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THE  
CARTER CENTER



THE FOURTH  
HUMAN RIGHTS DEFENDERS  
POLICY FORUM

FAITH AND FREEDOM:  
PROTECTING HUMAN RIGHTS  
AS A COMMON CAUSE

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THE FOURTH  
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AS A COMMON CAUSE

CONFERENCE REPORT

SEPTEMBER 6 AND 7, 2007  
THE CARTER CENTER  
ATLANTA

THE  
CARTER CENTER



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## DEDICATION

This publication is dedicated to every human rights defender who toils in the world to bring about justice in society, and to every believer who finds in his or her belief tradition a source of strength and will to stand up against oppression and in favor of human dignity.



*Rev. Gerard Jean-Juste*

We wish to make a special dedication to the Rev. Gerard Jean-Juste, who traveled to attend our conference despite being terribly ill with leukemia, an illness that was exacerbated during his many years of struggle for human rights in his beloved Haiti and in the United States as well. The reverend passed away on May 27, 2009. His call to all of us gathered in Atlanta will stay in our hearts. He said: “I am begging my brothers and sisters to understand. Put yourselves in the shoes of those who are hungry, thirsty, homeless, refugees; those who are arbitrarily arrested and kept in jail in many parts of America and everywhere; those who are sick and cannot find medication; those who do not go to school. . . . In the Gospel, Chapter 25 of Matthew, verses 36–46, Jesus says, ‘I was hungry, you fed me; I was homeless, you sheltered me; and I was in prison, you visited me.’ So, we have an order to help our brothers improve their lots.”



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## PREFACE

When The Carter Center and Human Rights First decided on the topic and scope of this conference, the agenda seemed ambitious and difficult to tackle in one gathering. Instead, we found that the deliberations were unusually rich and complementary. We understood that we have to think “outside the box” to find new ways and identify new relationships that can help us make progress in preventing atrocities and advancing justice. After the group spent three days together, we ended with a number of presentations that helped pull together the threads of this multi-dimensional discussion. Among these was one speaker who managed to capture the spirit of the event perfectly. We feature him here, in the preface, because of his beautiful and hopeful message. Hopefully, this message will encourage the reader to read on in search of many more such jewels in the pages that follow.

### IMAM AL-HAJJ TALIB ABDUR-RASHID

I remember several years ago former U.S. President Jimmy Carter came to visit those of us in New York City and spoke at Trinity Church. That was probably the largest interfaith gathering of religious leaders that I have ever seen in New York and I have seen a lot of them. I remember President Carter said that there are a lot of conflicts all over the world. On the surface, they appear to be between religious groups, but if you look below the surface, you see people in conflict over access to natural resources, political and economic power, and so on.

After your address, several of us went to lunch. I remember sitting at a lunch table with mostly men who at that time were single pastors, ministers, and rabbis of some of the major Christian and Jewish houses of worship in New York City. And I asked them, “Yeah, so what do you think about what President Carter said?” And the table was quiet for a few minutes and finally someone, half mumbled, half whispered, “Well, he’s mainly right.” For me, being younger than all of them, I said, “So what are we going to do about this?” And again the table was quiet. Finally, someone spoke up, “Well, just us coming together in groups like this is a start.” And that was something that everybody could say: “Oh yeah, yeah that is right.”

I remember I was very disturbed by the conversation. When I went home, I thought about growing up in America in the 1950s, those born



*Talib Abdur-Rashid*



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in the early 1950s, 1960s, 1970s. During that time, people in houses of worship mobilized: the civil rights movement and South African apartheid, which was really an extension of the civil rights struggle. After that, everybody kind of cooled out. You know, it was maybe women's rights a little bit, AIDS a little bit, not too much of anything.

And maybe one or two years after that, Amadou Diallo was killed in New York City in one of the really most shocking, horrific cases of police brutality, abuse of power, and denial of human rights in the history of New York City. And everybody, from maybe junior high school age and up, was out in the streets of New York City expressing their outrage, except for the mainstream religious leaders.

