A REVIEW OF THE STATE DEPARTMENT'S 2006 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS, AND OVERSIGHT

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

MAY 2, 2007

Serial No. 110–50

Printed for the use of the Committee on Foreign Affairs

Available via the World Wide Web: http://www.foreignaffairs.house.gov/

U.S. GOVERNMENT PRINTING OFFICE

35–119PDF WASHINGTON : 2007

For sale by the Superintendent of Documents, U.S. Government Printing Office
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A REVIEW OF THE STATE DEPARTMENT'S 2006 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

WEDNESDAY, MAY 2, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
HUMAN RIGHTS, AND OVERSIGHT,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:06 a.m., in room 2172, Rayburn House Office Building, Hon. Bill Delahunt (chairman of the subcommittee) presiding.

Mr. DELAHUNT. This hearing of the Subcommittee on International Organizations, Human Rights, and Oversight will come to order. Our focus is on the State Department's Annual Country Human Rights Reports, and today our witness is the Assistant Secretary of State for Democracy, Human Rights, and Labor, Barry Lowenkron. Welcome, Mr. Secretary.

In his second inaugural address, President Bush spoke these words:

> "We will persistently clarify the choice before every ruler in every nation, the moral choice between oppression, which is always wrong, and freedom, which is eternally right. We will encourage reform in other governments by making clear that success in our relations will require the decent treatment of their own people. All who live in tyranny and hopelessness can know the United States will not ignore your oppression or excuse your oppressors."

These are certainly inspiring words, but, as we have heard, over the course of a number of hearings regarding foreign opinion of the United States, the world today doubts the sincerity of our commitment to those ideals. America's image has suffered grievously and, I might add, put our national interests at risk, not because they hate our freedoms and democracy but, rather, because the world sees us as betraying these values and ideals. The world expects us to practice what we preach.

At a hearing last month, one of your predecessors, Mr. Secretary, Harold Koh, laid this out very clearly, and I am quoting him:

> "Unnecessary self-inflicted wounds, such as our counterproductive policies in Guantanamo, torture, denial of habeas corpus, et cetera, et cetera, have gravely diminished our standing as the world's human rights leader. Our Government's

shortsighted actions have undermined America's longstanding commitment to human rights principles as a major source of our soft power."

Secretary Rice implicitly acknowledged this reality when she said, upon release of the country reports, "We don't issue these reports because we think ourselves perfect but, rather, because we know ourselves to be deeply imperfect."

And I applaud you, Mr. Secretary, for the observation in your written testimony that "we recognize that we are issuing this report at a time when our own record has been questioned."

But let me suggest that it is not simply our counterterrorism policies that have undermined our claim to world leadership in terms of human rights. In the same inaugural address that I quoted earlier, President Bush spoke of how the untamed fire of freedom will reach the darkest corners of our world, but as the reports clearly lay out, some of the darkest corners of the world are governed by some of our allies in the so-called "War on Terror," those with whom we have important economic relationships.

Now, the administration is right to criticize governments of countries like Iran, or Cuba, or North Korea for violations of human rights and a lack of democracy, but I would suggest that that criticism rings hollow when the President welcomes Hu Jintao of China, or Islam Karimov of Uzbekistan, or Abdullah of Saudi Arabia to the White House, or when Vice President Cheney visits Kazakhstan's dictator, Nazarbyev and expresses, in his words, "admiration for all that has been accomplished here in Kazakhstan."

Our Secretary Rice herself refers to Teodoro Obiang of Equatorial Guinea as a "good friend," and outside of the reports that we are reviewing here today, there is silence as to these leaders' abysmal human rights records.

I am not naïve. I understand that absolute consistency in foreign relations is impossible and that sometimes the choice is not between good and evil but between more evil and less evil. But I also know that America's power ultimately comes not from our military and economic strength, but it emanates from our core values, our commitment to human rights and democracy, and for how we fulfill that commitment, in our action, not just with our rhetoric.

The unfortunate fact is that many of our policies have not lived up to those inspiring words of President Bush. This inconsistency between words and deeds makes us vulnerable to the charge of hypocrisy, and hypocrisy erodes our claim to moral leadership and to the sincerity of our commitment to human rights and dignity, which has always, always been so appealing to the rest of the world about the United States.

As the General Accountability Office has concluded, that growing negative opinion of the United States can have real and dangerous consequences for the safety and the interests of the American people.

The bottom line is that if we place military base rights over human rights and mineral rights over democratic rights and cooperation in chasing al-Qaeda over cooperation in ending torture, in the long run, we will pay a dear price in terms of our national interests.

So what I would like to explore in this hearing and in future hearings is, how do we regain that moral leadership? How do we renew our commitment to human rights and democracy and make it the cornerstone of our approach to the world, not just one of several competing influences and factors?

What policies and attitudes do we need to change? What actions should we take? Some may be obvious, such as shutting down Guantanamo and observing the Geneva Conventions, but others are not, and that is where, Mr. Secretary, I hope you can help us because we have to get this one right. Because the worst thing for America is that our moral leadership continues to erode, and we become to be seen as just another country.

Now, let me turn to my friend and ranking member, Mr. Rohrabacher, for his opening statement, and let me acknowledge the presence of the gentleman from New York, a member of the subcommittee, Mr. Crowley.

[The prepared statement of Mr. Delahunt follows:]

PREPARED STATEMENT OF THE HONORABLE BILL DELAHUNT, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF MASSACHUSETTS, AND CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS, AND OVERSIGHT

This hearing of the Subcommittee on International Organizations, Human Rights, and Oversight will come to order. Our focus is on the State Department's annual country human rights reports. And it features Barry Lowenkron, the Assistant Secretary of State for Democracy, Human Rights, and Labor, as our witness. Welcome, Mr. Secretary.

In his second inaugural address, President Bush spoke these words:

> "We will persistently clarify the choice before every ruler and every nation: The moral choice between oppression, which is always wrong, and freedom, which is eternally right . . . We will encourage reform in other governments by making clear that success in our relations will require the decent treatment of their own people . . . All who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors."

These are inspiring words. But as we have heard over the course of a number of hearings on foreign opinion of the US over the past few months, the world doubts the sincerity of our commitment to those ideals. America's image has suffered grievously—and, I might add, put our national interests at risk—not because they hate our freedoms and democracy, but rather because the world sees us as betraying our values and ideals. The world expects us to practice what we preach.

At a hearing last month, one of your predecessors, Mr. Secretary, Harold Koh, laid this out very clearly, and I'm quoting:

> "Unnecessary, self-inflicted wounds—such as our counterproductive policies on Guantanamo, torture, denial of habeas corpus—have gravely diminished our standing as the world's human rights leader. Our government's shortsighted actions have undermined America's longstanding commitment to human rights principle as a major source of our "soft power."

Secretary Rice implicitly acknowledged this reality when she said, upon introducing these reports, "We do not issue these reports because we think ourselves perfect, but rather because we know ourselves to be deeply imperfect." And I applaud you, Mr. Secretary, for the observation in your written testimony that, "We recognize that we are issuing this report at a time when our own record has been questioned."

But let me suggest that it is not just our counterterrorism policies in that have undermined our claim to world leadership in terms of human rights. In his inaugural address that I quoted earlier, President Bush spoke of how the "untamed fire of freedom will reach the darkest corners of our world." But, as the State Department reports clearly lay out, some of the darkest corners of the world are governed by some of our allies in the so-called "war on terror" or those with whom we have important economic relationships.

The Administration is right to criticize governments of countries like Iran or Cuba or North Korea for violations of human rights and lack of democracy. But that criti-

cism rings hollow when the President welcomes Hu Jintao of China or Islam Karimov of Uzbekistan or Abdullah of Saudi Arabia to the White House. Or when Vice President Cheney visits Kazakhstan's dictator Nursultan Nazarbayev and expresses, in his words, "admiration for all that's been accomplished here in Kazakhstan." Or Secretary Rice herself refers to Teodoro Obiang of Equatorial Guinea as a "good friend." Outside of these reports that we are reviewing here today, there is silence as to these leaders' abysmal human rights record.

I'm not naïve. I understand that absolute consistency in foreign relations is impossible. And that sometimes the choice is not between good and evil. But between more evil and less evil.

But I also know that America's power ultimately does not come from our military or economic strength. It emanates from our core values: our commitment to human rights and democracy. And from how we fulfill that commitment, in our actions, not just our rhetoric.

The unfortunate fact is that the policies have not lived up to those inspiring words of President Bush. This inconsistency between words and deeds makes us vulnerable to the charge of hypocrisy. Hypocrisy erodes our claim to moral leadership and to the sincerity of our commitment to human rights and dignity, which is what has always been so appealing to the rest of the world about the United States. And, as the Government Accountability Office has concluded, this growing negative opinion of the US can have real and dangerous consequences for the safety and interests of the American people.

The bottom line is that if we always place base rights over human rights, and mineral rights over democratic rights, and cooperation in chasing al Qaeda over cooperation in ending torture, we will pay a dear price in terms of our national interests.

So what I would like to explore in this hearing, and in future hearings, is how do we regain that moral leadership? How do we renew our commitment to human rights and democracy and make it a cornerstone of our approach to the world, not just one of several competing influences and factors? What policies and attitudes do we need to change? What actions should we take?

Some may be obvious, such as shutting down Guantanamo and observing the Geneva Conventions. But others are not. And that is where, Mr. Secretary, I hope that you can help us. We have to get this one right. Because the worst thing for America is that our moral leadership continues to erode and we become seen as "just another country."

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, for holding this hearing. Over these last three decades, we have been following human rights because Congress created, three decades ago, the law that requires the Executive Branch to submit a report each year outlining human rights practices going on throughout the world, especially those countries that receive assistance from the United States of America. All 196 countries detailed in the report that we are looking at today receive help from our country in one way or the other, military or financial.

The purpose of this hearing, therefore, is to help members of this body determine whether the taxpayers are going to be supporting repressive regimes. We must take the information from this human rights report and use it to shape our foreign policy so that Americans are not complicit in the torture and repression of citizens in far-off countries.

Perhaps where we have a disagreement in some areas, we have major agreement, on both sides of the aisle and both sides of this committee aisle, on the idea that America should stand for liberty and justice and that we should pose the type of repression that goes on in these dictatorships.

But there is a difference between a dictatorship torturing and repressing its democratic opposition and democratic societies that permit freedom of speech and free elections trying to deal with those terrorists who would forcefully, through terror, impose a dictatorship on those societies.

Forceful interrogation of terrorists who are aimed at installing a dictatorship by a democratic regime that, again, permits freedom of speech and free elections is far different and a far different category. To put them in the same category would be, I would suggest, putting the men who landed on Normandy on D-Day into the same category as those Nazis who they were trying to overthrow, and I do not have that same view of a Nazi soldier and an American soldier in World War II.

Mr. Chairman, in several hearings we have held in this Congress, I have noticed the disturbing trend that to use such terms as "torture" and "human rights violations" in a way that I do not believe is rational.

Certainly, we must hold the standard that shows that people who are being repressed or being tortured by dictatorial regimes, we must make sure that the world knows and that our citizens know and that we, as a moral country, stand in opposition to that type of brutality. But to describe our own country's practices and going out of our way, for example, including Guantanamo, and here we are in the middle of a war against people who would terrorize the democratic population of the world, I think we have a major area of disagreement on that.

As we continue our war against radical Islam, to be using the same terms to describe terrorists who would terrorize populations by blowing up civilians or they themselves use torture, to suggest that what was going on in Guantanamo or the type of forceful interrogation that is taking place, or even the rendition program that we have heard about, is on a par with those monstrous terrorists who would slaughter tens of thousands of civilians in order to terrorize populations into Islamic dictatorship, I think, is not, I would say, a defensible position.

While we welcome and expect pressure and checks on our own Government, and it is important that we have hearings such as this and that we are aggressive, as you were, in our investigation of rendition. These types of hearings make sure that our Government does not cross the line, that we do put on notice those people who work for us that we are not the equivalent of regimes like in Burma or Ethiopia or the other dictatorships that you have mentioned.

It is vital that we are mindful that the word "torture" actually means something, and for us to suggest that forceful interrogation is the equivalent of the type of torture that is being carried on by those regimes and also by terrorists themselves, I think, does not serve the cause of freedom and justice.

By the way, I would like to suggest that your remarks today about our alliance with dictatorial regimes is something with which I agree. I think that the United States of America has a lot to be proud of, but we have a lot to question our Government about when we have positive relationships with dictatorships, not just when we have positive relationships with countries that are trying to fight radical Islam, and lumping all of those democratic governments into the same category as the Chinese or the Ethiopian Government, or the Burmese Government, or the Government of Uzbekistan.

Ask a Chinese dissident what "torture" means, and he will tell you, or she will tell you, we have women in China who are being tortured, and their children are being torn from their wombs as part of a horrible policy of the Chinese Government, and I would say that our policy toward China is being driven by profit motive by big business.

I have no doubt about that, and it is up to those of us who represent the moral side of the people of the United States of America, and not just the business interests of the United States of America, to stand up and make sure that we are on the side of democracy and against such brutality and dictatorship as is found on the mainland of China today and, again, not permit those who would just profit off cheap and slave labor to direct our policy toward China, or any of the other countries.

I have always believed in free trade, but my motto is: "Free trade between free people," and in terms of government policy, America should stand shoulder to shoulder with those people who are struggling for democracy throughout the world and not stand with the torturers and the oppressors of those people. But that is far different than the battle that we are now in in which radical Islam, which would impose an Islamic dictatorship on countries, now poses to our country and poses to the free world.

Is there a difference? Yes. Ask the people in that part of the world who would live in democratic society, whether there was a difference between what the United States does and what happened in Abu Ghraib.

