

## **Human Rights First Comments on 2004 State Department Country Reports March 2005**

Human Rights First appreciates the opportunity to provide this assessment of the State Department's 2004 Country Reports on Human Rights Practices. We look forward to a continued dialogue on this important subject and related issues.

The State Department's 2004 Country Reports represent a significant contribution to the monitoring of human rights worldwide. Most of the 196 country reports are detailed and comprehensive, and reflect the diligent work of numerous officials serving in U.S. embassies and the Department's Bureau of Democracy, Human Rights, and Labor in monitoring both individual cases and broader human rights conditions throughout the year.

Based on over a quarter century of monitoring and reporting on human rights conditions, and analyzing the Department's annual reports, and on a close examination of several of this year's country reports (focused critiques of the chapters on Russia, Indonesia, Thailand, and Uzbekistan are included below), we highlight below two general concerns that we see as increasing in recent years, as well as two concerns specific to the content of this year's reports.

### **A. General Concerns**

#### *1. The use of the reports in determining foreign policy*

As the quality of the reports has improved, the question of how they relate to the process of policy formulation within the State Department and the executive branch as a whole has come into sharper focus. For example, the contrast between the picture of the Indonesian military as a source of widespread human rights abuses set out in the report on that country contrasts sharply with the decision to restore the U.S. training program there. Similarly, the concerns in the Russia report were only partially raised at the recent Bush-Putin summit in Bratislava.

The question of the role of human rights in foreign policy is both broad and complex, but any consideration of the reports should consider their importance as a tool to guide and influence U.S. foreign policy. Too often, even when the reports are detailed and accurate, they appear to be largely fenced off from U.S. policy toward the country in question.

#### *2. Challenges to U.S. Credibility*

In recent years concerns have grown regarding the credibility of the United States as a human rights monitor and a champion of international human rights protection. While once this was the province of only the United States' most vocal critics, such as Cuba and China, this year several U.S. allies joined the chorus accusing the United States of

hypocrisy, particularly citing incidents of torture by U.S. forces in Cuba, Iraq, and Afghanistan.

While we have little appetite for criticism directed at the United States from governments that are among the world's leading human rights abusers, Human Rights First shares the concern that U.S. credibility as a global leader in human rights promotion and protection is being undermined by this country's own human rights violations and failure to hold those responsible for instigating, consenting to, or acquiescing in torture and other serious violations. The proper response must not be to reduce the United States' commitment to monitoring of and reporting on human rights abroad, and to naming and criticizing violators, but to promptly and effectively address the United States' own human rights record and diminished leadership position on this issue.

With particular respect to this problem of reduced U.S. credibility, while the impact of U.S. policies is specifically excluded from the consideration of country conditions in the main body of the report, the Introduction leads with a strong affirmation of the U.S. government's policy "to champion aspirations for human rights and build democracy." The clear intention is to associate that policy with positive developments in Afghanistan, Ukraine, Iraq, and elsewhere.

If the Country Reports are to be used as a vehicle for presenting the positive impact of U.S. policies in promoting human rights and democracy, their credibility would be enhanced if there also was mention of the revelations about the involvement of U.S. forces in serious violations of human rights – and the consequences for global efforts to promote respect for human rights.

## **B. Specific Concerns with the 2004 Country Reports**

Despite improvements in both the reporting guidelines and their execution over the past two years, Human Rights First has two particular concerns regarding the substance of this year's reports.

### *1. The Whole is Less than the Sum of the Parts*

The cataloguing of facts in the reports, while important, too often lacks the complementary analysis or summation necessary to identify systemic problems. For example, the decline in human rights observance in Thailand can be inferred by the facts presented but is nowhere evident in the general country description. Descriptions of individual cases, such as the death or "disappearance" of a human rights defender, often lack the context necessary to understand that each is part of a trend or tied to a much more systemic problem, such as police impunity or an ineffective legal framework.

In some cases the concern in this regard is not just a lack of analysis, but a tendency to sum up evidence of systemic problems or trends in language that does not seem warranted based on the facts presented in the report itself. Those who skim the report or

rely mainly on the Introduction are likely to come away with a misleading picture of the human rights conditions in a given country despite the careful cataloguing of specific incidents and cases. For example, the two paragraph discussion of Saudi Arabia in the introduction leads off with the statement that there were “positive developments” followed by a very weak list of supposed advances, like a “government sponsored conference on women’s rights’ taking up an entire paragraph. Only in the second paragraph does the reader learn of the serious human rights violations that remain widespread in the Kingdom.