### Appeal to Religious Leaders

Because I was associated with several of the religious leaders, I kept raising the issue until, finally, we had a heated meeting. Someone said, "Listen, when things like this happen, there are religious leaders who have congregations who expect them to speak out on the issue in favor of justice." He continued, "There are religious leaders who have congregations who expect them to not speak out on such matters." That was a real eye-opener for me. Eventually, we decided on things we could do that would make people feel comfortable. But that was a real look, in my mind, into what President Carter referred to earlier as the collaborationist role of religious leaders.

I wrestled with that for a couple of years and then Sept. 11 happened where every religious leader I knew went into a crisis-response mode. That morning, we were all on the telephone trying to decide what we could do for the people of New York City. I remembered the response of people; we had some interfaith services that people found very reassuring, very uplifting. A few of us on Sept. 13 were on the Bill Moyers show and the switchboard lit up with people calling from all over America. And when we went off the air, I remember this one woman saying, "I need to talk to everyone: the rabbi, the imam, the priest." So we all stayed there after the show went

off the air. She said, "I wish the people in the White House could just sit and talk with you all, because they need to listen."

### Appeal to Strengthen Religious Leaders in America

I am raising this today because many of the human rights concerns that are being expressed here on an international basis are really reflected right here in American society. I mean, it is two years since Hurricane Katrina, and things are still horrible there. We are talking about a lack of response on a human rights level. I wanted to raise this issue and say to those of you who are visiting, that those of us who are religious leaders and human rights activists in

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*If the religious leaders are not providing a light for the people, then how are the people going to be able to see?*

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America have the same concerns you have and the implications of this compromise of the prophetic voice are global in nature. And those of us who are maybe more in the religious arena, we need to find a way to address this issue. We need to find a way to get conferences like this out where religious leaders can be confronted with these same questions, because if the religious leaders are not providing a light for the people, then how are the people going to be able to see?

This conference has reaffirmed my belief that religious and spiritual leaders must do two things. On one hand, those of us who are not already doing so must act as partners to support human rights actors, activists, and defenders. On the other hand, we must, as a matter of prophetic ability, be such actors, activists, and defenders ourselves. The human rights of mankind are sacred rights at least sanctioned if not ordained by Almighty God.



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### The Modern Prophetic Mission

On Aug. 28, in the year 2000, more than 1,000 leaders from 110 countries, representing the world's major religions and faith, gathered at the U.N. General Assembly Hall for the Millennium World Peace Summit of Religious and Spiritual Leaders. At that time, Mary Robinson, a predecessor of our current U.N. high commissioner for human rights, stated, "Religion and faith remain powerful guides to good conduct and moral action, often running deeper than law and state, which in the grand sweep of history are relatively new institutions."

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*We must ask, and not be afraid to answer, how do our religious and spiritual cultures reinforce universal human values?*

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Yesterday the current high commissioner clearly defined part of the mission of all human rights defenders as the promotion of universal values and norms without consciously or subconsciously serving solely American interests. Looking at these pronouncements in the light of Robinson's statement, one can see the gravity of the modern prophetic mission. There is a Quranic verse that identifies the prophets and messengers of old, peace be upon them, as leaders guiding humanity by divine command. They are further described as inspired to do good deeds and acts, as well as establishing regular prayers, practicing regular charity, and constantly serving the Almighty. As this was the charge to the divine luminaries of ancient times, it is for us to follow their

path to prophetic leadership today. The good deeds must include, as a matter of prophetic responsibility, advocacy for the poor whether in Africa, Europe, Asia, or America.

My friend and mentor, James Fox, has stated openly from the pulpit of America that poverty is a weapon of mass destruction. Our modern responsibility as religious and spiritual leaders must be to act as human rights protectors in defense of the sacredness of human life. We must ask, and not be afraid to answer, how do our religious and spiritual cultures reinforce universal human values? Further, how do we put the sacred back in sacred life? Human rights violations are sacred life violations. If it is true that mass atrocities begin with the individual, then are we not individually responsible both for the life and rights of every single human being? We are.