When we make a mistake, as mistakes were made in Abu Ghraib, where prisoners were humiliated, as compared to tortured and brutally murdered, as was happening in the prisons of many other radical Islamic countries, we corrected the situation immediately when we found it, and we put people in jail for breaking the rules, which is another reason why it is important for us, in hearings like this, not only to have the hearings but to express the thoughts that you have expressed today, Mr. Chairman, to put people on notice that this is not something that we will tolerate, but, at the same time, this is not something that we believe is exemplary of American policy, which makes us in a far more different plane than those people who we are fighting who would impose an Islamic dictatorship on the world.

The State Department's 2006 Country Report on Human Rights and Practices serves as a reminder that this Congress needs to be vigilant as we author our foreign policy in the coming months and years. As the report says, those who support freedom and individual liberties in fragile regions abroad are increasingly facing difficulties from opposition groups who would benefit from mafia- and thug-style governments.

From Burma to China, Zimbabwe to North Korea, Sudan to Ethiopia, the average citizen's life is increasingly glum, difficult, and brutish. As legislators in a free democracy, we are in a unique position to help or, at the very least, to change our laws so that we are not propping up or financing or doing business as usual with regimes that continue to torture and repress their citizens. Of that, I think we have total agreement.

As the Somali-born writer, and I am going to try to pronounce her name, Ayaan Hirsi Ali, recently said, in a *Wall Street Journal* article, "Our society is not perfect." It was fantastic to see her speak on several occasions, but just note, while she says that "we are not perfect, we are the best humanity has ever achieved," and she is right. She had to flee a democratic society, Holland, in order to save her life. And where did she come? She came here. She came to the United States of America.

We are the hope for the people of the world, and we cannot protect the world against those who would impose dictatorship, either in the name of Islam or in the name of national socialism or in the name of communism, if we suggest that we have a moral equivalency argument with those brutish dictators and terrorists and suggest that our Government has those same standards when what we are trying to do is fight and defeat those forces that threaten liberty and justice.

So, today, I look forward to the testimony and for both of us to quiz our Government executive to make sure that what we are doing in different countries is defensible. I would suggest that, in several countries, it is not because, in those countries, we are supporting governments that are repressing their people, and, for whatever reason, and I would again suggest that there are usually two reasons that we are involved with repressive governments.

Number one: Yes, sometimes we have to make alliances with less-than-free governments in order to defeat the threat of the day, as we did when we allied ourselves with Stalin in order to defeat Hitler. That happens sometimes. Those should only be short-term alliances and only at a time of great emergency and when our own freedom is imperiled.

Number two: The other reason that we support regimes is just to make sure that our businessmen can make money. We do not need that kind of blood money, and it will come back to hurt us in the long run, as we are seeing with China today, which has been transformed into a monstrously powerful regime that has had no democratic reform.

So I thank you, Mr. Chairman, and I look forward to this hearing.

Mr. DELAHUNT. Thank you, Mr. Rohrabacher, and let me call for a brief statement from the gentleman from New York, Mr. Crowley, and then I will go to the vice chair of the subcommittee, Mr. Carnahan, for his opening observations. Mr. Crowley.

Mr. CROWLEY. Thank you, Mr. Chairman. Thank you for holding this hearing today, and I will be brief. It is brief in the sense that I get an opportunity to make observations about both your opening statement and my friend from California's opening statement, and, from my seat, they are both a little bit right.

This is certainly the greatest country and, I think, in terms of size and mass, the greatest society that the world has ever known, and yet we are not perfect. I believe that human rights are universal rights. I think they are nondiscussable and nonnegotiable, and certainly, since the events of 9/11, some of the questionable practices of our own Government, including rendition, have certainly called into question those practices by many, many groups.

Our alliances, as Mr. Rohrabacher mentioned, with dictators who have little or no commitment to human rights in their own nations is certainly troubling to us as well. But as I travel the world and go to some of these countries that we are talking about, China and elsewhere, it does make it more difficult for me, not impossible, certainly, and I do not shy away from bringing up the issues of human rights, but when they can easily turn to us and say, "Well, what about your country?" that is something that did not happen prior to, I would say, 2003–2004, when we began to have more serious incidents, including Abu Ghraib and more that is coming out of Guantanamo Bay as well.

But I am interested in hearing from you, Mr. Secretary. I have a particular interest in South Asia and look forward to hearing your statement today and will not hold this proceeding up any further. Thank you, Mr. Chairman.

Mr. DELAHUNT. Thank you, Mr. Crowley. Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman. It is good to be here, and I appreciate our witness, and I do have a brief statement.

I just want to thank the chairman again and ranking member for these hearings. I think they are important. Human rights are not only important in terms of our foreign policy, but the issues that my colleagues and I and our constituents care deeply about.

We have seen, in a series of hearings that we have been conducting on the subcommittee looking into how America is perceived around the world, and, frankly, it looks like the worst ever in the history of polling. That affects us militarily, our security, our economic interests. You can just go down the line.

But the interesting thing about this polling: There is a general belief that we have seen that other countries view us positively when they look at our values of international engagement, of standing up for human rights, of fundamental freedoms, but when they see us act, unilaterally on the international stage, where they see news about secret prisons and torture, they see us disconnected with those values. They see us as hypocritical, and, thus, we see these unprecedented low numbers. It impacts us.

So I think we have a lot of work to do, and I just want to say briefly, I am interested to hear you talk a little more about Bosnia. The area I represent in St. Louis has the largest population of Bosnians outside of Bosnia. They have a great deal of interest in seeing their home country continue to make fundamental change.

I would like to ask, if you would, please, address some of the progress that is going on there and what we can do, as a country and as a Congress, to help encourage those reforms. With that, I yield back, Mr. Chairman.

Mr. DELAHUNT. Thank you, Mr. Carnahan. Again, I welcome our witness, Secretary Lowenkron, who was sworn in as the Assistant Secretary for the bureau on October 14, 2005. He has an ample resumé that reflects a distinguished record of public service that I will not embarrass him with. It should be noted that he received his bachelor's degree in high honors from an outstanding institution in the City of Boston, Northeastern University, back in 1973.

Without any further ado, if it is okay with you, Mr. Secretary, I take it, the announcement has been made publicly. It is my understanding, after a conversation with the Secretary, that he will

be leaving this post in August to assume a position with the MacArthur Foundation, a highly respected foundation where I am confident that he will continue to address these issues that clearly have been of concern to him throughout his entire career in public service, and we wish you well, and please come home to visit on occasion. I am sure the pace will, hopefully, slacken a bit after August, but please proceed.

STATEMENT OF THE HONORABLE BARRY F. LOWENKRON, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE

Mr. LOWENKRON. Thank you, Mr. Chairman, for that warm introduction and your warm comments. This will likely be the last time I will be testifying before the Congress before I leave the State Department, and I can think of nothing more important than to sit with you and have a discussion and address these issues that you raised.

If I may, just a personal note: I left Boston in the summer of 1974, at a time of great questions about the strength of American democracy at home and American policy abroad. When I became Assistant Secretary I had a town meeting and told my troops that I am old enough to remember when this bureau never existed, that it was the Congress that advocated for it, and this is now the 13th year of the existence of this bureau.

Mr. Chairman, you raised a number of key issues about America's standing in the world. I look forward to having a discussion with you and answering your questions, and those of your committee.

If I may, I would like to ask that my written testimony and the introduction of the report which provides a more detailed overview be entered into the record.

Mr. DELAHUNT. Without objection.

Mr. LOWENKRON. Thank you. I thank the committee for your strong contributions to the promotion of human rights and democracy worldwide, and for your support of the work of my bureau. Your active, bipartisan commitment to these issues reflects the core values of the American people.

Mr. Chairman, as you noted in your opening remarks, we did make a point this year, when we rolled out our human rights report, and included in the document itself the recognition that we are issuing this report at a time when our own record is being questioned. We will continue to respond to the concerns of others, including by means of reports we submit to meet our obligations on the various human rights treaties. For example, last year, I attended the U.N. session in Geneva with our State Department legal adviser, John Ballenger, to submit a report on the Convention against Torture.

In the context of the kind of work that I do, I would also like to highlight something that Representative Rohrabacher raised, in the context of how we dealt with Abu Ghraib and other issues that have arisen.

In my travels throughout the globe and in my human rights dialogues that have taken me from Vietnam to South Africa and, last month, to Ethiopia and to Sudan, I never hesitate to talk to non-

governmental organizations, as well as government officials, the opposition, and the media, and what I tell them is that the strength of the democracy is that we have self-corrective mechanisms.

Self-corrective mechanisms, in the context of the laws that are passed by this body, the hearings that this body holds, the judicial proceedings, the vibrant press, and the voice of the American people; that is the ultimate strength of our democracy, and that is what carries us over from administration to administration, hewing to our values.

This is why the Secretary felt it was particularly important to stress that our democratic system is not infallible, but it is accountable in all ways, and must be.

As for the report itself, each country report speaks for itself, and yet there are broad patterns that are discernable and reflect a number of what I call "sobering realities."

First, the advances made in human rights and democracy were hard won and challenging to sustain. Progress is rarely linear in the business of helping to promote or advance democracy. In Liberia and Indonesia, we have examples of countries that showed a positive trajectory in 2006, though I emphasize that both still face major human rights challenges.

Examples of countries that showed a negative trajectory are Russia and Venezuela. Last year in Russia, we saw further controls on political processes, a tightened grip on the media, and constraints on the work of NGOs. I must say, the Russian Government today is less accountable to the people, and the environment surrounding the 2007–2008 Duma and Presidential elections is increasingly daunting for those with opposing views. These negative trends have continued into 2007.

In Venezuela last year, the government continued to consolidate power in the executive branch, harass the opposition and NGOs, restrict press freedom, and weaken judicial independence. Early this year at President Chavez's request, the National Assembly, totally controlled by pro-Chavez parties, granted him the power to rule by executive decree for 18 months. Here is a democratically elected government that does not govern democratically.

A second sobering reality is that insecurity, due to internal or cross-border conflict can, indeed, threaten gains in human rights and democratic government. Iraq and Afghanistan are vivid examples of this.

Third, despite gains for human rights and democratic principles in every region of the world, much of humanity still lives in fear yet dreams of freedom. Countries in which power remains concentrated in the hands of unaccountable rulers continue to be the world's most systemic human rights violators. We see this from Burma to Cuba, North Korea to Eritrea, China to Iran, and Belarus to Zimbabwe.

To cite several recent examples: New arrests of Burmese human rights defenders; the sentencing in Cuba of an independent journalist to 4 years of imprisonment for "social dangerousness," demonstrating that repression continues unabated under Raul Castro; China's targeting for persecution and imprisonment of released Uighur activist, Rebiya Kadeer's family members; the arrest in

Iran of peaceful demonstrators supporting women on trial for demanding equal status under the law; and the brutal suppression of peaceful gatherings of opposition members in Zimbabwe.

The fourth sobering reality is that as the worldwide push for greater personal and political freedom grows stronger, it is being met with increasing resistance from those who feel threatened by change. I call 2006 "the Year of the Push-back," and this disturbing trend continues into 2007. A growing number of countries have passed or selectively applied laws and regulations against NGOs and the media. I already mentioned Russia and Venezuela. In light of the observances this week of World Press Freedom Day, I will also cite as examples Internet restrictions in China and Cuba, the arrest and detention and abuse of an Egyptian Internet blogger and just yesterday Uzbekistan, continuing its concerted repression of civil society in the media, sentenced Human Rights Watch staffer Umida Niyazova to 7 years of imprisonment following a trial that did not observe due process.

Fifth, and the most sobering reality of all in 2006, genocide. Genocide continued to ravage the Darfur region of Sudan. In March, I traveled to Sudan to assess firsthand the appalling situation in Darfur. Fear and anxiety permeated the region, but I must also say, in my meetings, there was also hope because, as some of the individuals I met in Darfur said, "America still cares."

We continue to receive almost daily reports of obstruction of vital humanitarian assistance. U.N. Secretary General Ban Ki-Moon is working intensively to secure Sudan's commitment to the Heavy Support Package and the acceptance of a transition to an AU–U.N. hybrid force. We have decided to allow him some additional time to pursue diplomacy. However, as President Bush and Deputy Secretary Negroponte made clear, the United States will not wait much longer.

Mr. Chairman and members of the subcommittee, thank you once again for your dedication to advancing human rights. Your strong commitment sends a message to human rights defenders worldwide that the United States Government and the American people stand in solidarity with them. Thank you.

[The prepared statement of Mr. Lowenkron follows:]

PREPARED STATEMENT OF THE HONORABLE BARRY F. LOWENKRON, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE

Chairman Delahunt, Representative Rohrabacher, and Members of the Subcommittee: Thank you for holding this hearing on the 2006 *Country Reports on Human Rights Practices*. Your commitment to the Reports is very much appreciated.

I welcome this opportunity to discuss the Reports, as well as current trends and concerns about how countries across the globe are putting into practice their international commitments on human rights.

I would ask, Mr. Chairman, that the Introduction to the 2006 Reports, which provides a more detailed overview, be entered into the Record.

At the outset, I also want to thank the Committee for your strong contributions to the promotion of human rights and democracy worldwide, and for your support of the work of my bureau. Your active, bipartisan commitment to these issues reflects the fundamental values of the American people.

As Secretary Rice stated, with these Reports "we are recommitting ourselves to help new democracies deliver on their peoples' aspirations for a better life . . . to stand with those . . . who struggle for their freedom . . . and to call every government to account that still treats the basic rights of its citizens as options rather than, in President Bush's words, the non-negotiable demands of human dignity."

Let me begin with a few words about the production of the 2006 Reports, and then make some brief observations about their content.

For three decades, these annual reports have been used widely here and abroad as a reference document for assessing the progress made and the challenges that remain. They also have served as a foundation for cooperative action among governments, organizations and individuals.

Officers at our overseas posts go to great lengths to gather factual information for these reports. Many dedicated officers in my bureau, as well as in bureaus throughout the Department, devoted long hours and intense effort to ensure that the reports meet high standards of accuracy and objectivity. The reports are based on information we received from governments and multilateral institutions, from indigenous and international non-governmental groups, and from academics, jurists and the media.

