

Human rights policy and practice  
in the United States of America  
Address to the Annual General Meeting of  
Amnesty International of the USA  
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by Ian Martin,  
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One of the great privileges I have had as Secretary General of Amnesty International over the past six years has been that of meeting and addressing Amnesty International members in every region of the world.

Our diverse membership is made up of men, women and young people of many nationalities and races, all human rights activists, all united in one multicultural movement. A movement dedicated to defending the rights of people everywhere not to be imprisoned because of their beliefs or political convictions, because of their colour or origins or sexual orientation. Defending the rights of political prisoners to fair trial and freedom from arbitrary detention. Defending the rights of every prisoner not to be tortured or ill-treated. And defending in particular every human being's right not to be executed, surely the cruellest and most inhuman punishment of all.

You are all activists in our vital work. Like our members in the rest of the Americas, in Africa, in Asia, in the Middle East and in Europe, you are concerned about the protection of human rights everywhere. You believe that human rights transcend national boundaries and are the proper concern of all people.

The greatness of Amnesty International lies in the fact that through it an Indian can work against human rights violations in the United Kingdom in exactly the same way as a Briton can work against violations in India; a Mexican can work against violations in the USA in the same way as a US citizen can work against violations in Mexico. We are not an organization through which only the rich assert their power in criticizing the less powerful.

This concept of worldwide responsibility for human rights found expression first in the United Nations Universal Declaration of Human Rights which the then US representative Eleanor Roosevelt did so much to help formulate.

It was entirely appropriate that the United States of America should have played such a key role then, so soon after the dark days of the Second World War, which was fought against an infamous tyranny. The USA itself was born out of a desire to free its people from a tyranny and its Constitution became a model for other peoples seeking freedom from oppression.

This is your heritage. This is an important part of what you bring to the worldwide struggle for human rights. You live in a country with a history of democratic institutions. You live in a country whose government, surveying the dramatic geo-political changes in the world in the past few years, has spoken of a new world order.

A new vision for the world in which human rights are accorded their rightful priority is something we could applaud... something we could applaud if there was evidence of the political will to make that vision a reality. But sadly, that will does not seem to be there -- even on the part of governments which emphasize human rights in their external policies.

Today I have to express to you and to the American public Amnesty International's grave concern over US practice on human rights.

It is our belief that at the same time as the US Government proclaims its commitment to promoting human rights around the world, that same government and a large number of your state authorities are by their actions undermining respect for human rights.

This is a grave charge and it is not made lightly. We make it because Amnesty International believes that:

- The US government's handling of the Haitian refugee crisis has been a human rights scandal.

- The accelerating use in the United States of the death penalty, which has been shown to be arbitrarily imposed and racially biased, is a human rights scandal.

- The continuing phenomenon of police brutality that often appears to target minorities in this city and elsewhere in the USA is a human rights scandal.

These aspects of US human rights practice are an affront to human rights and to all those in the US and elsewhere who work for human rights. Let me deal with them in turn.

The US Government's response to the Haiti refugee crisis has been an exercise in political cynicism that flouts international refugee law.

Since the coup of September 1991 tens of thousands of Haitians have fled their country because of a resurgence of horror there that harks back to the Duvalier years. The Tontons Macoutes are reappearing under a new guise. People are terrified: they exist in a climate of fear. Can there be any wonder that many of these hapless and downtrodden people have sought sanctuary outside Haiti?

In the eight months between October 1991 and June 1992 over 36,000 Haitians of all ages have been intercepted by US Coast Guard vessels.

How has the US Government responded to their plight? It started off by forcibly returning over 500 Haitians after a cursory examination of their asylum claims on board coast guard vessels. Such forcible returns were then stopped by a series of court actions until the end of January, when the Supreme Court ruled that they could continue. In the meantime, Haitians intercepted at sea were taken to the US naval base at Guantánamo Bay, Cuba, where they were interviewed by Immigration and Naturalization Service officials.

Of the 36,000 intercepted, some 9,000 are said to have been assessed as having a "plausible claim" for asylum and about 6,000 of these have been allowed to proceed to the US to pursue their claims. Over 14,000 people have been returned to Haiti. By the end of May some 12,000 asylum-seekers remained in Guantánamo Bay and several hundreds on board coast guard vessels.

Article 33 of the United Nations Convention relating to the Status of Refugees, which is binding on the USA, prohibits the forcible return of people to a country where they risk serious human rights violations. To ensure that such people are properly identified and protected from forcible return, the US Government must ensure that asylum-seekers are granted access to full and fair procedures for checking their claims.