### Prophetic Intervention

As religious and spiritual leaders, we must be willing to speak out against evil in our own backyard and not just someone else's. Muslim leaders must speak against the atrocities committed in Darfur and elsewhere by the government of Sudan. Jewish leaders must speak against those atrocities committed in Palestine by the Israeli government. Christian leaders even right here in America must speak against human rights violations committed, whether domestically or internationally, by our own government, which is widely perceived as being under Christian leadership.

### Sacred Life Defenders

Moses, Jesus, and Muhammad were all sacred rights defenders. When religious and spiritual leaders in America and throughout the world who invoke the name of any of these great prophets find themselves in a crisis of faith when confronted by men and women upholding sacred rights, then perhaps they should question whether or not they are truly worshipping and serving the God of justice.



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Martin Luther King Jr. once said that the problem with religious leaders is that too often they function like the taillight of an automobile, instead of the headlight. Let us be headlights on this issue and perhaps this might not translate so much into policy as an appeal that could go out to the religious and spiritual communities in America from this esteemed gathering of leaders.

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*Martin Luther King Jr. once said that the problem with religious leaders is that too often they function like the taillight of an automobile, instead of the headlight. Let us be headlights on this issue.*

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**Imam Al-Hajj Talib Abdur-Rashid** (United States, Muslim) is the religious and spiritual leader of the Mosque of Islamic Brotherhood in Harlem, New York City. He has been a Sunni Muslim since 1971, a member of the mosque since that time, and its imam since 1989. Talib Abdur-Rashid is also the amir (leader) of the Harlem Shura, a coalition of seven Harlem mosques. He is a deputy amir of the Majlis Ash-Shura (Islamic Leadership Council) of New York and deputy amir of the Muslim Alliance in North America. Further, Imam Talib (as he is popularly known) serves on or advises several interfaith bodies located in New York City. They include Harlem Congregations for Community Improvement, A Partnership of Faith in New York City, the Temple of Understanding, the Interfaith Center of New York, the Chancellor's Interfaith Advisory Committee to the New York City Department of Education, and the Bertram Beck Institute on Religion and Poverty.



## EXECUTIVE SUMMARY

On Sept. 6–7, 2007, The Carter Center and Human Rights First convened human rights defenders from 20 countries around the world to discuss the importance of faith communities in protecting human rights and to propose strategies for addressing mass atrocities. Titled “Faith and Freedom: Protecting Human Rights as a Common Cause,” the objectives of the 2007 forum were to identify: 1) challenges faced by human rights defenders in preventing, addressing, and assisting societies to recover from mass violations of human rights; 2) opportunities for people and communities of faith, particularly in the United States, to help advance the protection of

venting, addressing, and rebuilding after mass atrocities. What emerged from these discussions is a set of challenges defenders face at each stage of conflict and the need for the international community to support people and institutions throughout the process of addressing mass atrocities. The discussion also moved to greater coordination and collaboration between human rights defenders and faith communities. In recent history, these communities have often been viewed in polarizing terms, but there is growing recognition of shared common goals. Participants from both faith and secular communities announced commitments to work in complementary and synergistic ways in an effort to truly advance human rights at the national, regional, and international levels.

Following the forum, individual human rights defenders and Carter Center staff traveled to Washington, D.C., to meet with senior government officials, members of Congress, and the editorial boards of major U.S. newspapers to discuss pressing issues raised during the forum discussion.

The following pages capture, in the words of some of the world’s most dedicated individuals, pressing concerns about the intersection of faith and freedom in the human rights community. Their testimonies echo the words of analysts and experts who have provided important insights regarding the international community’s role in preventing, addressing, and rebuilding a society as a result of mass atrocities. However, moving beyond discussion of the problem and its causes, a challenge was issued as a next step. As described by President Carter, the forum opens up a small amount of new challenges but a tremendous amount of potential for greater collaboration between secular and faith-based human rights groups. A commitment was made among those present to simultaneously support human rights defenders and to be defenders themselves, to make voices heard across the international community, and to network

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*People of all faiths are working within their communities to stand firm on behalf of progress, toleration, and respect for human rights.*

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human rights and prevention of mass violations, especially through support of human rights defenders; and 3) ways for the international community, including governments, international organizations, and international nongovernmental organizations, to support human rights defenders.

