just as we hope representatives of other countries will respond seriously and substantively when we raise concerns with them.

The fact is, in all the years that I have served as a member of the Helsinki Commission, there is no other concern that has been raised with the United States by our colleagues in Europe as often – and in earnest – as the situation in Guantánamo. As a member of the U.S. Delegation to meetings of the OSCE Parliamentary Assembly, this has been a subject of constant debate.

Of course, when Belarus introduces resolutions at the United Nations bashing the United States for Guantanamo and a litany of other alleged human rights violations, we can dismiss this as a classic piece of self-serving, Soviet-style propaganda. But we cannot be so cavalier when Switzerland, a guardian of humanitarian law, expresses concern at the OSCE Permanent Council regarding U.S. practices and policies. And when Vladimir Putin can get crowds cheering by bemoaning the lack of proper trials at GTMO, there is something terribly wrong with this picture.

The damage done to the United States goes beyond undermining our status as a global leader on human rights. Our policies and practices regarding Guantanamo and other aspects of our detainee policies have undermined our authority to engage in the effective counter-terrorism measures that are necessary for the very security of this country. As Gijs de Vries of the Netherlands, who stepped down in March from his position as the EU’s first counter-terrorism coordinator, recently observed: “The United States used to be known as a country of the rule of law and of liberty. Today, it’s associated with Abu Ghraib, with Guantanamo, and with CIA renditions to secret prisons in blatant violation of international law. That is sapping support for the United States, and indirectly also for Europe worldwide.”

This view was echoed by former National Security Advisor Brent Scowcroft, who stated "that the international community no longer trusts our motives is a new phenomenon, and I see it as one of many warning signs of a possible lasting realignment of global power. [. . .] I don't think were there yet, but it's certainly possible that we've created such a menace, and alienated so much of the world that we can never go back to where we were at the end of the Cold War. At that time, the United States was considered the indispensable ingredient in any attempt to make the world better." Or, as Phillip Zelikow, a former Bush administration official recently argued, "Sliding into habits of growing non-cooperation and alienation is not just a problem of world opinion. It will eventually interfere – and interfere very concretely – with the conduct of worldwide operations." This is not just a sad or even tragic commentary on how fast and how far we've fallen in the eyes of the world, it is dangerous for our citizens if we cannot build and maintain effective global alliances.

To be clear, I do not mean to suggest that America should hold its finger to the wind of international opinion and make policy accordingly. The fact is, sometimes being a global leader means bearing the burden of persuasion, the burden of bringing other countries around to our position. In fact, there have been many times when the United States has been almost a lone voice on critical human rights issues. When our policies are just ones, then that is a burden we should be prepared to carry. But I think the question here is: are our underlying policies upholding the rule of law or attempting to circumvent it? Are our positions really defensible at home and abroad?

Mr. Chairman, I welcome the testimony we will receive today on the implications that our practices and policies in Guantanamo have for U.S. human rights leadership.