Amnesty International believes the procedures at Guantánamo Bay were contrary to international standards. Asylum-seekers were given no opportunity to have proper legal advice or to have negative decisions reviewed. This is crucial...

Testimony by a senior official of the US General Accounting Office before a House sub-committee made clear that the GAO had found "weaknesses in the administrative procedures" that followed the Guantánamo interviews and resulted in the mistaken repatriation of a number of Haitians.

How many of the 14,000 sent back to Haiti so far should not have been sent back? We may never know. What we do know is that they include at least 38 unaccompanied children forcibly returned to Haiti after going through the same inadequate procedures as their elders. This is contrary to special international guidelines for the treatment of refugee children. Another 900 more children who have also been "screened out" can expect a similar fate.

Amnesty International had asked the government for access to Guantánamo; that request was rejected. The US Government regularly urges that other

governments be open to visits by international human rights organizations, including Amnesty International. Yet our request to visit Guantánamo was refused and the basis for refusal never even explained to us.

Two years before we had undertaken a similar exercise with the permission of the British authorities in Hong Kong. Our findings then showed the British screening procedures for Vietnamese asylum-seekers to be flawed and we criticized them publicly.

The US Government also criticized the British Government and also took the British to task for proposing forcible return of the Vietnamese boat-people. However, the Haitian boat-people are clearly subject to a different set of values. And herein lies part of the scandal of US policy in this area.

Perhaps it's best illustrated by a Reuters news agency report on the summer flood of Cuban boat people seeking - and finding - safe haven in the USA. In July 1991 an old wooden boat overloaded with 161 Haitians came upon two Cubans bobbing on an innertube raft. The Haitians rescued the Cubans and steered towards Miami. The US Coast Guard stopped the boat, offering refuge to the two Cubans - and turning the Haitians back towards their home.

No to Haitians - yes to Cubans and those from the former Soviet Union. Is it any wonder that there arise suspicions of double standards, or even perhaps racism?

And what are peoples around the world to make of the US Government's most recent measure against Haitian boat-people?

In a flagrant violation of international law, the US Government began in May to forcibly return Haitian asylum-seekers without even a cursory attempt to identify those who might be at risk if returned. They will simply be interdicted outside US waters and returned to Haiti.

This action not only places at risk many Haitians who may face serious human rights violations but - in its apparent contempt for international standards - the US threatens to undermine the carefully crafted international regime for the protection of those who flee such violations.

So far the US Government's response to the widespread condemnation of this measure has been to state that Haitian asylum-seekers could apply for asylum through the US embassy in Port au Prince. Thus it compounds cynicism with utter callousness.

The idea that people suffering repression and at risk of human rights violations, at risk of arbitrary detention, at risk of beatings, torture and perhaps even death... the idea that such people should contemplate visiting the US embassy in Port au Prince, should dare to stroll down the boulevard under the gaze of the men in dark glasses who lounge on street corners, such an idea is preposterous.

The scandal of US policy of interdiction is not only that this is being done, but that it is being done by the richest and most powerful nation on earth. What does this example say to the poorer nations whose peoples are asked to help most of the world's 17 million refugees camped on their doorsteps? What does it say to Bangladeshis who currently provide refuge to over 200,000 Muslim refugees fleeing repression in Burma? To Kenyans who continue to allow in hundreds of Somalis and Sudanese fleeing civil war, adding to a refugee population in Kenya of over 400,000? Or indeed to Iranians who welcomed over a million fleeing Iraqi Kurds and Shi'as after the Gulf War - after they had already for years sheltered over two million Afghan refugees?

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The second scandal I mentioned is the accelerating use of the death penalty in the USA.

Amnesty International opposes the death penalty in all circumstances. We consider it a violation of the most fundamental right of all, the right to life; and the ultimate form of cruel, inhuman and degrading punishment.

This penalty should not be on the statute books of any country as we approach the 21st century.

Over the past decade or so, more and more countries have either abolished the death penalty altogether or considerably restricted its application as a first step towards abolition. Yet many nations still use the judicial process to kill their own citizens. Over the past year or more these countries have no longer included Hungary or Czechoslovakia or Poland or Romania or Bulgaria or Turkey, or even South Africa. They have, of course, included Iraq and Iran and China ... And the United States of America.

US authorities are not only continuing to kill their own citizens, but they are killing more of them and they appear to want to do so faster than before by cutting down on the appeals processes. This is occurring even though it has long been clear that the application of death penalty is arbitrary and unfair. This may be said too of other aspects of criminal cases - but in other cases redress is possible. The death penalty is different: you can't give redress to a person who has been gassed to death.