Former U.S. President Jimmy Carter, together with then U.N. High Commissioner for Human Rights Louise Arbour, chaired a meeting to consider recommendations and discuss emerging issues in more detail with human rights defenders and representatives from government and multilateral organizations. This followed a day of testimony from defenders working on the ground who have encountered challenges in pre-



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beyond boundaries and across interests. Reflecting on the 60th anniversary of the Universal Declaration of Human Rights, “there is an opportunity to reclaim the universality of human rights and open up our efforts to a more inclusive community.”

### WHO ARE HUMAN RIGHTS DEFENDERS?

The human rights paradigm that emerged after World War II found its expression in the Universal Declaration of Human Rights. It provided a framework within which people from all cultures, nations, and religions could work together to advance the cause of human dignity and freedom. Now more than ever, human rights defenders play an essential role in every society. Governments, pushed along by a devoted and growing movement of human rights activists, have created a universal system against which every government can be measured for how well they respect the rights and dignity of those they govern. Human rights defenders are the principal agents who are, or have the potential to be, most effective in holding their governments accountable for the protection and advancement of human rights.

Unfortunately, in many parts of the world, promoting human rights and defending victims of rights abuses is a risky activity. Frontline leaders and activists face a variety of dangers and problems. For many, they are met by government unwillingness to implement positive changes, as human rights defenders are sometimes accused of being agitators and sources of instability. Additionally, defenders themselves are victims of human rights violations as a result of their activities, especially as more governments justify repressive policies toward citizens’ rights in the context of national security and the “war on terror.” Meanwhile, communities of faith have sought to align their purpose and actions with God’s commandments, as they interpret them. For some, this has led to lives devoted to the alleviation of suffering and acts of personal courage and service. For others, fundamentalist actions have led to human rights abuses. Yet, there is value in focusing on the positive role faith communities can play in the human rights movement. People of all faiths are working within their communities to stand firm on behalf of progress, toleration, and respect for human rights. Their accomplishments are important

and, though often small, they are signs of hope.



*Former U.S. President Jimmy Carter addresses conference attendees.*



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GLOBALIZATION AND UNIVERSALITY  
OF HUMAN RIGHTS

As a global “war on terror” was declared by the U.S. government in 2001 in response to the Sept. 11 attacks, followed by the Iraq invasion in 2003, a spectrum of human rights abuses has been committed in the name of advancing freedom and democracy. Overall, there is a perception that the human rights agenda became a tool for promoting and pursuing

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*Through acting locally but informing globally, an international audience pays witness to real-time human rights violations and provides increased opportunity for peace and justice to be realized.*

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Western interests. Participant discussion on this issue focused on the erosion of universality and the “do no harm” principle.

In the name of protecting the United States from terrorism, the country took a hard right turn away from human rights norms that had been developed over decades, such as the Geneva Conventions, the Convention Against Torture, and other global agreements. This led to a serious erosion of the notion of the universality of human rights. Particularly, many international activists feel that after 2001, the United States commandeered the “human rights movement” as a tool for Western interests. Where the United States was once considered a principled leader in efforts to respond to human rights abuses and atrocities, America’s credibility as a human rights leader has been challenged. Indeed, Human Rights Watch stated that the United States can no longer lead on human rights and called on Europe to step into the void.