We recognize that we are issuing this report at a time when our own record has been questioned. We will continue to respond to the concerns of others, including by means of the reports we submit to meet our obligations under various human rights treaties. As Secretary Rice said, our democratic system of government is not infallible, but it is *accountable*—our robust civil society, our vibrant free media, our independent branches of government and a well established rule of law work as correctives.

As for the human rights reports, each country report speaks for itself, yet, broad patterns are discernible. Across the globe in 2006, men and women continued to press for their rights to be respected and their governments to be responsive, for their voices to be heard and their votes to count. This is a hopeful trend indeed, yet the reports also reflect a number of sobering realities:

First, the advances made in human rights and democracy were hard won and challenging to sustain. While some countries made significant progress in 2006, others regressed. When I meet with Secretary Rice, the question that comes up the most is: "What is the trajectory?" Is the country more responsive to its citizens? Is a culture of just laws taking root? Some countries may remain fragile for quite some time. Others may backslide. Democracy is not a linear process, nor is success guaranteed.

Liberia and *Indonesia* are examples of countries that showed a positive trajectory in 2006, though, I emphasize, both still face major human rights challenges.

Liberia's democratically elected Unity Party government, led by Ellen Johnson-Sirleaf, the first female head of state in Africa, replaced the National Transitional Government of Liberia which had served as the interim government since the end of a ruinous 14-year civil war in 2003. The government took significant steps to correct past human rights deficiencies, including working with international partners to rehabilitate the country's justice sector and establishing a public defender's office in the capital. And the Truth and Reconciliation Commission, established in 2005 to investigate human rights violations and war crimes committed during the civil war, began taking statements from witnesses.

In *Indonesia*, there were substantial reductions in killings by the armed forces and the police in politically sensitive areas. Fifty-four generally free and fair elections were held at the provincial, regency, district and municipal levels, most notably in December in Aceh, where a former rebel field commander won the governorship. Inter-communal religious violence generally abated, though it nonetheless persisted in some areas.

Examples of countries that showed a negative trajectory in 2006 are *Russia* and *Venezuela*.

Last year in *Russia*, under what President Putin's advisers call "sovereign" or "managed" democracy, we saw further controls on political processes, a tightened grip on the media, and constraints on the work of non-governmental organizations. As a result, the Russian government today is less accountable to the people, and the environment surrounding the 2007–2008 Duma and presidential elections is increasingly daunting for those with opposing views.

Unfortunately, these negative trends have continued into 2007. Recent months have seen a further erosion in freedoms of expression, association and assembly, with repeated, heavy-handed responses by the authorities to peaceful demonstrations in Moscow, Nizhniy Novgorod and St. Petersburg. The Chechen Friendship Society was shut down and the NGO Internews/Educated Media Foundation was raided in an excessive action by Russian police, resulting in a suspension of its work. Moreover, NGOs have struggled to meet onerous reporting requirements leveled by the new NGO law.

In *Venezuela* last year, under President Chavez's so-called "participatory" democracy, the government continued to consolidate power in the executive branch, harass the opposition and NGOs, restrict press freedom and weaken judicial independence.

In December, President Chavez won a second term. Early this year at his request, the National Assembly, totally controlled by pro-Chavez parties, granted him the power to rule by executive decree for 18 months. Here is a democratically elected government that does not govern democratically.

A second sobering reality is that insecurity due to internal or cross-border conflict can threaten gains in human rights and democratic government.

Despite the *Iraqi* government's commitment to foster national reconciliation and reconstruction, keep to an electoral course and establish the rule of law, deepening sectarian violence and acts of terrorism seriously undercut human rights and democratic progress.

And although *Afghanistan* has made important human rights progress since the fall of the Taliban, its human rights record remained poor, due mainly to weak central institutions and attacks by extremists.

Third, despite gains for human rights and democratic principles in every region of the world, much of humanity still lives in fear yet dreams of freedom.

Countries in which power remained concentrated in the hands of unaccountable rulers continued to be the world's most systematic human rights violators. We see this from *Burma* to *Cuba*, *North Korea* to *Eritrea*, *China* to *Iran*, and *Belarus* to *Zimbabwe*. Recent months have witnessed fresh outrages, whether it's: new arrests of Burmese human rights defenders; the sentencing in Cuba of an independent journalist to 4 years of imprisonment for "social dangerousness" and a lawyer who painted graffiti and distributed pamphlets criticizing the government to 12 years—demonstrating that repression continues unabated under Raul Castro; China's targeting for persecution and imprisonment of released Uighur activist Rebiya Kadeer's family in retaliation for her international advocacy efforts; the arrest in Iran of peaceful demonstrators gathered in the days leading up to International Women's Day to support women on trial for demanding equal status under the law; or the brutal suppression of peaceful gatherings of opposition members in Zimbabwe.

The fourth sobering reality is that as the worldwide push for greater personal and political freedom grows stronger, it is being met with increasing resistance from those who feel threatened by change. 2006 was the "Year of the Push-back." This disturbing trend continues into 2007. A growing number of countries have passed or selectively apply laws and regulations against NGOs and the media. In light of the observances this week of World Press Freedom Day, I will highlight here—these examples by no means constitute an exhaustive survey—the Internet restrictions in *China* and *Cuba*, the arrest, detention and abuse of *Egyptian* Internet bloggers, and just yesterday *Uzbekistan*, continuing its concerted repression of civil society and the media, convicted and sentenced Human Rights Watch staffer Umida Niyazova to seven years following a trial that did not observe due process.

Fifth, and the most sobering reality of all: almost 60 years after the adoption of the UN Universal Declaration of Human Rights—an expression of the outraged conscience of mankind to the enormity of the Holocaust and the cataclysm of the Second World War—genocide continued to ravage the Darfur region of *Sudan*.

In March, just after the publication of the Human Rights Reports, I traveled to Sudan to assess first hand the appalling situation in Darfur. Fear and anxiety permeated the region. The fear was palpable in a camp for Internally Displaced People that I visited. It is one of the largest—harboring a population of over 90,000 people. The desperate Darfurians who fled into the camps want to go home, but they cannot. They know that the overwhelmed African Union peacekeepers cannot protect them all.

The humanitarian organizations and other NGOs trying to help the people in the camps are besieged. There are brutal attacks on NGO convoys. The Sudanese government has erected bureaucratic roadblocks in order to frustrate and constrain the efforts of aid workers. Despite the March 29 Joint Communique issued by the Sudanese government and the United Nations that would greatly—if adhered to—improve the ability of humanitarian workers to operate in Darfur, we continue to receive almost daily reports of obstruction of vital humanitarian assistance.

In my meetings with Sudanese officials, I emphasized that continued Sudanese obstructionism is unacceptable. U.N. Secretary General Ban Ki-Moon is working intensively to secure Sudan's commitment to the Heavy Support Package and the acceptance of a transition to an AU–UN hybrid force under UN command and control as agreed in Addis Ababa on November 16, 2006. We have decided to allow him some additional time to pursue diplomacy. However, as President Bush made clear during his speech on Holocaust Remembrance Day, and Deputy Secretary Negroponte reinforced to President Bashir during his recent visit to Sudan, the United States will not wait much longer. We are committed to imposing additional unilateral sanctions against companies owned or controlled by the Sudanese Government and against individuals who continue to commit human rights abuses or

impede peace in Darfur if the Sudanese Government does not begin quickly to honor its commitments under the Addis Ababa agreement. We also are exploring with our UN Security Council partners a resolution calling for international sanctions and we will press forward with this effort during our Security Council Presidency this month.

Mr. Chairman, the challenge of protecting and advancing human rights and democratic principles worldwide requires us to be steadfast and innovative in our approaches. I will highlight two initiatives Secretary Rice launched in 2006 to defend human rights defenders.

Secretary Rice announced the creation of a *Human Rights Defenders Fund* to be administered by the State Department that will quickly disburse small grants to help human rights defenders facing extraordinary needs as a result of government repression.

Secretary Rice also announced ten guiding *NGO Principles* regarding the treatment by governments of nongovernmental organizations. These core principles are meant to complement lengthier, more detailed United Nations and other international documents and to serve as a handy resource for our embassies and other governments, international organizations, civil society groups, and journalists. The principles already have been translated into Arabic, Chinese, Farsi, French, Russian and Spanish. They are available on the Internet, and we have sent them to all of our embassies around the world.

Mr. Chairman and Members of the Subcommittee, thank you, once again, for holding this hearing to spotlight human rights conditions around the globe. Over the years, the deep and active commitment of Members on both sides of the aisle in Congress, and between the Legislative and Executive Branches of our government, has strengthened my hand and that of my predecessors as Assistant Secretary. Your commitment also has sent a clear signal to human rights defenders worldwide that the United States Government and the American people stand in solidarity with them.

When the United States and our fellow democracies demonstrate their support for the work of human rights advocates and civil society organizations, we are helping men and women in countries across the globe shape their own destinies in freedom. And by so doing, we are helping to build a safer, better world for all.

And now, Mr. Chairman and Members of the Committee, I will be happy to try to answer your questions.

[NOTE: The introduction to the *Country Reports on Human Rights Practices—2006*, submitted for the record by Mr. Lowenkron, is not reprinted here but is available in committee records. It may also be found on the Internet at the following address: http://www.state.gov/g/drl/rls/hrrpt/2006/78717.htm.]

Mr. DELAHUNT. Thank you, Mr. Secretary. I am going to restrain myself to just simply one question because we have a number of members here whom I know have other conflicts in their schedule, so I will come back, probably at the end.

You raised the issue of Venezuela, and I think it is important that I raise the issue of Luis Posada Carriles, who is currently a free man in the United States. Presumably, he is in Miami. But the history of Mr. Posada Carriles is one that is most disturbing in terms of human rights and in terms of terrorism.

There is a mountain of evidence that deals with the issue of a bombing of a Cuban airliner in 1976, which would implicate Posada, Mr. Luis Posada Carriles. Seventy-three civilians died. We have received an extradition request from Venezuela. That request was denied. To my understanding, that request was denied because of concerns about torture.

The inconsistency that I referred to earlier, in terms of how the world perceives us, I do not think there is any dispute that, with the so-called "extraordinary rendition program" initiated by the Bush administration, that individuals in contravention of the Convention against Torture and Degrading Human Treatment were sent to Syria and Egypt. Could you describe for me the practices

in Egypt and in Syria, according to the reports issued by the Department of State, relative to torture in those two countries?

Mr. LOWENKRON. Mr. Chairman, let me raise it in the context of addressing the Luis Posada Carriles case, and then also the issue of torture and how we go about transferring individuals back to those countries.

In the issue of Luis Posada Carriles, it came down to a judicial proceeding in which the decision was that the individual should be allowed out. This does not mean that the individual is free. Our intention is to prosecute him for a violation of U.S. laws. That is one part of the story.

But there is a larger story that you raise, and the issue is the one of torture. It is clear in the human rights reports that we do outline the countries that do practice torture, and the question does arise, if they practice torture, how is it that the United States sends individuals back? This is a question that the legal counselor, John Ballenger, and I had to address before the U.N. body last spring in Geneva. The guidance is that if a particular individual has a reasonable chance of being tortured, we do not send that individual back. That opens up the issue of what kind of assurances can the United States get, can the State Department get, the Department of Justice get, the Pentagon get? What kinds of assurances can we get that each individual that is being considered to be sent back to his country will not be tortured? It often involves an exchange of letters. It often involves written commitments. It is an imperfect system. It is a system that can result in a situation in which we do not have access to individuals after we have sent them back. This is the guidance under the terms of the Convention against Torture. It is a situation in which even our most severe critics in Europe have already said publicly that there is a gap in international law in terms of how to affect renditions in a situation in which countries, shall we say, are less than democratic.

Mr. DELAHUNT. Thank you, Mr. Secretary. I am sure you are familiar with the country reports on both Egypt and Syria regarding torture. It is a specific section, I am aware, in each of the country reports. Can you just briefly review for us torture and its use in Syria and then in Egypt?

Mr. LOWENKRON. The report speaks for itself. We clearly state that both countries do practice torture, that torture does occur in both of these countries.

Mr. DELAHUNT. Is it considered a significant problem in both Syria and in Egypt?

Mr. LOWENKRON. From where I sit, any report of torture is a significant problem. I do not have a sliding scale on torture, and I do not allow anybody in my bureau to ever make a case saying, "This is torture light." Torture is torture.

Mr. DELAHUNT. Okay. So what we do know is that both Egypt and Syria, according to the Department of State, indulge in torture.

Mr. LOWENKRON. That there have been cases of torture in both. Correct. Yes.

Mr. DELAHUNT. With that, I am going to yield to the ranking member. I believe he has another commitment.

Mr. ROHRABACHER. Thank you very much, and I appreciate some of the points you are making.

Let me note that the rendition program and incidents that were being cited by the chairman of sending a Syrian citizen back to Syria and an Egyptian citizen back to Egypt did happen during the reign of President Clinton and not during this current administration. And I would just note that for the record, and whether or not sending a Syrian citizen back to Syria and an Egyptian citizen back to Egypt when they are suspected of involvement in terrorist activities that would cause the death of thousands of civilians, whether that is justified or not, we will let the American people decide that, and the world can decide that, but it is not necessarily a slam dunk, as it sounds.

In terms of extradition of the gentleman that you referred to, Mr. Chairman, a Cuban-American—I do not know if he is an American citizen or not; maybe just a Cuban citizen—to Venezuela. I believe you have made a very legitimate argument. This man, obviously, was engaged in terrorist activity, or, at least, he is accused.

He may not have gone through a trial yet, but there is ample evidence to suggest that he was involved in a terrorist activity, and anybody who blows up an airplane with civilians on it deserves the most forceful prosecution and being sent back to whatever country they need to be sent back to.