Moreover, too often, particularly in reports on countries of high importance to U.S. strategic goals, conclusions concerning the overall human rights situation bear little relation to the details of abuses catalogued. Practices that together represent patterns of gross and persistent violations of human rights frequently are described only in isolation. The disconnect between the country reports and actual U.S. policy is in turn facilitated to the extent that coverage even of extremely abusive situations rarely describes these as representing patterns of gross and persistent violations of human rights.

## *2. The Reports Often Fail to Link Specific Incidents to Broader Trends*

Even where there is clear evidence of abuse or even prior statements on a particular matter by State Department officials, some reports describe incidents without assessing either their veracity or their human rights implications. While acknowledging the degree of uncertainty that attaches to many cases, the reports risk contributing to a lost opportunity to establish a clearer factual record and in so doing help fight impunity.

Taken together, these tendencies can mask the true human rights conditions of a country. This phenomenon deserves particularly close monitoring in areas in which the United States has cooperated with a country, such as in the development of antiterrorism laws or trials of alleged terrorists, or where human rights conditions may impact key policy outcomes, such as a decision to resume military ties.

## **C. Analysis of Specific Countries**

### **1. Indonesia**

The chapter on Indonesia is detailed and comprehensive, and its opening paragraphs clearly state the significant human rights problems facing the nation. The report includes important, if brief, acknowledgments of often-overlooked issues such as land conflicts, military businesses, and clashes between the military and the police.

As in years past, in places the strength of the report is undermined by problems of both structure and voice. The report describes some events in judgment-free language not wholly warranted by the facts or even commensurate with past statements by U.S. government officials. The language on the anti-terrorism law is particularly uncritical, as are several sections with special relevance to U.S.-Indonesian relations: the *ad hoc* trials

of those implicated in serious violations of human rights in East Timor and the killing of two Americans in Papua. The discussion of human rights defenders omits some salient facts, as do the references to the tsunami. Because the disaster occurred at the very end of the reporting period, presumably issues connected to the relief effort will be covered in next year's report.

#### *Anti-Terrorism Law*

Despite a detailed description of the rules of detention under the Code of Criminal Procedure, there is no explanation of the expansion of the scope of detention powers under the 2003 anti-terrorism law. None of the human rights concerns raised by Indonesian civil society are noted, such as an overly broad definition of terrorism and the use of uncorroborated intelligence reports as a basis to detain suspects. The report also notes that the law was used against negotiators from the Free Aceh Movement but does not critique or otherwise evaluate this practice.

There are descriptions of successful prosecutions of terrorist suspects, which are in fact one of Indonesia's achievements in 2004. However, other than a mention of an alleged torture victim it does not describe allegations of the arbitrary arrest and detention of Muslim activists under the provisions of the anti-terrorism law. It also does not mention the allegations of torture and coerced confessions made by those charged with involvement in terrorist bombings. The language from the 2002 report asserting the support of human rights lawyers for the law has been removed, but so has 2003 language describing domestic criticism of the law's application against Muslim activists and GAM negotiators.

There is also no mention of an armed forces law passed in late 2004 that retains the military's territorial role down to the local level and returns to the practice of members of the military simultaneously serving in some key civilian posts, a setback in the struggle to place the military more fully under the civilian control.

#### *The Ad Hoc Trials and Timika Killings*

The report's language is somewhat vague on two issues closely linked to U.S.-Indonesian military ties: the ad hoc trials on East Timor and the killing of two Americans and one Indonesian near the Freeport MacMoRan mine in Timika in the province of Papua. Progress on the first is required to remove restrictions imposed by Congress on lethal arms transfers and Foreign Military Financing. The Secretary of State recently certified cooperation with the FBI on the Timika killings to allow resumption of the military training program known as IMET.

The report describes the convictions and acquittal on appeal of the defendants in the *ad hoc* trials on East Timor held in Jakarta in neutral terms. It does not describe the extensive flaws throughout the process, from weak indictments to intimidation in the courtroom. Rather than achieving accountability, the trials became a mechanism for impunity.