The killing continues also despite clear evidence of racial discrimination. In a 1987 ruling the US Supreme Court acknowledged that race could be a factor in death sentencing and said that the disparities in sentencing were "an inevitable part of the criminal justice process." What the court ignored was that the inevitability of the disparities could be mitigated by not killing the prisoner.

The US Supreme Court intervened in April this year to speed up the gassing of Robert Alton Harris by actually barring any other federal court from stopping the execution. People around the world were horrified by the apparently desperate urge to kill Harris shown by the US Supreme Court and the California authorities. A judicial process became a sick battle against the clock with the state authorities, backed by the Supreme Court, appearing triumphant in their determination to gas Harris as soon as they could.

Everything in this case confirmed the conviction that the death penalty is cruel, inhuman and degrading - for everybody involved.

Robert Harris was one of 19 prisoners executed in 10 states so far this year. Four of these states had not executed anybody for 25 years or more. One, Delaware, had not executed a prisoner for 46 years. More prisoners are today on US death rows than at any time in US history - 2,588 as of April.

Amnesty International's stand against the death penalty is absolute. But it is not our position that those favouring the death penalty are monsters. They include sincere and good people who are genuinely motivated by a desire for justice.

But what interest of justice was served by electrocuting Nollie Martin in Florida on 12 May? Severely brain damaged, often incoherent, he spent more than 13 years on death row rocking back and forth on the floor of his cell.

He required constant medication for his mental illness and hallucinations. He beat his head and fists against the cell wall, and mutilated himself as he expressed remorse for his crime.

How did the spectacle of Ricky Ray Rector's execution in Arkansas on 24 January uphold civilized standards? As he lay strapped down for death, it took 50 minutes to find a vein in which to administer the lethal poison. Witnesses said they heard moans coming from the death chamber.

As Roger Coleman was strapped into Virginia's electric chair on 20 May his last words were "An innocent man is going to be murdered tonight. When my innocence is proved, I hope Americans will realise the injustice of the death penalty as all other civilized countries have."

Many concerned people from all levels of society believe an innocent man was killed by the state of Virginia that night. But Governor Douglas Wilder of Virginia said he was "not convinced" that Coleman was innocent. He declined

to say whether he thought Coleman was guilty. And then in a bizarre move he allowed the desperate Coleman to take a lie-detector test only hours before his execution.

Coleman failed the test. Nobody close to the case was surprised by this. Such tests are based on blood pressure measurements. Who could have been in any doubt about the state of Coleman's blood pressure 12 hours before he was due to be electrocuted?

Afterwards the Governor told the press: "If he had passed ... it could have affected what the ultimate result could have been." In other words, Coleman's life depended on the throw of loaded dice.

All this proved was that the hideous lottery of the US death penalty was even more cruel and bizarre than many people had supposed. A cruel trick on a man about to die for something he may not have done.

It was again a US Supreme Court ruling that sealed Coleman's fate. His lawyers inadvertently filed a petition one day late and the Court banned all further appeals that might have saved him.

Those executed included Johnny Frank Garrett, a juvenile offender who was 17 at the time of the crime he was sentenced to death for. He was also severely mentally ill and mentally retarded. Garrett was the fifth juvenile offender executed in the US - in violation of international standards which clearly prohibit the use of the death penalty on those aged under 18 at the time of the crime.

As far as we know, more juvenile offenders are under sentence of death in the US than in any other country in the world. Thirty-three are now on death rows in 13 US states.

The US Supreme Court's rulings on death penalty issues are causing increasing consternation internationally as well as in the USA. It's easy to see why. According to the Court's rulings it is constitutionally permissible to execute a 16-year-old offender or a prisoner with the mental age of a 10-year-old child. Narrow rules of procedural correctness now take precedence over questions of fairness or the merits of evidence. The interests of the accused are being sacrificed for a faster pace of executions.

Cruel. Inhuman. Degrading. Arbitrary and unfair. Racially biased. In violation of international standards. That is the scandal of the death penalty that is being applied with increasing frequency and decreasing humanity in the United States of America.

That is the example for all nations set by the mightiest nation of all.

In the US Supreme Court decision which maintained that it was acceptable for the state to kill 16- and 17-year-old offenders, the Court told the world that international standards were irrelevant and that what really counted were "American conceptions of decency". Are American conceptions of decency so far behind well established international human rights standards?

This month the US Government's insistence on executing juveniles helped to undercut one of the world community's core human rights treaties, the International Covenant on Civil and Political Rights.