I certainly do not have a double standard for him any more than I have for the Syrian or Egyptian that we sent back to Egypt and Syria, even though those are, just as Venezuela, flawed countries and have flawed systems.

I would like to suggest a couple of things here. First of all, Mr. Secretary, I find a disturbing trend that I saw during the Cold War that perhaps my colleague, who agrees with me on the fundamental principles of human rights, may not have seen, and that is, during the Cold War, we did support, at our peril, I might add, and it actually hurt our efforts to win the Cold War—we ended up supporting, in the fifties and the sixties, regimes that were authoritarian regimes that oppressed their own people against democratic movements, even within their society. We supported the Samoas, for example, and recognized them and did business with them.

This strategy was reversed during the Reagan administration, which very rarely President Reagan gets credit for, and he made democracy our major goal, and, in a speech to the British Parliament, laid down a new strategy for the Cold War, which you are fully aware of.

It is when we stopped that policy that America's position in the Cold War began to succeed. When we supported, instead of the dictatorship in El Salvador, that we insisted on free elections and actually supported Napoleon Duarte, a socialist but a democrat, over Alberto Dabusan, who was, yes, more free enterprise but one person involved deeply in amoral actions. That is when we began to win the Cold War.

Unfortunately, what I see now, perhaps exemplified by what is going on in Ethiopia, is that we are now shifting back to that old strategy that was not successful during the Cold War of supporting repressive regimes against their own people who want democratic government in order to have on our side the tough guy who runs the country, or the tough regime that runs the country, to do our bidding in a particular area. It did not work with the shah of Iran,

it did not work with Samoa, and I do not believe that it will work with Ethiopia as well.

In fact, what we have done in those countries, as what we have done in Ethiopia, is turn the people who believe in democracy against us, when they would be our best friends.

Now, what is going on in Ethiopia? Why is it that our Government seems to be having closer relations and ignoring the repression in Ethiopia, such a coincidence, at a time when the Ethiopian army invades Somalia and seems to be doing our bidding in Somalia? Why would the people of Ethiopia want democracy? That government has put its democratic opposition into jail after they won the election. What are we doing?

Mr. LOWENKRON. Congressman, I was in Ethiopia in March, and I had a 90-minute meeting with the President of Ethiopia, and for about 88 minutes of that 90-minute meeting, we were discussing internal issues. The first 2 minutes were courtesy. These were the kinds of questions that I put before him.

I think the situation in Ethiopia is this: We had an election in 2005. It was bitterly contested. The opposition remains in prison. The foreign NGOs have been barred from working in Ethiopia. There is an effort in the Ethiopian Parliament to pass a media law to try to advance some guidelines on NGO activity, which always sends up my antennae because there are guidelines and restrictions. Guidelines, we can talk about; restrictions can be a problem.

What I heard from the President of Ethiopia was that the Ethiopia Government has made a decision at the highest levels that democracy is their future. And I said, "Yes, I understand that, but now we need to see the steps Ethiopia needs to take to get back on track, which means working out the release of the political opposition that still remains in jail."

Mr. ROHRABACHER. Well, with all due respect, and I appreciate that you saw the President of Ethiopia. By the way, he is not the President of Ethiopia; he is the strong man in Ethiopia. The President is the one who is in jail because we recognize, of course, that those individuals who have received the sanction of the people of a country be a democratic process.

This President in Ethiopia did not, and you were meeting with the strong man who controls Ethiopia, and I appreciate that you were saying things that would suggest that we want a direction back toward democratic government, release the political prisoners.

Does this administration support military assistance to the Government of Ethiopia?

Mr. LOWENKRON. We believe that he is the President of Ethiopia. There were debates. Some foreign organizations felt that there were significant irregularities on the election; others did not. We deal with this President. Just last week——

Mr. ROHRABACHER. I guess the answer to my question as to whether we provide military support——

Mr. LOWENKRON. Pardon? Yes. We do have——

Mr. ROHRABACHER [continuing]. Is yes.

Mr. LOWENKRON. Because, as the Secretary of State had said, our policy is not either/or. We need to be able to advance our strategic objectives, which also includes democracy promotion and human rights.

Mr. ROHRABACHER. Let me note that, legally, yes, I agree with you, he is probably, in terms of an international standard, he is the President of Ethiopia. I am just talking about morally, based on American standards.

For example, I do not believe that the people who run the mainland of China are a legitimate government because they do not permit free elections, and thus, by our standards that we have laid down in our country, that government derives its just powers from the consent of the governed, just to remind everybody that that was a principle we put in place, that that does not mean that they have a legitimate government.

In Ethiopia, the consent of the governed, and every report I have seen impartially suggests that the opposition won that election, and the current government then put the opposition leaders who won the election in prison, and now you are testifying that we are providing military support for the Government of Ethiopia. I would suggest that this is going back to an ominous trend that did not work in the Cold War, and you are talking to a big cold warrior here, the ultimate cold warrior.

I worked on Ronald Reagan's staff, personal staff, for 7 years. I was very involved in these, and we won the Cold War by going for democracy rather than supporting dictators over democratic movements.

On to China, and my friend, Chris Smith, will, I know, mention the Montagnards, and, just in passing, I am very concerned with the Montagnard situation as well. I spent some time with Montagnards in Vietnam in 1967 and wore a little bracelet these people gave me for a long time, and they saved many Americans during the war in Vietnam, and for us to let them be brutally sent back to Vietnam, especially considering that there is a Christian element to what is going on with the Montagnards now and a repression of religion in Vietnam, which is another factor, it would be unconscionable.

China, Burma. I want to commend the administration, at least, for making a stand on Burma. I have heard the President's statements on that, and I congratulate you, I am sure, behind us, statements by the President and policies—it was your hard work. But in China, I think that it is deplorable that we have, for so long, suggested that we can do business. It is not just business as usual. We encourage American businessmen to go in there and build up the economic power of that regime.

There is no place else in the world that shows you, when we compromise our principles on democratic government and human rights, it comes back to hurt us, as in China. For 20 years, we have tried to deal with them, being told by the business community that it is going to evolve, it will help them evolve. Am I correct when I say there has been no political evolution toward democracy in China, even though we have had 20 years of basically bolstering their economy and building them into this economic power?

Mr. LOWENKRON. Economic, yes; political, no.

Mr. ROHRABACHER. Right. Okay. And with that said, when you build up the strength of a dictatorship like China, it is going to come back and hurt us, and it already is.

So with that said, Mr. Chairman, I thank you very much and appreciate this hearing.

Mr. DELAHUNT. Thank you, Mr. Rohrabacher. Mr. Carnahan.

Mr. CARNAHAN. Thank you. I would like to start by following up on my opening question about Bosnia, if you could elaborate on the status of reform efforts there.

Mr. LOWENKRON. Thank you. I recall, when the Dayton Agreement was reached, and many felt this was the worst agreement possible, the worst agreement turned out to be rather durable.

We are in a situation now with Bosnia in which there are two enormous magnets for that country, and they are called the European Union and NATO. The Bosnian leaders themselves realize that their future lies in full integration in the Euro-Atlantic institutions. Now, that means there is still a lot of work to be done because the institutions themselves within Bosnia remain weak. There is still the issue of the entity called Republic of Sibska, and how far along can you continue to integrate the various ethnic communities in Bosnia. But there was a determination there, as I would put it, to get it right precisely because the payoff for the Bosnian people is, in effect, joining Europe. They are on the path for that. It is not an easy path, but they know clearly what needs to be done in the political realm and in the economic realm and in the context of reconciliation.

I am hopeful in Bosnia. There have been debates about constitutional changes. They have fallen short, but at the end of the day, I think that Bosnia's future lies in these institutions, and they realize that themselves.

Mr. CARNAHAN. What else should we be doing there?

Mr. LOWENKRON. Providing economic assistance. We, ourselves, are involved in advancing democratic programs with our allies. The European Union has an action plan for Bosnia to provide assistance, to provide guidance and training, and it is a clear roadmap that the Bosnian Government, Bosnian leaders, get. It is a roadmap in the context of NATO and a roadmap in the context of the European Union.

Mr. CARNAHAN. Thank you. You mentioned Russia and Venezuela prominently in your remarks, and I wonder if you could touch on the connection between the concentration of oil wealth and development and how that has impacted those countries perhaps sliding in the wrong direction on the human rights scale.

Mr. LOWENKRON. That is an issue that I am deeply concerned about. Take, for example, the situation in Russia. It is not that Russia today is performing economically because it has a more open system. Russia is performing economically because of its oil wealth. So the current government in Russia could say in the 1990s we were weak, today we are strong, and we are strong because we have a strong economy, and now we can stand up and reassert our role as a primary player in the international system. The subliminal message is that the old days of the 1990s under President Yeltsin were the days of democracy, which was chaos, it was corruption, it was weakness, and the international community took care of Russia. But now Russia is strong, but it is based on the commodity of energy, and I think that is what helps fuel these efforts to try to continue to weaken democracy in Russia.

In Venezuela, it is the issue of trying to export something that President Chavez has called "participatory democracy," as opposed to true representative democracy: To use his oil wealth to try to export his model around the region. Now, I take heart from the fact that there are countries in Latin America—Brazil, Chile, and others—that have no interest in that model, but, nevertheless, the funds that President Chavez has, not only does he use to try to export the model but to strangle democracy at home. I would also say the same thing about Iran.

So there is this issue of those countries that are not democratic, or once were democratic, as in the case of Venezuela, using energy as a way to strangle opposition at home or continue to dampen opposition, in the case of Iran, and export their influence abroad.

Mr. DELAHUNT. If I could ask the gentleman to yield and to speak to the issue of Venezuela. I feel compelled to make some observations.

If you know, Mr. Secretary, what was the percentage that President Chavez secured in this last Presidential election?

Mr. LOWENKRON. 63 percent.

Mr. DELAHUNT. 63 percent? And what was the position of the Organization of American States in terms of the quality of the election?

Mr. LOWENKRON. Well, they accepted it. They said this was an open election.

Mr. DELAHUNT. And did they find anything in terms of the process and procedures itself that was flawed or questionable?

Mr. LOWENKRON. There were flaws across the board. If you look at Election Day itself, you can say it was a good election. If you look at it in the context of the environment for the election—was there a level playing field, did the opposition have access to the media, was the opposition allowed to organize itself, and did voters themselves feel intimidated?—if you look at the entire environment of the election, I would say it had significant shortcomings.

Mr. DELAHUNT. And, again, if my friend will continue to yield, what was the percentage that Hosni Mubarak secured in his most recent election?

Mr. LOWENKRON. I would say—I do not have it in front of me—probably 90 percent or 85 percent.

Mr. DELAHUNT. According to the Department of State, is that considered an election?

Mr. LOWENKRON. No, no, no.

Mr. DELAHUNT. No, no, no.

Mr. LOWENKRON. The issue is, is it a free election? Is it a fair election? The issue is never, "Have you had an election?" So the answer is no.

Mr. DELAHUNT. So there is a difference between the quality of the election itself, the election process in Venezuela and in Egypt.

Mr. LOWENKRON. Well, I think we have variations on the same theme in both countries. What you have is an uneven playing field. You have opposition that is not allowed to organize. You have opposition that is shut out from the media.

Mr. DELAHUNT. When you say it is not allowed to organize in Venezuela, the reality is, on the ground in Venezuela, there is a very active and aggressive press that, I dare say, if we went back

1 week over the course right now, that we could find a very active press that continually and consistently criticizes and castigates the Chavez administration.

Mr. LOWENKRON. The Venezuelan Government has just shut down recently the major independent television network in Venezuela. There also was a bill before the Venezuelan Parliament which would make it exceedingly difficult for a free and fair media to exist in Venezuela. So I would have to say that the trends are negative.

Mr. DELAHUNT. I am just asking, in terms of this past election, there was a very aggressive media that supported the opposition. Is that a fair statement?

Mr. LOWENKRON. It was a media that tried its best, under increasingly tough odds, and those that continue to raise these issues are being silenced, including the main TV station.

Mr. DELAHUNT. Well, we are talking about one TV station that is having its license renewed.

Mr. LOWENKRON. It is the main television station in Venezuela. In fact, yesterday, I presided over a panel, right here in the Congress, on Press Day, in which the lead Venezuelan journalists walked through the difficulties they have had and why it is now shut down. There is an effort on the part of Chavez to nurture and maintain a stranglehold over all media in Venezuela. The trajectory is bad.

Mr. DELAHUNT. I understand trajectory, but I guess what I am suggesting, again, is, in your opening statement, you devote more time to Venezuela, to North Korea, to Cuba, and I am not suggesting that you should not, yet we seem to ignore, and this is the problem that I have, in terms of the administration, and the disparity, if you will, in terms of emphasis.

We know Egypt is a totalitarian state, for all intents and purposes, and yet because it is perceived to be an ally of the United States, in terms of the War on Terror, we are very circumspect in terms of our criticism.

Mr. LOWENKRON. Mr. Chairman, I would not call Egypt a totalitarian state, but it certainly is not a democracy.

Mr. DELAHUNT. You would not call it a democracy, would you, Mr. Secretary?

Mr. LOWENKRON. No, not at all. The Egyptian Government held a referendum in March to effect constitutional change. We said, both privately and publicly, this was a huge missed opportunity because at the end of the day, what the referendum did was to tighten restrictions—it did not loosen them. There has been a series of missed opportunities and setbacks in Egypt.

Mr. DELAHUNT. But we call them "missed opportunities," Mr. Secretary.

Mr. LOWENKRON. And setbacks. If I were appearing before this committee last year, as I did, I would say I was hopeful about Egypt.

Mr. DELAHUNT. Are you hopeful about Saudi Arabia, another of our allies?

Mr. LOWENKRON. It depends on how you measure time and distance.

Mr. DELAHUNT. Do they have free and independent labor unions?

Mr. LOWENKRON. No, they do not. No, they do not.