State Department officials, including the outgoing ambassador, have previously expressed disappointment in the trials. After an appeals court overturned several convictions in August 2004, a spokesman noted that the State Department was “dismayed” and “profoundly disappointed,” adding, “We think that the overall process was seriously flawed and lacked credibility.”<sup>1</sup> The 2003 country report, commenting on the conviction of only four police defendants, noted, “The tribunal's performance reinforced the impression that impunity would continue for soldiers and police who committed human rights abuses.” Now that even those convictions have been overturned, the report does not comment on the implications for accountability in Indonesia.

The 2004 report also notes that “As a possible alternative to a [United Nations] Commission of Experts, the Governments of Indonesia and East Timor agreed in December to form a bilateral Truth and Friendship Commission to address accountability.” It is not clear from this sentence whether the view that the bilateral commission might serve as an alternative to the U.N. mechanism comes from the Indonesian and Timorese governments or from the State Department itself. Even if it is only the former (a recent State Department expressed support for both processes) it is important to describe the significant flaws in the terms of reference of the proposed bilateral commission, which are consistently advantageous to the perpetrators of human rights abuses at the expense of their victims.

The report is also somewhat vague on the 2002 Freeport killings of three teachers, including two Americans. Following the guidelines, it refers only to indictment by a “foreign court” (not mentioning it was a U.S. court) and uncritically describes the suspect Antonius Wamang as an OPM (Organisasi Papua Merdeka, or Free Papua Movement) guerilla. The report does not note the possible involvement by the military in the killings, despite earlier statements to that effect by the Indonesian police and U.S. government officials. Wamang himself has said of the Indonesian army that he was in “a business relationship with them for purchasing ammunition.”

### *Human Rights Defenders*

The report includes numerous incidents of attacks on human rights defenders in recent years, and also notes failure to achieve accountability in most of these incidents. However there are a few gaps in the discussion under “Section 4: Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights” and in relevant paragraphs on disappearances and killings.

Possibly because of reporting guidelines on deaths outside the country's borders, the report states that no human rights defenders were killed this year. However, one of Indonesia's most famous defenders, Munir, was poisoned in September while flying to Amsterdam on the Indonesian national airline Garuda. Elsewhere the report does

---

<sup>1</sup> “US 'dismayed' at E Timor tribunal,” *BBC*, August 10, 2004, available at <http://news.bbc.co.uk/2/hi/asia-pacific/3550390.stm>.

describe the killing and notes that “the incident was under investigation at year’s end.” (In March 2005 evidence mounted that airline staff was involved in the death, and a pilot rumored to have ties to the State Intelligence Agency has been named a suspect.)

The report describes the army’s successful libel suit against the human rights group ELSHAM but does not mention other libel suits against activists, including the prominent human rights lawyer Hendaridi, by the head of the intelligence service, Hendropriyono. The US\$1 million suit was filed after Hendaridi accused the intelligence chief of harassing activists instead of catching terrorists. It was withdrawn late in the year, but only after officials had threatened to confiscate Hendaridi’s house to cover potential damages. (Hendropriyono stepped down during the transition to the new administration).

While the report discusses the expulsion of Sidney Jones of the International Crisis Group, it does not mention that just prior to that act, in May 2004, intelligence chief Hendropriyono told the House of Representatives that 20 local and foreign NGOs were a threat to security in the run-up to the July 5 presidential elections. He warned that the country might need to return to “old measures” against people who “sell out their country.” Taken together, these additional incidents helped create an increasingly threatening climate for human rights defenders.

#### *Military Operations in Papua*

While noting the higher incidence of rights abuses in conflict areas, identified primarily as Aceh and Papua, the report is silent on a new round of military operations in the Central Highlands region of Papua. The report does note: “In Papua Province, the Government continued to conduct operations against rebels of the Free Papua Movement (OPM), and OPM rebels continued their operations against military units.” This description masks the overwhelming imbalance in the two forces, and more significantly overlooks the fears of local rights organizations over a new round of operations that began in August 2004 and continued through the end of the year. Local NGOs cited direct attacks on civilians leading to widespread displacement.<sup>2</sup> After a priest named Elisa Tabuni was shot and killed by Indonesian troops on September 14, several thousand residents fled their villages. There were reports of dire living conditions contributing to an unknown number of deaths. While information from the remote region is difficult to obtain or confirm, this makes it that much more important to include in the annual report.