While the issue of U.S. leadership was central to

the discussions, participants underscored the erosion of human rights by governments in all regions of the world. During this and previous forums, participants from many countries shared that human rights and democracy activities have come under increased attack by their governments. Officials often justify such attacks by claiming they are acting to prevent terrorist threats. Forum participants agreed that human rights defenders everywhere—both in secular and faith movements—are affected by the erosion of these principles. Specifically, participants noted that political manipulation of the human rights agenda has created a culture of mistrust and has challenged the integrity of governments, multilateral organizations, international nongovernmental organizations (NGOs), and local and national civil society organizations. Collaboration with Western NGOs or governments is often perceived as corrupt collusion, even treason. As a result, finding common ground and creating a more inclusive community, including both secular and faith-based movements, were identified as ways to advance the human rights movement.

Several human rights defenders shared that they have found support and greater local legitimacy through the globalization of the human rights struggle. Across faith and secular movements, participants emphasized that defenders active in local, national, and regional issues should reach out and educate others about the situation on the ground. Through acting locally but informing globally, an international audience pays witness to real-time human rights violations and provides increased opportunity for peace and justice to be realized. Moreover, participants agreed that existing institutions and human rights networks provide opportunities for multiple voices to act together. While there are different approaches and constituencies, the diversity of voices and ideas for action can empower more people to participate in exposing human rights violations.

All human rights defenders, activists, and development organizations should be guided by the principle of “do no harm” to those they are trying to assist. Throughout the forum, defenders responded to



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Arbour's exploratory statement regarding whether this concept has been honored by governments, international and local NGOs, and others in the community of practice. Participants criticized multilateral organizations, international NGOs, and diplomatic missions for not consulting or cooperating with local defenders about situations on the ground. Sustained dialogue with on-the-ground human rights defenders helps to ensure that international actors remain informed so they are able to "do no harm" by providing assistance that is effective and appropriate. For instance, participants emphasized that it is not enough for those with an international presence to pour resources into a country to perform activities, emergency work, or humanitarian aid that might be well-intentioned but ineffective. Interventions in this way often undermine indigenous institutions and governments, robbing them of the opportunity to build capacity to monitor and report on human rights violations and press their governments for remedies. A goal for those who intervene should be to help develop sustainable indigenous institutions that meet the unique needs of victims. Through dialogue with human rights defenders, international actors have the opportunity to learn of these needs, develop relationships with leaders of indigenous institutions, and gain valuable input regarding the best way forward.

### THE NEED FOR INTERNATIONAL SUPPORT

Despite the growing global human rights movement, activists from both secular and faith-based communities identified the challenge of isolation and lack of connectedness to the larger, global community at crucial moments. By the very nature of their work, defenders and activists are on the front lines of the struggle for human rights, often with little or inadequate international support. For these activists, defending human rights is about whether the courts function properly and whether the police force treats citizens in a nonarbitrary, transparent manner and appropriately addresses any abuses against citizens that occur. These conditions are defined by the

degree to which government accepts its responsibility to preserve the individual liberties of each citizen under all circumstances, according to international standards. However, because these conditions are so difficult to establish in traumatized societies, adhering to international standards poses extraordinary challenges for countries all along the spectrum, from developed democracies to societies destabilized by mass atrocities. They acknowledged that there is a limit to how much human rights defenders at the

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*Participants emphasized the importance of developing effective networks among human rights defenders and international NGOs, multilateral organizations, and influential governments to establish a system for defenders to report the real-time situation on the ground.*

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local and national level can accomplish on their own. There is no doubt that the great majority of the work must be done by defenders within their own countries; no democracy was built otherwise. But there is a world of difference between working in isolation versus working with active and effective support from abroad.

In response to this concern, participants again stressed the need for dialogue to secure the international solidarity that can make the difference between real improvements in human rights practices and the status quo—or even a deterioration of conditions. Participants emphasized the importance of developing effective networks among human rights defenders and international NGOs, multilateral organizations, and influential governments to establish a system for defenders to report the real-time situation on the ground. Those in the diplomatic community professed a commitment to incorporate input from



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human rights defenders into policy and development decisions. Further, participants from multilateral and bilateral institutions stressed the importance of listening to defenders on the ground. Many participants also remarked that defenders need to reach out to others outside their typical networks to engage in building more expansive collaboration on human rights. Through sharing experiences and methodologies, human rights defenders and others who support the movement become more effective and return to their communities of influence re-energized with new strategies for engagement and change.