Mr. DELAHUNT. Do they have freedom of religion, as we understand it?

Mr. LOWENKRON. No.

Mr. DELAHUNT. If I happened to be a Roman Catholic, could I find a Roman Catholic Church anywhere in Saudi Arabia?

Mr. LOWENKRON. No, and my colleague Ambassador Hanford has outlined in detail the challenges that we face on the religious-freedom front in Saudi Arabia and many other countries. That is correct.

Mr. DELAHUNT. Could I have a drink in Saudi Arabia?

Mr. LOWENKRON. Not to my knowledge.

Mr. DELAHUNT. I yield back to my friend.

Mr. CARNAHAN. Well, in St. Louis, you can have a drink. Anheuser Busch is located there.

I have one more set of questions, and I know this is before your tenure as Assistant Secretary, but, from the institutional memory in your office, can you answer this? In 2002, when then-White House Counsel Alberto Gonzales said that "terrorism renders the Geneva Convention strict limitations on the questioning of prisoners," did State have any input into the decision?

Mr. LOWENKRON. In 2002, I was the National Intelligence officer for Europe, and, before then, I rejoined the State Department.

If I may, you raise a larger issue, and it is what the chairman had raised in the beginning, if I may, the issue of America's moral standing, because I do think about that a lot, and if I might just spend a few minutes on that. You had appearing before this committee two of my predecessors, former Assistant Secretaries Harold Koh and John Shattuck. I just want to say, I have the greatest respect for them, as I would have for anybody, for any of my predecessors, each one of them that have held that position in the past 30 years, because, I think, promoting this kind of agenda is a great opportunity, but it is a tremendous challenge, a tremendous challenge for all of us.

I have to say that I found a lot of what they said, I was in agreement with. I was in agreement with the fact that we have to tackle the issue of genocide in Sudan. I, for myself, never used the phrase, "never again," because it has lost all meaning after Rwanda and Sebonicha, and the killing fields in Cambodia, and now in Darfur.

In particular, I agree with the fact that we have to have rule of law, and this gets back to your point, Congressman. The rule of law must be the central feature of all of our foreign policy. We do not go down the path of realism, which, to me, is just cynicism. But I do address this issue of the moral standing.

I have to say, on this one, we have debated the Geneva Convention. I talk about in the context of the self-corrective mechanisms, about the bills that were passed by this Congress, about the decisions taken by the courts, about an individual, an active military officer, suing the Secretary of Defense and the President of the United States. These are the hallmarks of democracy. I do not think at the end of the day, that even with all of these questions—and we live with them—that we have lost our effectiveness in terms of what we are trying to do to advance this agenda globally, whether it is in the context of dealing with the freedom agenda in

some of the most intractable parts of the world, or in the context of just being very, very clear about why countries continue to oppress their citizens.

So even as we debate the issue of Common Article 3 and the Geneva Convention, and even as I went to Geneva last year to answer the questions from this international body, I am also aware that there is much work that can be done, and much work that still needs to be done, in this field.

Mr. CARNAHAN. I yield back, Mr. Chairman. Thank you.

Mr. DELAHUNT. I want to recognize Mr. Smith, who has established himself as a leader in the issue of human rights, and I would, for the record, ask that any member attending today's hearing who is not a member of the subcommittee be considered as a member of the subcommittee for purposes of a statement or questions.

But before I turn to him let me pose a question to you. You talk about accountability, Mr. Secretary. I am not satisfied with the Executive overseeing itself. You refer to the reports issued to various international bodies relative to our obligations in terms of international conventions dealing with human rights. I do not think there is accountability. I do not think we have had accountability in this Congress until this particular Congress, for the past 6½ years, and I do not mean that to be a partisan remark.

I dare say, if there was a Democratic President, and Democrats were in the majority in both the House and the Senate, despite our rhetoric and our beliefs, there would be a reluctance to be critical of the Executive. But the essence of our democratic system is to have review by different branches to exercise restraints primarily on the Executive, and I do not see that.

I am contemplating filing legislation, and I would hope to sit down with leaders in this area, such as Mr. Smith, to see whether he might have an interest, in designing a mechanism which would review the United States' record on human rights, that would be, if you will, a repository for the whole world to view and to access to judge us because, as I travel the world, what I take away is that we are preaching, and people are getting very tired of us preaching. And when they see you and I agree with them, that we are not living up to our own standards, that is when we are particularly vulnerable to the charge of hypocrisy.

I dare say, that is reflected in the polling data that everybody is now concerned about because it does not just translate into us being unpopular. Popularity is one thing, and I am not suggesting, in any way, shape, or form, that we craft public policy based on polling data. We ought to craft public policy and foreign policies in terms of our core values because the GAO concluded that the more unpopular we become, the more our national security is at risk.

You know, the Italians are now debating whether they want to negotiate an expansion of our military base, something as insignificant as that. I mean, I have a long litany of concerns about specific instances where other nation states are pulling back.

We are now the subject of, and it is not just, clearly, the Islamic world; it is Europe, it is Latin America, it is Canada, where this perception, and I believe it is based upon what I said in my opening statement, about we are not living up to those values that his-

torically we have embraced. That is the message that the world is getting from us.

Getting back to my point, would you agree, or would you consider, that to institutionalize a check-and-balance in the area of human rights, there ought to be, and I would make it, a legislative mechanism, that would have the responsibility to review and scrutinize our own record to demonstrate to the world that we are not afraid.

You know, as Secretary Rice indicated, we are amply imperfect. I think that is important. I really think it is important, and I do not think that importance is evident today. Sure, we have a hearing every now and then.

I intend to have a series of hearings over the next 3 or 4 months, but that is not adequate. I think there ought to be a full report by—call it a commission—it is not a new body—it ought to be legislative in terms of its nature—that examines all of these issues, whether they be about torture, about renditions, whether they be about the invasion of constitutional rights based in terms of privacy. These are important issues, and they have to be debated, and I believe that when you talk about accountability, I think it is inadequate. Would you care to comment?

Mr. LOWENKRON. Well, I have a brief comment on that. We take our commitment to fully brief the Congress on all of these issues at all times. The Congress has mandated a whole host of reports on what other countries do. I was asked when I rolled out Human Rights Report, "Doesn't your bureau put out the American Human Rights Report?" and I said, "Well, then you would say it has no credibility. It is not up to us or my bureau or the department to put that out."

What I would ask, in the context of how the world sees us, if I could just add one other element, which I think is important, and I do look at these polls, and I do look at the trends. I have to. But, at the same time, what I find is something else that is happening in the international system, and that is countries and regions and organizations are organizing themselves to advance democracy and human rights without necessarily a "Made-in-America" stamp on it, and that is good. That is good.

I had to remind myself that the reason why Secretary of State Powell was not here on 9/11 was that he was in Lima, Peru, at the signing of the Inter-American Democracy Charter.

I was in Addis Ababa in March to talk about the African Union Democracy Charter. This July, the leaders of both the African Union and the Organization of American States are going to be in Washington. They are building something called the "Democracy Bridge," how to exchange best practices.

Many members of the European Union were opposed to the American invasion of Iraq, but yet, as one European official said, "Once again, nothing happens until America moves," and now the European Union is going to set aside over a billion euros over a 7-year period to advance democracy and human rights.

We have a new, multilateral organization in the Middle East, which was started by us, but we do not need to claim ownership of it.

So what is happening is even as people are looking at what does America stand for, they are taking those nuggets, and they are developing the institutions, which I would hope my successor, and certainly future administrations, would devote the time and the energy and the resources to, because I think that is the way to go, the truly multilateral partnership is the way to advance these issues.

Mr. DELAHUNT. I do not disagree, but, I guess, I am looking at it from the lens of our national interests.

Mr. LOWENKRON. I understand.

Mr. DELAHUNT. And I am concerned about, you know, the realities that were enumerated in that GAO report. Our national security is being placed at risk. Our commercial relationships are being jeopardized. There is a whole litany.

I am looking at it not in an altruistic sense, but in terms of our national interests, including our national security interests, and I do not disagree with that you said. But what I am saying is, in terms of attempting to demonstrate to the world that we are capable of self-criticism, I believe we need a mechanism to do it that is independent of the Executive Branch.

This administration has got another year and a half to go. Who knows what will happen after that? So it is not a question of Republican or Democratic administration; it is what is necessary to continue our tradition of insisting on accountability because there are many Americans, many of whom serve in this Congress, who believe there has been insufficient accountability.

With that, I will yield to my friend from New Jersey, Chris Smith.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. Having chaired the Human Rights Subcommittee for 8 years, and you often came to our hearings, and you were always most welcome—I remember, last year, you came to the hearing we had on inter-country adoptions and provided some very, very useful input—so I deeply appreciate the reciprocity and this opportunity, as I am not a member of this subcommittee, so thank you for that generosity.

I would like to say to Secretary Lowenkron, welcome and thank you. I have been on the International Relations Committee for 26 of my 27 years here and have met with many assistant secretaries of human rights, and I put you right at the top as one of those who has dedicated his life to human rights.

I think your staff has done an outstanding job with the country reports. I do read many of the countries—I do not read them all, but I read those about which I have a compelling interest and skim the others. The reports are very well crafted, and I appreciate that you included Internet-freedom issues this year. I thought that was a very, very good initiative on the part of the department.

So I want to thank you for your service. You have done an outstanding job, and I know that those of us, and, I think, all of us, who care about human rights appreciate your leadership.

I would note parenthetically that I do think the State Department and other departments are leading, and they are doing it not only with the ownership, as you put it, of America, but we are lead-

ers and catalysts on so many issues, from trafficking to religious freedom.

I joined Assistant Secretary Sauerbray and Assistant Secretary Myers from ICE in a migration conference in New Orleans on Friday. There were 13 countries present, some of their top ministers, who care about ending this egregious practice known as "human slavery" and "human trafficking." It was a can-do workshop and series of workshop meetings. I gave a luncheon speech about what we can do to beef up our laws, law enforcement, and then the big, important part of protection for women who are trafficked into prostitution or into sweat shops.

I heard from the ministers. I spoke to six of them as I was leaving, many of them before that, and they deeply appreciate American leadership. While they look at the report that comes out every year and say, "Why are we on Tier 3?" and there is a public sense of outcry, it is a mirror, and it certainly sets up the wheels of change for many of these countries. Many have gone, including friends like Israel, Russia, Turkey, Greece, who are on Tier 3, and Serbia, and got off of it after taking what can only be described as significant and sustained efforts to mitigate trafficking in their locales.

So I do think it works. It is not perfect, and I think the chairman is right. When we make a mistake, whether it be Guantanamo or something along those lines, especially Abu Ghraib, it puts a dent in our credibility, but it does not take away from the good job that is done every day of the week on these important issues.

In about 2 hours, there will be a vote on a resolution that I offered on the floor yesterday, H. Res. 243, dealing with Vietnam. It is a bipartisan resolution. It calls for the unconditional release of human rights activists, like Father Ly, and a number of people who have signed the Freedom and Democracy for Vietnam Manifesto of 2006, often called the "Bloc 8406," named for the date it was tendered and signed, and now thousands of people have signed it.

It is an excellent document. I would ask, Mr. Chairman, unanimous consent that the manifesto be included as part of the record.

Mr. DELAHUNT. Without objection.

[The information referred to follows:]

IV

110TH CONGRESS
1ST SESSION

H. RES. 243

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2007

Mr. SMITH of New Jersey (for himself, Mr. ROYCE, Mr. ROHRABACHER, Mr. MCCOTTER, Mr. WOLF, Mr. RENZI, Mr. DANIEL E. LUNGREN of California, Mr. TOM DAVIS of Virginia, and Mr. PASCRELL) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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RESOLUTION

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, and for other purposes.

Whereas, on February 18, 2007, Vietnamese police raided the parish house of Father Nguyen Van Ly and confiscated computers, telephones, more than 100 mobile phone cards, and more than 200 kilograms of documents;

Whereas the police moved Father Ly to the remote location of Ben Cui in central Vietnam, where he is under house arrest;

Whereas Father Ly is a former prisoner of conscience, having spent a total of over 13 years in prison since 1983 for his advocacy of religious freedom and democracy in Vietnam;

Whereas Father Ly is one of the founders of ''Block 8406'', a democracy movement that started in April 2006 when hundreds of people throughout Vietnam signed public petitions calling for democracy and human rights;

Whereas Father Ly is also a founder of a new political party, the Vietnam Progression Party, and one of the primary editors of ''Freedom of Speech'' magazine;

Whereas, on March 6, 2007, Vietnamese police arrested one of Vietnam's few practicing human rights lawyers, Nguyen Van Dai, who has defended individuals arrested for their human rights and religious activities, is the co-founder of the Committee for Human Rights in Vietnam, and is one of the principal organizers of the Block 8406 democracy movement;

Whereas, on March 6, 2007, Vietnamese police also arrested Le Thi Cong Nhan, a human rights lawyer, a member of ''Block 8406'', the principal spokesperson for the Progression Party, and a founder of the Vietnamese Labor Movement;

Whereas Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan have been charged with disseminating propaganda against the Socialist Republic of Vietnam under article 88 of the Penal Code;

Whereas if convicted, they each could be sentenced to up to 20 years in prison;

Whereas in none of their activities have Father Ly, Nguyen Van Dai, or Le Thi Cong Nhan advocated or engaged in

violence in their opposition to the Vietnamese Government or its policies;

Whereas the arrest of and charges against Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan violate Article 69 of the Vietnamese Constitution, which states that ''The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law'';

Whereas Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan have been arrested and charged in contravention of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a state party, specifically Article 18 (freedom of religion), Article 19 (freedom of expression) and Article 22 (freedom of association);

Whereas the United State Congress agreed to Vietnam becoming an official member of the World Trade Organization (WTO) in 2006, amidst assurances that the Vietnamese Government was steadily improving its human rights record and would continue to do so;