#### *Political Prisoners*

Definitions used in drafting the country reports may lead to statements confusing to the reader. Similar to the statement on the killing of human rights defenders described above, the report states that “There were no reports of political detainees.” However, several categories of prisoners described in the report, such as nonviolent Acehnese

---

<sup>2</sup> “Konferensi Pers Bersama, ELSHAM Papua, LBH Papua, Kontras Papua, Dewan Adat Papua, Gereja, dan Mahasiswa , Hentikan Upaya Pemberlakuan Darurat Sipil dan Militer di Papua,” November 17, 2004. [http://www.geocities.com/elshamnewsservice/ENS2004/ENS171104\\_Hentikan\\_Upaya\\_Pemberlakuan\\_Darurat\\_Sipil\\_dan\\_Militer.htm](http://www.geocities.com/elshamnewsservice/ENS2004/ENS171104_Hentikan_Upaya_Pemberlakuan_Darurat_Sipil_dan_Militer.htm)

activists or those held for “insulting the president” or “spreading hatred against the government” were clearly imprisoned for political reasons. Amnesty International noted in May of 2004 that there were at least 58 prisoners of conscience sentenced since 1998, including ten that were currently imprisoned and seven more facing trial.

The report itself notes the use of these charges. It is possible the statement means no *new* prisoners, but this is also called into question by such as cases as the Acehnese environmentalist Bestari Raden sentenced to two years and a half years in prison in October 2004 and two Papuans, Filep Karma and Yusak Pakage arrested in late 2004 for joining a peaceful flag-raising ceremony in Abepura, Papua on December 1, 2004. They were later charged with rebellion and “spreading hatred” towards the state.<sup>3</sup> The report should clarify its definitions and avoid misleading declarations that seem to clear the government in question of an important category of human rights abuse.

### *The Impact of the Tsunami*

Because the tsunami happened at the very end of the year, on December 26 —and its full impact was not known until well into 2005—it is not surprising that the disaster is mentioned only briefly in the 2004 report. The human rights aspects of the disaster, including the role of the military in aid coordination and the treatment of internally displaced people, will be an important topic in next year’s report. However, in the description of unfair trials held in Aceh that led to the imprisonment of several activists and suspected GAM members, the report should have mentioned that many died in several coastal prisons when the tsunami hit, including several mentioned by name in the report.

The report also states that both the Free Aceh Movement and the Indonesian military declared a unilateral ceasefire after the tsunami. However, the armed forces did not at first declare a ceasefire and in fact claims it has killed more than 200 rebels since the tsunami, although these figures were met with skepticism by many observers.

---

<sup>3</sup> Amnesty International, “Case sheet: The Jayapura Flag-raisers,” February 1, 2005. <http://web.amnesty.org/library/Index/ENGASA210042005?open&of=ENG-IDN>

## **Thailand**

The 2004 report on Thailand is largely accurate and well-researched. It describes the lack of progress in cases from past years and also identifies several new and worrying trends, such as the use of deadly force in the southern states, libel suits to attack critics, and internet censorship.

However, due in part to the atomized structure of the report, it does not provide a clear, overall picture of the decline in the human rights situation in Thailand in 2004, or of some of the systemic problems Thailand faces, including torture and attacks on civil society. This decline can be inferred from the facts presented, but are not made clear in the report. As in past years, the report is reluctant to assign blame in some cases.

### *Overlooking Declining Respect for Human Rights*

The 2003 report had noted, “The Government’s human rights record worsened with regard to extrajudicial killings and arbitrary arrests. There was a significant increase in killings of criminal suspects.” This assessment was largely due to the killings of suspected drug traffickers in the context of the “war on drugs” declared by the Prime Minister.

While these killings largely subsided in 2004, there were many new violations that undermine the assertion that “the Government generally respected the human rights of its citizens” -- including:

- Violence in the south surged on all sides, as more than 500 people were killed by unknown gunmen and some 200 people were killed by government forces, most of them in two incidents.
- Civil society came under attack as well, with at least one human rights defender killed and another disappeared. Threats and intimidation against the press were on the rise, and as noted in the report, even members of the official National Human Rights Commission received death threats for its reporting on the violence in the south.