### A CALL TO TRANSFORMATION IN FAITH COMMUNITIES

Universal values and norms are the language of the secular community; there is faith that the universal

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*Given the role religion has played in circumscribing human rights throughout history, the onus lies on leaders within faith communities to project a hopeful yet urgent message that people of all faiths must stand firm on behalf of progress, toleration, and respect for human rights.*

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commitment to human rights and the “do no harm” principle will be strengthened, despite political agendas. Faith communities, by contrast, often look to their religious and spiritual cultures to inform universal values and norms. People and communities of faith typically seek to align their purpose and actions with God’s commandments, as they interpret them. For some, this has led to lives devoted to the alleviation of suffering and acts of personal courage and service. Others have corrupted the essence of their

faith tradition to rationalize oppression and violence. Fundamentalism presents a particular challenge to faith communities in reconciling their commitment to human rights. Conference participant Jimmy Allen noted that

Fundamentalism in any form—Christian, Muslim, or Jewish—is a defeating and problematic mindset present in many communities where there is hunger for power and an interest in protecting the beliefs and customs they feel are under attack. Those representatives from the religious community want to distance themselves from fundamental mindsets and practice forgiveness as a way forward.

During the conference, defenders discussed the challenge of addressing human rights abuses in which groups are marginalized and violent acts are carried out in the name of religion or customary law. Factions among religious groups were also identified as an aggravating factor. Often, factions can be a divisive force within faith communities when religious diversity is not valued and different groups are dehumanized through ignorance and selective teaching. Participants called for conscious movement toward interdenominational and interfaith dialogue, which can help groups transcend the negative effects of factionalism. Ingrid Mattson, participant and president of the Islamic Society of North America, stated,

I believe that the global interfaith movement is an amazing worldwide revolution that is unprecedented in history, and I believe that it is through interfaith coalitions and campaigns that human rights can best be advanced.

Participants agreed that strong voices for human rights within faith communities are lacking and that a cohesive interfaith movement has the potential to advance the human rights agenda. All over the globe, there is a growing movement of religious organizations organizing and reaching out, rallying and uniting around the moral challenges of our times. Faith leaders often view themselves as the next generation of civil rights activists, as other defenders and activists



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have become increasingly part of institutional bureaucracy. As religious and secular human rights activists recognize they share the same concerns, religious leaders increasingly act as partners and supporters to human rights defenders and also as activists themselves. Given the role religion has played in circumscribing human rights throughout history, the onus lies on leaders within faith communities to project a hopeful yet urgent message that people of all faiths must stand firm on behalf of progress, toleration, and respect for human rights.

There is strength in a diversity of voices calling attention to human rights abuses. Whether representing a secular or religious tradition, there is a role for everyone in the human rights movement through shared faith in justice and commitment to values.

### A CALL TO RENEW FAITH IN HUMAN RIGHTS

There was a shared sense among participants that not only do concern and action for human rights need to be restored in faith communities but faith in the human rights movement needs to be renewed as well, among both secular and religious communities. Religious and secular activists need to develop confidence in the power of the human rights movement and those institutions that are charged with the protection of rights. Numerous forum participants expressed mistrust and disappointment with the failure of governmental and international institutions to support human rights defenders. Arbour spoke to this condition:

Whether by nature or inclination, we believe more in people than institutions... Nothing happens without people, but nothing lasts without institutions, and therefore I think we have to commit to both... I think we have to work within our institutions. If nothing happens without people and nothing lasts without institutions, I think nothing happens without people reinventing their institutions.

Participants from religious communities expressed similar dissatisfaction with religious institutions. Members of faith communities shared that for too long, there has been a culture of “us” against “them” as the human rights movement and faith movements intersect. Religious leaders present challenged others in faith communities to engage in rigorous self-examination. Additionally, participants urged one another to consider who has been shut out of the process and to reject fundamentalism as a legitimate religious movement.