Whereas the group of Asian countries at the United Nations have nominated Vietnam as the sole regional candidate for a nonpermanent seat on the United Nations Security Council for the 2008–2009 biennium, and pursuant to the United Nations Charter, Vietnam would be required to discharge its duties in accordance with the purposes of the United Nations, including the promotion and encouragement of respect for human rights and fundamental freedoms for all; and

Whereas the arbitrary imprisonment and the violation of the human rights of citizens of Vietnam are sources of continuing, grave concern to Congress, and the arrests of Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan are part of a trend toward increasing oppression of human rights advocates in Vietnam: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) condemns and deplores the arbitrary arrests of Father Nguyen Van Ly, Nguyen Van Dai, and Le Thi Cong Nhan by the Government of the Socialist Republic of Vietnam and calls for their immediate and unconditional release and the dropping of all criminal charges, and for the immediate and unconditional release of all other political and religious prisoners;

(B) condemns and deplores the violations of the freedoms of speech, religion, movement, association, and the lack of due process afforded to individuals in Vietnam;

(C) challenges the qualifications of Vietnam to be a member of the United Nations Security Council, unless the Government of Vietnam begins immediately to respect human rights and fundamental freedoms for all within its own borders; and

(D) strongly urges the Government of Vietnam to consider the implications of its actions for the broader relationship between the United States and Vietnam; and

(2) it is the sense of the House of Representatives that the United States should—

(A) make a top concern the immediate release, legal status, and humanitarian needs of Father Nguyen Van Ly, Nguyen Van Dai, and Le Thi Cong Nhan;

(B) use funds from the newly created Human Rights Defenders Fund of the Department of State to assist with the legal defense and the needs of the families and dependents of Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan;

(C) continue to urge the Government of Vietnam to comply with internationally recognized standards for basic freedoms and human rights;

(D) make clear to the Government of Vietnam that it must adhere to the rule of law and respect the freedom of religion and expression in order to broaden its relations with the United States;

(E) make clear to the Government of Vietnam that the detention of Father Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience and other human rights violations are not in the interest of Vietnam because they create obstacles to improved bilateral relations and cooperation with the United States;

(F) if there is widespread harassment, short-term detentions, long-term house detentions, and arrests of religious leaders and religious-motivated rights defenders and activists, re-impose on Vietnam the country of particular concern (CPC) designation, which was removed on November, 13, 2006, for severe and ongoing violations of the freedoms of thought, conscience, religion, and belief in Vietnam;

(G) make clear to the Government of Vietnam that the norms and responsibilities of joining the international community are not fully realized in Vietnam's WTO membership, and that the issues of the freedoms of speech, assembly, association, and the right of due process are essential for a healthy trade and business climate; and

(H) in order to advance these freedoms and rights, and to strengthen the long-term relationship between the United States and Vietnam, initiate new foreign assistance programs to advance the capacity and networking abilities of Vietnamese civil society, including new rule of law programs to train Vietnamese human rights lawyers, judges, academics, and students about international human rights law; new public diplomacy initiatives to inform and teach Vietnamese citizens about international human rights norms and responsibilities, and projects that support organizations and associations that promote the freedom of religion, speech, assembly, and association.

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Mr. SMITH OF NEW JERSEY. It is a call for nonviolence. It reminds me of Charter 77, Vaclav Havel's famous document calling for peace and freedom and democracy in Czechoslovakia. It reminds me of what Sharansky and so many others did during the dark days of communism in the East Bloc in the U.S.S.R., and yet these individuals now have been routinely aggressively rounded up. Father Ly got 8 years, as you know.

You led the human rights dialogue, and perhaps you might want to shed some light on what you think we should be doing. It seems to me that perhaps CPC designation should be reimposed on Vietnam. Certainly, this crackdown, which reminds me of what Castro did a few years ago with the Aurellio Project, where he just did a sweep of the best and the brightest and the bravest of Cuba—these were journalists, librarians, human rights activists—and now we see the exact same thing happening in Vietnam.

They get their benefit, they get into WTO, they get PNTR, and they revert right back to form and arrest, again, these brave, wonderful people.

I would note parenthetically that I met with a lot of those people a year ago, in December. I met with about 60 dissidents and religious-freedom leaders in Wei, Ho Chi Minh City, and in Hanoi, and was struck—it just reminded me of all of the people I met in Eastern Europe, who are now the leaders, or were the leaders, and their names are enshrined as the fathers of their new democracies. The Vietnamese people, however, are now in prison.

Secondly, if I could ask you, Secretary Lowenkron, about the issue of China. I asked Secretary Negroponte yesterday, and he gave somewhat of an answer. I hope he gets back with a further answer. But I think that we need to more robustly engage China on human rights, and there needs to be a penalty.

CPC status has been imposed, and rightfully so, on China, just like Saudi Arabia, for a half-a-dozen years, and yet there has been no penalty phase. There are, at least, in excess of 12 prescribed sanctions that can be taken against China. China, however, continues to tighten that noose on Falun Gong practitioners, Christians, Catholics, Uighurs, Buddhists—across the board, just tightening the noose—with the use of torture as well, against these religious adherents—advocates, I should say. This is outrageous.

On the issue of the one-child-per-couple policy, one of the greatest fears that I have had over these years is that China and the UNFPA would export this human rights abuse of forced abortion and forced sterilization, coercive population control, and now it is happening.

The Philippines almost signed onto a two-child-per-couple policy written by the UNFPA, and it was China-like. It did not pass, but it came very close.

Now, Paul Kagame and I had a discussion with him on this just a few weeks ago in Rwanda, is about to unleash a new genocide, a genocide in the womb, with a three-child-per-couple policy, and it is a genocide like we are seeing happening in China.

I would hope, Mr. Secretary, that we would begin doing more analysis on the military consequences, not just broken women and destroyed children in China, for example, but the military consequences of having a disproportionate number of men vis-à-vis

women—some put it as high as 100 million missing girls in China—an outrage, gendercide. It is genocide, and I wish the U.N. Genocide Convention experts would take this up. I marvel at their lack of focus on this.

China is now exporting these one- and two-child-per-couple policies to the rest of the world, and you only get there by coercion. It is the only way it happens.

We provide incentives, and we provide tax breaks when one has a child in America. Just the opposite in China: You lose up to five to 10 times your annual salary of husband and wife. That is the penalty for having a child that has not been approved by the state, and imagine a society where brothers and sisters are illegal. It is an outrage against women and children, and it is now being exported. You might want to speak to that issue as well.

And, finally, if you could, I raised this with Assistant Secretary Sauerbray on Friday, but it is my understanding that the department has now ruled that the Montagnards will not be processed unless there is a UNHCR referral.

In light of what is happening in Vietnam itself right now with this massive crackdown, I would hope, and I would plead with you, to try to reopen that so that these Montagnards, and I gave a list of a number of potential asylum seekers, would be processed under, say, the Lautenberg Amendment, which we reauthorized just 2 months ago, because I think they go back to repression.

I think it is very clear that, again, Vietnam is moving to severely curtail freedoms and to incarcerate, just like the bad old days. So if you could respond to those questions, please.

Mr. LOWENKRON. Thank you, Congressman. First, if I may, I want to thank you for welcoming a rather green Assistant Secretary to my first hearing up here when I became Assistant Secretary. I appreciate the dialogue that we have had, and thank you also on behalf of the people in my bureau. Every day they come in, and they never cease to amaze me with their dedication and what they do on behalf of human rights and democracy.

Let me start with Vietnam. We did have a full day of human rights dialogue with Vietnam last week. We went over the entire list, and I made it clear. I said, "This is not where we need to be." We had made progress last year. The directions are not good. I asked them, "Is it your intention to signal to the administration, the American people, and the Congress that the steps you took were in the context of WTO, PNTR, and a successful APEC Summit, and you are not interested in hammering out these outstanding differences and still proceeding to advance these human rights?" I reminded them that by law I am required to report to the Congress in writing on the human rights dialogue, an issue which they tend to forget but which does not make them happy when they hear it, but that is the law. So I will be drafting one. I am drafting a report.

In the diplomatic parlance, the exchanges were frank and full. I talked about Father Ly. I talked about the fact that there were commitments made, understandings made, last year that still have not been carried out. I raised this issue of we were supposed to have a summit between the two leaders. President Triet was supposed to come here and see President Bush later this spring, and

I said, "What is this summit supposed to be about? What are they going to be dealing with? What is the message that Vietnam wants to convey to the American people?"

So we did have very intensive and extensive conversations on the whole range of issues. Ambassador Marine has been pressing very, very hard, much to the consternation of certain levels of the Vietnamese Government who all but told him that they do not appreciate him for pressing on the human rights dialogue. This is who we are, this is what we believe, and this has to remain an integral part of our relationship with Vietnam. That will not change.

As frank as that discussion was, I wish I could tell you I had a frank discussion with the Chinese. I have had no discussion with the Chinese. We had a human rights dialogue with the Chinese last February.

In the fall, I sat in on a meeting that Secretary of State Rice had with the Chinese Foreign Minister going through the whole range of global issues we have with China. She asked the Foreign Minister to send a senior-level official to Washington to discuss human rights because this is a part of the relationship that is lagging, and we cannot let it lag. We have been waiting for 7 months for an answer from the Chinese to send an official to Washington to engage. This does not mean that we have thrown up our hands. We continue to work with individuals in China to try to press for legal reform, to try to press for the rights of the Chinese. We continue to press this agenda, including the agenda of the one-child policy and the reports that come out, which I fire off to our Embassy in Beijing. Chances are, they already have them, but one can never be complacent on these issues.

All I can say is that we are going to continue to press the Chinese on these issues. I very much would like them to finally take us up on an offer and send a senior official to engage with us on a dialogue.

On the issue of the Montagnards, I will have to check. My understanding was, in conversation with my colleague, Assistant Secretary Sauerbray, that UNHCR had asked, "Why are we screening them, only then to have you screen them? What is the purpose of having a double screening of the Montagnards?" And my understanding is our policy is that we will do a single screening. The UNHCR does it, we are fine, and then we will take them in. It is to shorten the process. But I will take your message back to ensure that, in shortening the process, we are not creating some sort of a roadblock to help the Montagnards.

The Montagnards were also an issue I raised with the Vietnamese last week.

Mr. SMITH OF NEW JERSEY. If I could have, Mr. Chairman, just one follow-up. Thank you very much.

Secretary Rice announced the Human Rights Defenders Fund and talked about it for Human Rights Day last December. Could arrangements be made to provide some of that money to Dai and some of these other individuals who are now obviously under siege in Vietnam?

I met with Nguyen Van Dai when I was in Hanoi, and he was remarkable. Here is a man who reminded me of someone I had met in PERM Camp 35, the Calcushakov, who knew the Helsinki Final

Act almost verbatim, was a lawyer that, while he was being tortured in PERM Camp, was citing provisions out of the Helsinki Accords. Hopefully, Dai is not being tortured, but he certainly has been arrested. Even when I met with him, some of his clients who tried to meet with me to tell me their story were stopped by the Secret Police, not surprisingly, but we all know how that works.

It seems to me that the Human Rights Defenders Fund might be an avenue or a means by which we could tangibly assist these individuals. We know that Father Ly had no counsel. He had a 5-minute kangaroo sham trial, which makes a mockery of any jurisprudence. Vietnam should be ashamed of itself. It is covering itself in profound dishonor. They got their economic benefits, and now they are just going right back to dictatorship.

I would put our businesses on notice that if that is how they treat human rights and religious-freedom advocates, how do you think they are going to treat contract law and intellectual property rights, copyright infringement and the like?

It is reminiscent of the Chinese. They would make great shows of burning CDs and pirated disks while they steal, steal, steal, and 1 day a week or 1 day a year they burn all of these disks to show how they are going to enforce it. Rule of law starts with your own people, and then it extends to contract law. But if you could take the human rights defenders issue under consideration.

And, finally, on Ethiopia, I met with President Meles as well and had a long discussion like you. Yours was 90 minutes. I was deeply disappointed that not only did his Secret Police kill people on the street, but, to this day, many of the finest parliamentarians, human rights advocates, mayors, opposition folks are serving long prison sentences simply for being in the opposition and not going into the Parliament because they felt it was not free and fair, which, obviously, many of the people who monitored the election also found it to be unfree and unfair.

We have a bill. Mr. Payne and I are working on a Human Rights in Ethiopia Act. As a matter of fact, I got the idea on the plane as we were leaving because it reminded me of exactly what we had in Belarus, and I wrote the Belarus Democracy Act. This guy is just like Lukashenko in Belarus. It is like a carbon copy: Different continent, different ethnic background, same type of barbaric behavior, and it seems to me that you could support that legislation and call for the release, as I know you have, of all of those individuals. They have not gotten due process. They, too, have gotten kangaroo trials, just like those in Vietnam.

I would add one last thing. You have been very kind in giving me this extra time, Mr. Chairman, but we have talked about the genocide Olympics. There is a genocide going on in China today against their own people. The one-child-per-couple policy is genocide. It is especially being used against the Buddhists and the Uighurs, but there is also the genocide going on in Darfur.

It seems to me those Olympics are so tainted, unless the Chinese make changes, this is like the Berlin Olympics with the Führer looking out at the crowd, and I think we ought to be very clear about that. This is a dictatorship in Beijing that is cruelly hurting its own people and exporting its tyranny all over the world, Sudan.

Mr. DELAHUNT. Thank you, Mr. Smith. Now, you have referenced Mr. Payne, who has also been an extraordinary advocate for human rights, and I recognize the gentleman from New Jersey, Donald Payne.

Mr. PAYNE. Thank you very much. Thank you, Mr. Chairman, for calling this very important hearing, and I associate myself with the remarks of the ranking member of the Africa and Global Health Subcommittee, Mr. Smith, and many of the points that he makes.