Based on these developments, several local and international organizations noted a decline in the human rights environment in 2004. However, this trend does not come through adequately in the tone and substance of the report.

### *Failure to Identify Systemic Problems*

As with past reports the whole is often less than the sum of its parts. As noted in the introductory comments above, the cataloguing of facts, while important, lacks the analysis or summation necessary to identify systemic problems.

One of these failures is particularly clear in the discussion of human rights defenders under Sections 4 (Governmental Attitude regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights) and in the descriptions of disappearances and killings. While noting the death of Charoen Wataksorn and the disappearance of Somchai Neelaphaijit, the report does not mention that 18 human rights defenders have been killed or disappeared since Thaksin Shinawatra became prime minister. In the March 2004 report of her mission to Thailand (which is not mentioned in the State Department report) the Special Representative of the Secretary General on Human Rights Defenders expressed alarm over statements by government officials attacking NGOs, and human rights advocates in particular.

The report also notes incorrectly that the suspects in Somchai's disappearance, all policemen, were charged with kidnapping, when in fact they face lesser charges of gang robbery and coercion. The distinction is tied to a systemic problem: a loophole in Thai law precludes more serious charges in the absence of a body, making the prosecution of forced disappearances extremely difficult. The report does not note that efforts by Somchai's wife and colleagues to have the investigation transferred from the police to the Department of Special Investigations have been unsuccessful, and that cooperation by the police and Prime Minister's office with a Thai Senate inquiry has been poor.

The Somchai case illustrates another worrying phenomenon, accusations that human rights defenders, and especially Muslim lawyers, are terrorists or terrorist sympathizers. Somchai was told shortly before he disappeared that he was on a "terrorist blacklist" for his work representing suspected militants and terrorists.

A second example of the failure to identify systemic problems is in the observation that "some members of the police occasionally tortured" people in custody. But several organizations have identified torture in custody as a pervasive problem. The report does not note elsewhere that there are significant problems with respect to police impunity, which encourages widespread rights violations in custody. In one place the language has improved in this regard, noting that security forces (rather than "elements" of the police, as in 2003) "continued to use excessive, lethal force against criminal suspects and committed or were connected to numerous extrajudicial, arbitrary, and unlawful killings."

A third example is in the discussion of the press. The report states that "Journalists generally were free to comment on government activities without fear of official reprisal." But at the same time it details a list of reprisals, including warning letters from the Police Special Branch. Furthermore, the libel suit filed by the private corporation owned by the Prime Minister is not clearly unofficial. The report notes all of these measures and one view of their impact on press freedom:

According to some members of the Thai Journalists Association, the Government used various means to increase control over the media, including direct control through ownership, the threat of withdrawing financial support and advertisements, constraints on the flow of information, and direct pressure on critical journalists and activists.

But the report subsumes them all under a fairly broad conception of *self*-censorship. But when sparked by direct and indirect warnings from police or other officials, in a context where journalists have been killed in the past, some of these measures may approach actual censorship. The report also fails to mention direct government efforts to prevent the release and distribution of DVDs with footage of the demonstration and arrests at Tak Bai that preceded 78 deaths in custody. Interestingly, unlike previous years, the launch of the State Department report in Bangkok was closed to the press.

A fourth example is that in the discussion of the violence in the south there is also no mention of the fact that the government declared martial law in the southern states at the start of 2004, a declaration that enables widespread detentions. In the same incident in which 78 protestors died of suffocation, more than a thousand civilians were detained under martial law provisions.

Finally, Burmese victims are mentioned in nearly every section, but there is not a comprehensive picture of the increasingly precarious position of Burmese activists and refugees in Thailand.

#### *Reluctance to Assign Blame*

As in previous years the report is reluctant to clearly assign responsibility. For example the section on the extrajudicial executions of some 1,300 suspected drug dealers in 2003 notes:

The Government maintained that the deaths were the result of disputes between those involved in the drug trade. Local and international human rights groups, including the National Human Rights Commission (NHRC), disputed this claim and called for thorough investigations of all extrajudicial killings.”