Participants encouraged one another, arguing that transformation may not be immediate but rather develop over time. Leaders and members of faith communities will have to motivate their fellow believers to take on a commitment to the inherent dignity of the person, an idea that is found in all major reli-

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*The work of Ashutosh Varshney found that in conflict-ridden cities, the press printed rumors and inflammatory falsehoods instead of first investigating them.*

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gions. There is a tension between short-term intervention in crisis situations that demand honesty and courage and long-term reform of institutions, both secular and religious; while short-term problems can produce victories and defeats for human rights, profound and measurable progress takes time. As defenders and activists have faith in the rights, freedoms, and values they fight to protect, these same leaders must have faith that their risks and sacrifices are not in vain.



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### ADDRESSING MASS ATROCITIES: BEFORE, DURING, AND AFTER CONFLICT

Though the international community has never reached a consensus on a definition, human rights defender Saad Eddin Ibrahim remarked that everyone seems to intuitively know when “mass atrocities” occur. Ibrahim noted that “mass atrocities begin with a single atrocity,” rendering the voice of human rights defenders imperative as frontline reporters relaying early warning signs of what could eventually become a massive human rights catastrophe. In a pre-conference session, human rights defenders compared current and past experiences related to mass atrocities in their own countries and developed a set of recommendations based on this discussion. Special attention was paid to the unique challenges and needs of human rights defenders before, during, and after conflict situations.

Media and civil society were of particular focus in the discussion of emerging conflicts. Both of these groups play a major role in either escalating or preventing conflict. Human rights defender Zainah Anwar pointed to the work of Ashutosh Varshney, who compared riot-prone to non-riot-prone cities in India. She found that in conflict-ridden cities, the press printed rumors and inflammatory falsehoods instead of first investigating them. Further, religious and ethnic civil society groups in conflicted areas had a low level of interreligious and interethnic civic engagement, feeding misperceptions. The challenge, therefore, is to build alliances across divides to develop the type of media and civil society that promotes bridge building.

Participants recommended several ways to foster a strong civil society. The importance of using the media to challenge hate speech and provide an alternative discourse was underscored; however, it was also noted that many of the defenders live in countries where the press is controlled. To address this, defenders recommended the use of new media to get their voices heard, such as blogs and online newspapers. They also emphasized the importance of continu-

ing to advocate for an independent and diverse free press in their home countries. Regarding civil society, defenders highlighted the need to train “high-leverage groups that are opinion makers and opinion shapers” on the issues and to encourage progressive voices of peace among religious leaders so they will have a moderating influence in their own faith communities as well as in more public spaces.

Human rights defenders in countries in various stages of conflict are confronted not only with a polarized press and civil society but also with constant danger as a result of their placing themselves in the line of fire. It is their job to bring out the details about how governments are failing their own people, so they naturally face retaliation. Working in isolation, often with inadequate support from the international community, activists are accused of “creating trouble” or even aiding foreign aggressors. In light of this reality, Arbour noted the recent shift in language from the international community from the idea of humanitarian intervention to a more onerous “responsibility to protect” in cases of gross violations of human rights.

Formerly, the right has rested with the interveners; those who carry out humanitarian aid have a right to do so. The right has now shifted to those who are in need of protection, as the international community now has the responsibility, rather than the right, to protect. This fundamentally changes the international community’s role in conflict situations, which is, in theory, no longer discretionary but mandatory. Arbour’s comments emphasized the importance of international intervention on behalf of human rights defenders, who are certainly counted among those who need and have a right to protection, despite arguments that this intervention violates state sovereignty.

A number of participants pointed to the impact international support has on the work of defenders in conflict situations; when governments and international, regional, and NGOs advocate on behalf of an activist, it gives that person legitimacy and often provides crucial protection. In spite of this, participants



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overwhelmingly agreed that international support mechanisms need to be strengthened. Often accused of having a destabilizing influence by their own governments, human rights defenders need concrete support such as regular access to the U.N. and other international bodies as well as visible moral support. This sends a message to defenders' governments that these individuals have a recognized and legitimate

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role to play in monitoring government conduct.