I have a concern and would wonder whether you have updates on Somalia, including Somaliland and Putland. You know, since the United States does not have a presence in Somalia, what is, in your opinion, the overall human rights situation, and what is the primary source of information on human rights conditions in Somalia since we do not have a presence there?

Mr. LOWENKRON. Congressman, if you allow me, I would like to take that for the record and get back to you with a comprehensive answer.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE BARRY F. LOWENKRON TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE DONALD M. PAYNE

The poor human rights situation in Somalia has continued to deteriorate, exacerbated by the absence of effective governance institutions or the rule of law, ongoing conflicts, the presence of violent extremists, and the widespread availability of small arms. In light of the absence of a strong central government, there are defacto restrictions on the freedoms of speech, press, assembly, association, and movement throughout the country. There is violence and discrimination against women, and abuse and discrimination against ethnic and religious minorities. Forced and child labor, as well as trafficking in persons remain a problem.

In Mogadishu and the surrounding area the human rights situation is grave. There are reports of excessive force by unknown insurgents, violent extremists, warlord-allied-militias, Transitional Federal Government (TGF) forces and Ethiopian troops. Somali security forces act with impunity. There are reports of extrajudicial killings by TFG allied militias. There is obstruction and piracy of humanitarian assistance by various groups, including militias and warlords allied with TFG, as well as raping and looting of civilians.

Somaliland has not recognized the Transitional Federal Government (TFG). There is uncertainty about the National Reconciliation Congress, scheduled for June 14.

The security situation in Somalia has precluded the U.S. from maintaining an Embassy or allowing personnel to travel to Somalia. However, the Somali Unit in the U.S. Embassy in Nairobi very capably tracks developments in Somalia. While the Somali Unit's physical location does not provide the degree of monitoring that a presence in country would allow, Embassy Nairobi maintains regular contact with key Somali political, civil society, business, clan and religious leaders traveling through or based in Nairobi. We also obtain reports from NGOs with programs and implementing partners throughout Somalia.

Mr. PAYNE. All right. Thank you. The Islamic Courts Union was criticized for imposing Sharia law, having strict social edicts. However, the transitional Federal Government also is under Sharia law. You might also, when you get back to me, maybe explain the difference between the TFG, the transition Federal Government's, position on the Sharia and the way that religion is a part of the governance as opposed to the Islamic Courts Union, which has been criticized for exactly the same thing.

I personally feel that the whole situation in Somalia is unfortunate. It appears that there has certainly been a collaboration in Ethiopia's intrusion into Somalia, and I think that it is unfortunate because it appeared to me that the situation certainly could have

been handled differently, even when the transitional Federal Government first started meeting in Kenya.

I met with them for a number of years as they tried to put together a government, but there was very little support from the U.S. They were asking for it, believe it or not, but we did not involve ourselves much, and the transitional Federal Government had very little authority.

Then when the ICU took over the Islamic Courts Union, then the United States had this anti-Somalia policy, where the ICUs were able to, at least, have order and a semblance of the warlords being taken out of the equation of the extortion and things of that nature that they did daily. But we, the U.S. State Department, whatever administration, decided to support the warlords who had been terrorizing people for the last 15 years. So I just get confused by some of that policy, so if you could help me out on that in writing.

How about Eritrea? Have things, to your knowledge, gotten any better there, and is there a free judiciary, to your knowledge, independent judiciary, in Eritrea?

Mr. LOWENKRON. The situation in Eritrea remains poor, and we cited in our 2006 report that it is deteriorating.

Mr. PAYNE. That whole Horn of Africa has serious problems. Just about Khartoum, once again, I, too, agree that China could have much more influence in Sudan, and I do see a growing sort of movement about the Olympics. I think there is going to be a big expo in Shanghai in 2009.

China either has to decide whether they are going to be a reputable, first-rate country or whether they are going to allow their government to support despots and people who have no regard for their own people, like in Zimbabwe and in Sudan.

Have there been any discussions with China on their foreign policy, particularly in Africa, since they are there in full force—that is for sure—and have we had any, to your knowledge, our State Department people talk about their policy in Africa?

Mr. LOWENKRON. The answer to that is yes. I, myself, have not been at these discussions, but Assistant Secretary Jendayi Frazer has. Special Envoy Natsios certainly went to Beijing to talk about Sudan, and the Secretary of State herself raises these issues in terms of the specific crisis points and where we can find ways to cooperate. Certainly, the most pressing issue, without a doubt, is Sudan. It is important to exert the maximum leverage and pressure in order to get not simply the agreement but to get the implementation of the deployment of this hybrid force. So we have raised this with the Chinese.

Mr. PAYNE. Yes. First of all, it was supposed to be U.N. force in 1706, and then they went from a U.N. force to a hybrid force, and now he does not want the hybrid force. I have never, you know, really understood. The one who is perpetrating the genocide, he gets to decide when he is going to let people come in to help stop it. Something is wrong with that picture. It has been very frustrating.

Just, finally, on the Human Rights Council, you know, the United States decided not to run for an office in the first council and, again, even with the expanded numbers for the second council. How can we be effective when we refuse to participate? The council

leaves a lot to be desired, but, believe it or not, it is better than it was before. That does not necessarily say too much, but, at least, members of the council have to be approved by the total world and not only people in that region.

Do you know that we gain anything by, even if we ran and lost, not to be involved? We criticize the council, but we will not participate in it. To me, it seems like a failed policy. What is the real rationale, and what do you think our impact on the effectiveness of the council and the credibility of the council will be when we are not a member of the council?

Mr. LOWENKRON. Congressman, I remember when the initial proposals were drafted by the high-level group in 2004, and we had high hopes that we would finally get a human rights council that could close the book on its sorry predecessor. The decision was taken at the end that we could not support this. It was a decision that was not taken lightly by the Secretary of State, but she made a commitment. She made a commitment that we would support it diplomatically, we would support it financially, we would work actively in Geneva as an observer, and we would with like-minded allies and others. There are some structural flaws in this Human Rights Council, in which you could have a minority of countries that could dictate and set the agenda, to the detriment, I think, of the overall mission of the Human Rights Council.

Where we are today is that we have a flawed body in Geneva, but, at the same time, I think it is important to note that we are using the other U.N. bodies to try to advance our human rights. We have had a very active partnership in the Third Committee of the U.N. General Assembly, with our key allies and friends, like Canada on Iran and the European Union on Belarus.

It took a very long determined effort to get the U.N. Security Council to even focus on Burma. A year and a half ago, we could not even get an informal discussion on Burma. The fact that it was vetoed in January of this year is a disappointment, but it is still not a permanent agenda on the Security Council, and we are going to use it to strengthen the mandate of this special representative of the Secretary General.

We also are working closely with India, Japan, and others to provide additional funding for this wonderful program in the U.N. called the U.N. Democracy Fund, which has been putting out money grants to over 100 nongovernmental organizations worldwide to do this kind of democracy and human rights work.

So even as we try our best in the Human Rights Council, where we are not a member, we are not ignoring the other critical points within the U.N. system.

Mr. PAYNE. Thank you very much. I appreciate that.

Just, finally, on Egypt, I think Egypt could also have some clout on Sudan. Mubarak is very much respected in Sudan. He has authority over Sudan. It is the strongest country in the Arab League, and for him to get the largest of the American taxpayers and to look the other way when he is saying, well, the does not want to involve himself, I think that our State Department should certainly put pressure on him so that he also exerts the pressure on the Government of Sudan. That is what they need, pressure, because they delay, they sidestep.

That is their whole tactic. They will agree, but when it comes time for it to be implemented, they will ask for a postponement, and people still die. So I just hope that we could have a more affirmative program as it relates to Egypt, in addition to China that is just becoming fat on our balance of trade deficit to them, as it grows, and grows, and grows.

I just cannot believe that we do not have any more influence over China. If it was not for the United States, they would still be back to post-World War II in its development and in its economic prowess. So we continue to make China healthy and whole and well and powerful, and you tell me we can't ask them to maybe tap the shoulder of the murderer, al-Bashir, and tell him to stop murdering his own people? Thank you, Mr. Chairman.

Mr. DELAHUNT. Thank you, Mr. Payne.

I want to ask you to address, I think, a festering sore in Guatemala. Again, I say this respectfully, but I note that we talk, and the focus seems to be traditionally, from every representative of the administration, Venezuela, with whom we have, at best, a very strained relationship, and Cuba. But today, May 2nd, is a significant day in terms of a filing deadline for candidates for their legislative body.

The chairman of the full committee, Mr. Lantos, and other members have circulated a letter and directed it to the attorney general of Guatemala requesting that charges be taken against General Rios Montt, who was, according to numerous reports, implicated in the genocide of the indigenous people in the 1980s. What is the position of the administration?

I can remember reading, and this is recent, because of my newfound interest in Luis Posada Carriles, his comment that Fidel Castro is responsible for 5,000 deaths. As I am sure you are aware, Mr. Secretary, 200,000 Guatemalans died as a result of that genocide, which prompted President Clinton to make an extraordinary trip to Guatemala City and apologize because of the report by the United Nations rapporteur implicating the United States.

But having said that, has there been any administration action relative to the Rios Montt situation? And just to amplify for those who might be viewing us or listening to us, it is my understanding, according to this letter that was authored by several of my colleagues, that simply by filing a candidacy, filing to be a candidate, for the Guatemalan National Assembly, or Congress, whatever they call their legislative body, provides immunity in this particular egregious case.

Mr. LOWENKRON. Mr. Chairman, I am not familiar with Congressman Lantos' letter. You deserve a full response. So, with your permission, I would like to take this for the record and send you back a detailed response, if I may.

Mr. DELAHUNT. Thank you. Getting back to Posada Carriles and that matter, you indicated that there has been a judicial order. That order pertained to the violations of our immigration laws. Correct?

Mr. LOWENKRON. Yes.

Mr. DELAHUNT. As I indicated earlier, there is a mountain of evidence, and I speak as a former prosecutor, that would implicate

Mr. Posada Carriles in the bombing and subsequent deaths of 73 civilians of a Cuban airliner back in 1976.

The law is such that if we deny an extradition request, and it would appear that we cannot find any other nation to accept Mr. Posada Carriles, then we have an obligation to proceed to move forward, if you will, with the case and prosecute that case against Mr. Posada Carriles. Have you been consulted in this matter by anyone in the administration?

Mr. LOWENKRON. I would have to take this question back to our legal adviser, John Ballenger, who has been the point man on this issue, which is what I will do.

Mr. DELAHUNT. Thank you, because I find it particularly disturbing that we have this terrorist, pending the disposition of immigration cases, here in our country, and, meantime, members like myself and those of my colleagues on this panel, as we discuss cooperating with other nations about terrorism, have to answer for that.

It is an embarrassment. It is an embarrassment not just to the administration, but I think it is an embarrassment to our country that more aggressive action has not been taken. If we finally made the decision not to honor the request from the Venezuelan authorities, then I would suggest it is our obligation to proceed against Mr. Posada Carriles, not for some venal immigration violation, but for the deaths of 73 civilians back in 1976.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE BARRY F. LOWENKRON TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE BILL DELAHUNT

The United States has taken a number of actions with respect to Luis Posada-Carriles ("Posada"). In taking these steps, the United States has acted consistent with international law as well as our domestic legal framework and its provisions for due process and various constitutional safeguards.

After Posada entered the United States illegally, he was detained by U.S. immigration authorities and placed in removal proceedings on May 17, 2005. The immigration judge who handled the removal proceedings ordered that Posada be removed from the United States on September 27, 2005. This order remains in effect. The United States has been seeking ways to implement it consistent with the terms of the order and U.S. regulations that implement the obligations of the United States under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Specifically, at the time the immigration judge ordered Posada removed, the immigration judge also determined that Posada could not be removed to either Cuba or Venezuela as it was more likely than not that he would be tortured if he were so transferred. In addition to the order of removal, Posada is presently subject to an order of supervision issued by the Department of Homeland Security, Immigration and Customs Enforcement, which imposes certain restrictions on Posada, including monitoring and reporting requirements.

Separately, the United States has sought to prosecute Posada for criminal acts falling within U.S. jurisdiction. Thus, the United States sought and obtained an indictment against Posada in the Western District of Texas for criminal violations of U.S. immigration law. On May 8, 2007, the U.S. District Court for the Western District of Texas dismissed the indictment. The United States filed a notice appealing the court's decision on June 5, 2007. Posada also remains under investigation for other past activities.

In sum, the United States continues to be engaged in an ongoing series of actions, consistent with our legal requirements and due process, with respect to Posada. We expect the courts to take action on these matters in the coming days. We will respond by a letter to the Committee once the courts have acted, and hope that you can include the response as part of the record.

Mr. DELAHUNT. If you bear with me for a minute. We are going to break soon anyhow. The bells are calling.

[Pause.]

Mr. DELAHUNT. Since I do not have them readily available, I want to extend my gratitude for your appearance here. I know that we will be having further hearings, and we appreciate your testimony today. Thank you.

Mr. LOWENKRON. Thank you, Mr. Chairman.

[Whereupon, at 12:10 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE JOSEPH CROWLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

- Mr. Chairman, I'm extremely pleased that today's hearing is on the situation of Human Rights around the world and about their promotion.
- Human Rights are universal values.
- They are not discussible!
- They are not negotiable!
- Human Rights are among the basics of every democratic country, of every democratic government.
- The United States of America, the American people are a great nation because we guarantee Human Rights to all our citizens and we promote Human Rights around the world.
- And consider them as the main cornerstone of our Foreign Policy.
- Unfortunately, we have to realize that a majority of people on the globe cannot benefit from their natural rights.
- Dictators, Militias, Autocrats deny those natural rights and punish, detain, kidnap, torture, or kill those who fight for their basic rights.
- The 2006 country reports on Human Rights shows this very well.
- I am looking forward to hearing from our witnesses today how we can determine our Foreign Policy to bring Human Rights to all people.
- Thank you, Mr. Chairman.