But rather than just describing two opposing views, the 2003 report more clearly assigns blame to the government in its voice and in the presentation of evidence, such as statements by the Prime Minister and directives to create “blacklists” and eliminate the names on those lists.

While the report does note a rise in deadly force in the southern states, the statement that “Separatist violence in the extreme southern region of the country resulted in the deaths of more than 180 persons at the hands of security forces” seems to absolve the Thai security forces of much of the blame for these deaths. While many of the estimated 500 killings may have been caused by militants, most of the 180 deaths cited are a product of significant missteps by the security forces. As described in the report, 78 of those who died were unarmed protestors who died of suffocation while stacked horizontally in trucks. In the other major incident about 100 men and boys armed mainly with machetes were killed by security forces said to have advance knowledge of the attack. These cases are extremely important, as the deaths are thought to have further inflamed the violence.

### *Anti-terrorism Law*

There is no human rights critique of either the terms of the Anti-terrorism law passed in 2003 or concerning its implementation by the Thai government.

### **Russia**

The introductory paragraphs of the country report on Russia correctly state that the human rights record there is poor in certain areas and worsened in several others since 2003. However, the tone of the report is generally weak with regard to governmental responsibility for serious human rights abuses. Whereas the report clearly attributes some abuses to criminals or rebels, in most cases, government actions are described merely as “reports of government involvement” although credible sources have provided information about government involvement. Given the report’s description of corruption and lack of independence of the judiciary, threats and attacks on witnesses to abuses and attacks on human rights lawyers, the failure to clearly attribute responsibility to the government is particularly disappointing.

The report makes overly positive generalized statements in the introduction and in several lead sentences, although it often does present adequately detailed information about specific human rights abuses. The impact of this presentation is to downplay violations. Nevertheless, the cataloguing of abuses is in there, even if examples are sometimes deeply buried in the text.

An example of this involves the description of the use of the armed forces against peaceful demonstrators. The report states in general terms that “in contrast to previous years, there were no reports of beating of peaceful protestors.” However, further along the report states that on June 1, 2004, members of the Federal Guard Service attacked a correspondent for a daily newspaper while dispersing a rally near the Cabinet headquarters.

The description of the judiciary’s independence in the introduction, stating that “the judiciary continued to show greater independence in non politicized cases,” is more positive than what is indicated by specific instances of political pressure on the judiciary, described later. The report mentions the undue influence of the Federal Security Service (FSB) in judicial proceedings and other examples of executive control over the judiciary. Attacks on defense lawyers and witnesses also undermine independent judicial proceedings.

The report similarly misrepresents the government’s attitude toward nongovernmental organizations, stating that they are “permitted without hindrance” to criticize the government. On the contrary, organizations that are critical of the government face obstacles to their legal registration, attacks on their members, arrests, as well as other measures to harass or intimidate them. Registration problems, receiving passing mention

only, have actually been a fairly serious means for harassing defenders. Furthermore, patterns of attacks on and arrests of human rights workers over the past two to three years should be taken into account when characterizing the government's attitude toward non-governmental organizations (NGOs) in 2004.

The report states that local officials arrested people who were publicly discussing their religious and political views, but downplays the significance of these arrests because the individuals were released after a short time. The report should not imply, however, that these arrests are insignificant as routine arrests amount to serious harassment, and torture and other forms of mistreatment can occur even during a short stay in government custody.

Another category of violations against NGOs are prosecutions under security-related laws. The introduction mentions that restrictions on NGOs were "in part for security reasons," but does not clarify what exactly the security concerns were, nor does it point out that charges against NGOs on security grounds were proven to be unjustified and a means for harassment. The human rights group Chechen Committee for National Salvation (CCNS) was prosecuted under the law "On Countering Extremist Activities" for publishing press releases critical of the government. This incident is described under the freedom of speech section of the report, though it could be characterized as abuse of the judicial system, prosecution under false pretexts, or other categories of abuse. Regardless, it is a key example of the hindrances that NGOs face in today's Russia, and an oversight that this incident is not characterized as such in the relevant section of the report.

Reliance on counterterrorism as a pretext to mask unjustifiable human rights abuses is a serious and growing problem in Russia, and one that should have been more clearly identified and described as such in the report.