Amnesty International has long urged the US to ratify this covenant. Regrettably, unlike most governments which ratify both this covenant and its twin covenant on economic, social and cultural rights simultaneously, the US administration made no move to give its support to economic, social and cultural rights. And its long-awaited ratification of the covenant on civil and political rights was accompanied by a whole package of limiting reservations, declarations and understandings. The United States could not bring itself to accept unreservedly all the provisions which the world community has agreed are necessary for the international protection of human rights.

Most crucially, the US Government made a broad reservation to Article 6, the Article which protects the right to life because it prohibits the

imposition of the death sentence on offenders under 18. This and other restrictions by the US Government seriously undermine the rights guaranteed by this International Covenant.

The attitude of the US Government in its ratification of international human rights treaties has become that of ratifying only after making reservations that seek to ensure that no change in existing US practice is required.

If all nations were to act in this spirit, the international framework of human rights protection would become meaningless. Amnesty International is urging those governments which have more fully accepted the International Covenant on Civil and Political Rights to make strong objections to the reservations made by the US Government.

I do not think it is well understood in this country that the United States today is isolated by its use of the death penalty from its European allies. No country in the Council of Europe, no other NATO country has carried out a single execution since the last executions in Turkey in 1984 -- and Turkey last year finally commuted all outstanding death sentences. The countries of Eastern and Central Europe recognize abolition of the death penalty as part of their new respect for human rights.

In the Americas the abolitionist tradition goes back to the 1800s. Now only three Latin American countries retain the death penalty, of which only Cuba has carried out executions in recent years.

The moral authority of the United States as an international advocate of human rights observance is seriously undermined by the determination in many US states -- including now, unhappily this one -- to continue to kill people who kill people in order to show that killing people is wrong.

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And now the scandal of police brutality. I have left this to last and I shall deal with it very briefly because Amnesty International is today issuing a report on police brutality in Los Angeles, which will be available to all of you.

Our investigation - part of Amnesty International's monitoring of police ill-treatment throughout the country - showed that there is a serious problem of the use of excessive force by police in the area, a problem which has gone unchecked for many years.

Officers in the Los Angeles Police Department and the Los Angeles Sheriff's Department seem to regularly use higher levels of force than allowed in their guidelines, often out of all proportion to the threat posed by the victims.

All too often this force has led to serious injury or death. At times it has amounted to torture or cruel, inhuman or degrading treatment, where people have been beaten, "tasered", shot or attacked by police dogs. And more often than not, officers and deputies have acted with impunity, receiving little or no disciplinary action even in serious cases.

In virtually none of the cases detailed in our report had any state criminal prosecutions occurred. In many cases police violated their own guidelines. They also violated the international standards which Amnesty International applies in its work on all countries; these require that law enforcement officers should use force and firearms only as a last resort where non-violent measures have failed or would be clearly inappropriate.

The use of excessive force has included physical brutality - including hitting people over the head with heavy metal flashlights or lead-filled "saps" - and the use of lethal force, including firearms.

Police dogs also appear to have been used to inflict unwarranted injury on suspects, particularly in black or latino neighbourhoods. The evidence

in fact suggests that blacks and latinos bear the brunt of police brutality in the Los Angeles area.

Our report recognizes the difficulties and dangers faced by law enforcement personnel in Los Angeles. There were nearly 2,000 murders in Los Angeles County in 1990 - 690 of them "gang-related", according to Sheriff's department figures.

Yet this cannot justify a pattern of police brutality which appears to have existed over a period of years. It is, frankly, an appalling record.

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Earlier I referred to the United States' long tradition of democratic institutions. No human system is infallible, but many aspects of the US judicial system are the envy of many throughout the world. The media here is unfettered by government. And I can stand up here and criticize government policy openly and without fearing a knock on my door in the early hours of the morning.

These are important hallmarks of a true democracy. But they give no grounds for complacency.

When a democratic government commits human rights violations, it does a double disservice to humanity: not only through the violations themselves but through the effect this has on human rights in other countries.

And that is why Amnesty International is so urgently concerned about these aspects of the USA's human rights record.

The movement knows AIUSA's activists will do all in their power to correct this in the areas that come within your work - in campaigning against executions and for the protection of asylum-seekers.

And I want you and the US public to know that Amnesty International members throughout the world will go on applying the same standards to the USA that we do to every country, and will ensure that there is worldwide pressure on the USA to improve its own human rights record and thus enhance its credibility in urging respect for human rights by other nations.

Thank you

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