STATEMENT SUBMITTED FOR THE RECORD BY MR. BRYAN ARDOUNY, EXECUTIVE DIRECTOR, ARMENIAN ASSEMBLY OF AMERICA

The Armenian Assembly of America commends the Chairman and Ranking Member of the Subcommittee for holding this important hearing today and looks forward to working with the Members of the Subcommittee on critical human rights challenges during the 110th Congress.

At issue for the Armenian Assembly and the Armenian-American community is the insertion of patently false and problematic language in the 2006 State Department Country Reports on Human Rights Practices for Armenia and Azerbaijan. This language, in our view is counterproductive and runs counter to internationally established policy and practice guiding the Nagorno Karabakh peace process. Additionally, it ignores the long-standing reality on the ground, and needs to be removed and corrected forthwith.

The country reports are important records consulted widely by foreign policy and human rights specialists and diplomats around the world. The State Department's annual reports are valued for their universally acknowledged benchmarks and criteria. As such, any deviation from this standard is a discernable and disturbing development.

The language concerned characterizes Nagorno Karabakh as an "occupied territory" and Armenia as an "occupier." It originally appeared in both reports as released in late February 2007. Later in April, in response to concerns raised, the language was removed from the Armenia report, and replaced with more balanced wording. Shortly thereafter, the Department reinstated the earlier, unprecedented language as a result of pressure from a foreign government.

The resulting situation raises questions about the integrity and objectivity of aspects of the 2006 reports for Armenia and Azerbaijan, while also presenting a challenge for the U.S. role as key facilitator in the resolution of the Nagorno Karabakh conflict. Never in the history of these reports has the conflict been so sharply mischaracterized, and the role of the parties distorted, as in the present year Report.

This inconsistency is readily apparent, for example in a different report from the State Department dated April 2007 and titled "Armenia Background Note," which presents a more objective and balanced perspective on the facts and reality on the ground, including the origins and legitimacy of Nagorno Karabakh's exercise of the right to self-determination, and the role of other parties, such as Armenia and Azerbaijan, in both the armed phase of the conflict and the subsequent cease-fire (*Background Note: Armenia*, Bureau of European and Eurasian Affairs, U.S. Department of State, April 2007, www.state.gov/r/pa/ei/bgn/5275.htm).

Furthermore, while unprecedented in its misrepresentation of the nature of the Nagorno Karabakh peace process, the language concerned also appears to extend beyond the statutory scope established under Sections 116 (d) and 502B (b) of the Foreign Assistance Act of 1961 (FAA), as amended. While clearly outlining the scope and parameters of reporting under its authority, that provision of the law does not mandate any similar reporting on political aspects of international armed conflicts, such as the status, or interpretations of the role of the conflicting parties.

Given years of U.S. diplomatic effort and Congressional support and funding for the people of Nagorno Karabakh, this blatant mischaracterization by the State Department undermines established U.S. policy principles, as well as internationally accepted norms of reference to the fundamentals of the Nagorno Karabakh conflict.

Therefore, the Armenian Assembly of America requests: (1) the intervention and leadership of Members of this Subcommittee to ensure the removal of this problematic language forthwith; and (2) a full accounting by the State Department to prevent such missteps from occurring in the future.

WRITTEN RESPONSES FROM THE HONORABLE BARRY F. LOWENKRON, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE, TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE JOSEPH CROWLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Question:

You have called 2006 "the year of the pushback," meaning that the greater desire for personal and political freedom is being met with increasing resistance by those who are threatened by change. What is your advice with regard to China and Russia? Both countries with a poor record of human rights abuse but on the other hand strong economic partners and partners we have to deal with-in different areas and on different issues. How can we address our concerns to those countries? What should we change in our Foreign Policy towards them? What could we easily do and haven't done so far?

Response:

While it is our policy to cooperate with Russia in areas where we are in agreement, we do not hesitate to raise issues on which we disagree, particularly issues of principle. Negative trends in human rights and democratic development in Russia are a cause for concern. We regularly raise human rights and democracy issues in our dialogue with the Russian government at all levels, and over half of our FY 2007 FREEDOM Support Act assistance to Russia is directed at making progress in these areas.

Media freedom is a critical issue in Russia, as virtually all national electronic media are under the control of the Russian government or individuals or entities allied to the Kremlin. Much of the national print media is similarly controlled by the government or its allies. The lack of progress on solving the murders of journalists Anna Politikovskaya and Paul Klebnikov creates a potential chilling effect on journalist activity. We have urged Russia to solve these cases, and the Secretary and other State Department officials, including myself, continue to show our support for the remaining free media by giving interviews to these media outlets.

Russia's upcoming Duma elections in December 2007 and presidential elections in March 2008 are an opportunity for the Russian government to ensure that international norms for free and fair elections, including those of the OSCE, are upheld. At issue is not only the actual voting and counting of ballots on election day, but a level-playing field for all parties during the election campaign. We have raised

this matter with the Russian government at the highest levels and will continue to do so. We support long-term observation of Russian elections by OSCE ODIHR.

In addition to our diplomatic efforts, we are providing over $30 million in FY 2007 assistance to support civil society, independent media, rule of law, human rights and political competition in Russia. As well, close to $5 million in FY06 Democracy Funds are supporting programs this year that are designed to promote democratic reforms in regions throughout the country. For example, in order to increase access to independent information, we are working to increase the professional capacity and financial sustainability of independent television, radio and print outlets. To promote free and fair elections in the upcoming cycle, our assistance helps strengthen indigenous election monitoring organizations, improve voter education through public hearings, forums and debates, and train mass media representatives on covering political issues. Additionally, U.S. support for Russia's democratic development will continue unabated through the use of over $180 million in funds recovered from previous activities. None of these programs are partisan in nature.

China's efforts to suppress the rights of journalists, internet writers, defense lawyers, religious and political activists as well as increased efforts to tighten restrictions on NGOs have been a source of growing concern over the past year. Given the importance of human rights to our overall bilateral relationship with China, it is essential that we resume senior level talks on key issues in order to get cooperation on human rights back on track.

Last September, Secretary Rice suggested to former Foreign Minister Li that China send a person of stature to Washington, as a first step toward resuming our formal dialogue on human rights. To date, China has not responded positively to our invitation despite being urged to do so at a high level on numerous occasions.

We will continue to press China to send a person of stature to the United States while continuing to raise human rights issues of concern directly with senior Chinese officials in other bilateral discussions. As the countdown to the 2008 Olympics continues, we will also continue to work with the international community so that China's hears a consistent message about the importance of upholding its human rights international obligations. In addition, we will continue to support long-term systemic change through our Human Rights and Democracy Fund projects in China. These projects, which totaled $20 million in FY 06, support those in China working for change in the areas of rule of law, civil society and public participation efforts throughout the country.

Question:

The non-germane assertions—"Armenia continues to occupy the Azerbaijani territory of Nagorno-Karabakh and seven surrounding territories"—contained in the 2006 State Department Human Rights report on Armenia has created significant controversy among the U.S., Azerbaijan, Armenia, and NK. Can you confirm that the references to Armenia's forces and NK's status do not reflect the facts on the ground and are contrary to current U.S. policy?—To preserve the integrity of the Human Rights report, I urge that this factually incorrect statement be removed forthwith.

Response:

We stand by our Human Rights Reports. They are essential documents for advancing our human rights and democracy priorities around the world. Some mistakenly interpreted the language in the human rights report as a change in U.S. policy concerning the Nagorno-Karabakh conflict. There has been no change in U.S. policy. The United States remains deeply committed to finding a peaceful settlement of the Nagorno-Karabakh conflict as an honest broker in the OSCE's Minsk Group process. As a result of the conflict over Nagorno-Karabakh, Armenian forces control most of that region, as well as large portions of surrounding territory. We support the territorial integrity of Azerbaijan and hold that the future status of Nagorno-Karabakh is a matter of negotiations between the parties.

Question:

The 2006 Country Reports on Human Rights Practices, like earlier editions, describes the continuing failure to achieve accountability for crimes against humanity committed in East Timor in 1999. Last week, Indonesian General Noer Muis helped direct a joint military exercise with the U.S. Army in Indonesia. On February 24, 2003, Muis was indicted with other senior officers by the more professional UN-backed serious crimes process in East Timor. General Muis was tried and convicted for crimes against humanity by Indonesia's Ad Hoc Human Rights Court in 2003 for his role in brutal attacks on East Timor's Dili Diocese, Bishop Belo's residence and the Suai Church massacre in September 1999. Although his conviction was overturned on appeal, even the State Department agrees that this process was not credible. Why was the U.S. Army working so closely with an indicted human rights viola-

tor like General Muis? What does this say about the government's ability to vet lesser known military trainees to weed out human rights violators, as required by law? What message does this send about our commitment to democratic reform in Indonesia, accountability for serious crimes in East Timor and the promotion of human rights and the rule of law in general?

Response:

Indonesian General Noer Muis, who has been indicted for war crimes for his role in the events in East Timor in 1999, in fact did not help direct the two-week tabletop exercise that was recently conducted in Indonesia by elements of the U.S. Pacific Command with members of the Indonesian First Infantry Division Strategic Reserve Command (KOSTRAD). Rather, as commander of the KOSTRAD, General Muis observed a portion of the exercise for a single day; he did not participate in any part of the exercise. KOSTRAD provided most of the 850 Indonesian soldiers who deployed to Lebanon last year as part of the UN Interim Force in Lebanon (UNIFIL) and is expected to deploy another battalion to Lebanon later this year to replace the current battalion. Such exercises serve to prepare the Indonesian military for peacekeeping duties. It is manifestly in our national interest and the interests of the United Nations that Indonesia participate in this and other peacekeeping operations.

As required by law, and human rights vetting policy, foreign security force units and personnel involved in Department of Defense and State Department-funded training and assistance are subjected to vetting for past human rights violations, and known human rights violators are not provided such training. In the past 3 years we have denied 122 Indonesian applicants for training after finding allegations of past human rights abuses.

The extraordinary democratic transformation of Indonesia is one of the world's great successes of the past 10 years. As an integral element of Indonesian society, the Indonesian military (TNI) must be part of this transformation. Our interaction with the TNI facilitates the adoption of democratic norms, such as greater transparency, respect for human rights and civilian control, and builds capacity to address immediate threats, such as terrorism and natural disasters. Indeed, these principles are a key component of all training that we provide to TNI. Our normalized relationship with the TNI both improves respect for human rights and promotes regional stability. The TNI is under civilian leadership, has abolished the "dual function" role under which military leaders often held positions in local civilian government, and is moving to divest itself of business interests. Allegations of human rights abuses have fallen steadily.

We continue on a regular basis to insist in all appropriate fora for accountability for past human rights abuses, including during the recent Indonesian-U.S. Strategic Dialogue talks conducted by DOD, in public remarks, and in meetings with the country's senior leaders. Our consistent message is that Indonesia's partners will have more confidence in the deep and genuine reforms the Indonesian military has undertaken and continues to undertake if credible steps are taken to address widespread perceptions that a culture of impunity continues to exist.

Question:

The United Nations have established the new Human Rights Council. The Administration did not run for a seat in the first election and has already announced not to run for the upcoming election. Do you think that the United States should have a seat on the Human Rights Council? Is the Council an effective body to address Human Rights abuses? If you look back and evaluate the work of the Council in its first session what is your assessment?

Response:

At the Council's inception in 2006, the U.S. was concerned that the UN Human Rights Council's foundational structure was not enough of an improvement over its predecessor, the discredited UN Commission on Human Rights, to ensure that the Council would address even longstanding serious human rights violations. The U.S. decision not to run for a seat on the Council followed the U.S. vote against the UN General Assembly resolution establishing the Council.

Regrettably, the Council thus far has proven not to be a credible body. It has been unable to address serious and serial human rights violations in places like Cuba, Burma, the Democratic Peoples Republic of Korea, and Zimbabwe. It devoted its first three special sessions to condemning Israel. Due to concerns about the Council thus far, Secretary Rice decided in March that the U.S. would not seek election to the Council this year.

In the May 17 election for new members of the Human Rights Council, Belarus failed to gain a seat due to its record of serious human rights abuses, following a

concerted effort by a number of countries to ensure that further discredit was not brought upon the institution by Belarus' election. It is disappointing that a number of regions also chose not to run competitive slates.

Despite our disappointment in the Council, the U.S. intends to remain engaged as an observer and to encourage the Council to address the most serious human rights situations. We will also continue to encourage our allies and like-minded partners to support strong initiatives on the most serious human rights issues.

Question:

With regard to Colombia the 2006 Report states that the government's respect for Human Rights is improving. However, we have heard about human rights abuses in Colombia, but most of them are committed by the FARC guerillas and the paramilitaries. What is your impression of the situation of Human rights in Colombia? Who are the main actors of human rights violations? In my eyes the Uribe Government has worked successfully to disarm some of the right wing paramilitaries and to weaken the FARC. Media has been heavily critical of the government. I think the government deserves our appreciation that Colombia is a strong democracy with functioning institutions that are being allowed to investigate and prosecute the government where needed. Other countries would have silenced and stopped the Supreme Court's investigation, not encouraged them to continue.

Response:

The Colombian government has made notable progress over the last decade. In 2006, there were 40 percent fewer homicides and 76 percent fewer kidnappings than just five years ago. The U.S. is advising the Colombian military on human rights training and on its assignment of inspectors with responsibility for human rights to each division. There are fewer allegations of human rights violations by Colombian military personnel. You are correct in concluding that most human rights violations are committed by Colombia's illegal armed groups.

As stated in the *Country Reports on Human Rights Practices for 2006*, most violent acts against civilians are committed by illegal armed groups, and we remain concerned by slow progress in bringing perpetrators to justice. The Colombian government has expressed its concern about these abuses, and continues to seek ways to thwart these types of incidents, and increase security for all Colombians. Special task forces have been set up to investigate and prosecute high priority cases.