The report leaves out discussion of the government's affirmative responsibility to investigate attacks committed by unknown assailants so that its citizens will be protected. For example, the report states that leaders of NGOs received death threats from nationalist organizations, but it does not indicate whether the government took any steps to investigate the abuses or to ensure the protection of human rights workers in the future. While the report described attacks on complainants to the European Court for Human Rights, it did not address what is being done to investigate their deaths.

Furthermore, while the introduction mentions, for the first time, official harassment of those who seek accountability for human rights abuses in Chechnya and Ingushetia, it does not go a step further to assess what the government is doing, or failing to do, to assure the safety of human rights defenders. The report highlights the case against Mikhail Trepashkin as a cause for concern and the killing of Nikolay Girenko. However, the report does not explain that no independent investigation into the murder of Girenko is taking place.

The report names Igor Sutyagin a political prisoner and mentions that some organizations have characterized other individuals as such. The report fails to draw attention to the political nature of the arrest and detention of other individuals who could fit the definition of a political prisoner, such as Trepashkin, whose prosecution appears to arise from his investigation into the circumstances of the devastating apartment building bombings in Moscow in 1999, and Mikhail Khodorkovskiy. However, in discussing the right of citizens to change their government, the report indicates that the arrest of Khodorkovskiy was “widely believed” to be in retaliation for financial support he provided to opposition political parties. Also in that section, during the discussion of the elimination of direct gubernatorial elections, the report discusses Khodorkovskiy’s arrest as “the most recent of a number of politically motivated moves.”

In short, the report presents evidence leading to conclusions of serious politically motivated detentions, but is unwilling to label such individuals political prisoners. Doing so would contribute to an understanding of the weight of the control of the executive upon the judiciary.

## **Uzbekistan**

Overall, the country report on Uzbekistan does an effective job of covering the range of human rights abuses in the country. The tone and language of the report are strong. It accurately reflects changes in regulations placing increased governmental pressure on domestic and international nongovernmental organizations operating in Uzbekistan.

However, there remains a notable inconsistency between general statements claiming improvements in areas of human rights abuses and the specific examples of abuses raised throughout. The introduction refers to “important steps” taken by the government to address torture and establish police accountability. However, these measures are described as the creation of “preliminary procedures” in “some divisions” of the Ministry of Internal Affairs -- changes which hardly merit noting in the report, let alone describing as important.

In fact, the report makes clear that torture in prisons – like suspension of detainees in boiling water – and abuses by police – including arbitrary arrest and detention – are widespread and systematic. The report also states without qualification that incidents of brutality by police and prison officials go uninvestigated and are not prosecuted. Therefore, it is unclear to which “important steps” the introduction could be referring.

Furthermore, the effectiveness of any measures to address torture and police accountability which may have been instituted must be evaluated with skepticism when the government’s overall human rights record worsened during 2004. The increased oppression of human rights defenders is a sign that any measures the government may have taken are purely cosmetic.

Another shortcoming of the report is that some positive statements do not take into consideration official measures to obstruct investigations into government misconduct.

The introduction to the report states that “unlike past years, there were no credible reports of persons dying in custody as a result of torture.” This positive statement should reflect government pressure to quickly bury those who die in custody as well as the difficulty in ascertaining the cause of death of many prisoners due to the lack of forensic examiners independent of the government.

The report plays down government responsibility for deaths that take place while individuals are in government custody. The report states that “police and security force negligence likely contributed to the deaths of at least four persons.” The term negligence is too weak to describe the inhumane conditions of confinement and the absence of proper medical care for detainees which directly led to the deaths of many detainees. Extremely poor prison conditions were common, and in some cases prisoners were allowed to suffer from curable diseases such as tuberculosis or from infections which were fatal because the government did not provide treatment.

The report describes the arrest and detention of hundreds of observant Muslims immediately after the March and April 2004 terrorist attacks in the section relating to arbitrary arrest and detention, but seems to justify the arrests as necessary for “national security reasons.” The report explains that arrests were based on a list of people previously convicted of extremism and later amnestied, but omits available information that many of those harassed and arrested were simply religious Muslims with no connection to groups implicated in terrorism. It also omits mention of credible reports that many of those who were ultimately convicted were forced to make confessions while being tortured by government officials.