Unfortunately, many participants viewed current international support efforts as half-hearted at best. One participant pointed to bureaucratic and legalistic adherence to mandate limitations as the cause of deliberate failure by international organizations. Included in this indictment were the United Nations Development Program and U.N. country teams, which often fail to offer meaningful support for human rights defenders. Another speaker remarked that political interests inhibit governments from supporting the work of defenders. In some cases, because human rights defenders are accused of promoting Western interests, direct funding for their work from Western nations can cause difficulties for the activists. This has resulted in many activists deciding to forgo this much-needed assistance.

Participants made several recommendations on how the international community can better support human rights defenders in conflict situations. These include

- greater mobilization of international coalitions in order to address the personal risks to defenders;
- greater determination from international actors to ensure protection for defenders at risk;
- greater consistency in promoting accountability and prosecutions in response to mass atrocities;
- improvements to international justice mechanisms, including international involvement in the documentation of atrocities, preservation of evidence for future prosecutions, and more attention paid to funding sources for conflicts.

Human rights defenders in postconflict situations also face unique challenges. One of the most pressing issues in the transitional period after mass atrocities have occurred is the absence of national justice mechanisms and legal structures. With no legal structure, it is impossible to implement and enforce the rule of law, rendering peace fragile at best.

Human rights defender Kamala Chandrakirana noted that it is a long-term endeavor for a postconflict country to establish functional legal justice mechanisms. However, using her home country of Indonesia as an example, she pointed out that social and economic justice are typically also lacking and that these can be transformed at the community level through “a community-wide effort to transform themselves, to transform their values, to transform their institutions and their behaviors.” For instance, a woman who becomes a victim of sexual violence can experience social justice, rather than shame, from her community if community members choose to adopt compassionate rather than condemning behaviors.

There was a high degree of consensus among participants that the international community ought to intervene with international justice mechanisms when there is an immediate lack of national legal structures in a postconflict country. Indeed, the International Criminal Court (ICC) and ad hoc tribunals have been created for this very purpose. While acknowledging that these mechanisms are relatively



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*Participants in the 2007 Human Rights Defenders Policy Forum*

new, participants were disappointed in what they perceived to be their lack of effectiveness. Some participants noted that measures of reconciliation and transitional justice can be problematic because they have often been misused by former dictators to promote impunity in the hope that citizens would forget the past and be eager to move on. Reconciliation in its correct sense, they pointed out, should address violations of human rights as such before they can bring healing between groups through both accountability and forgiveness. When abused, however, reconciliation can mean that victims are re-traumatized and perpetrators escape accountability for crimes.

Additionally, several defenders asserted that the creation of international justice mechanisms, such as the ICC, has failed, so far, to act as a deterrent for future crimes. Darfur and eastern Congo were cited as pertinent examples.

Participants made several recommendations about how to better stabilize, support, and rebuild countries in the postconflict transitional period:

- The international community should provide consistent and long-term training and support to rebuild societies in terms of both infrastructure and institutional capacity;
- The international community should take responsibility for reparations, instead of relying on perpetrators alone for reparations;
- Governments should allow exiled human rights defenders to return to their country and to their work, and internally displaced persons (IDPs) should be allowed to return to their homes; and both refugees and IDPs must enjoy all of their citizenship rights;
- Human rights defenders should be provided with appropriate protection for their work and institutions;
- Local communities and activists should be effectively engaged in security sector reform initiatives and the demobilization, disarmament, and reintegration processes; and
- Human rights defenders themselves were challenged to listen to the communities of survivors and victims whom they seek to represent in order to continue to be tuned in to their needs.

### LOOKING AHEAD: THE FUTURE OF INTERNATIONAL HUMAN RIGHTS

In light of the 60th anniversary of the Universal Declaration of Human Rights, it is appropriate to



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reflect on how far we have come and where we are going in the effort to advance human rights globally. Woven throughout the rich discussion during conference sessions, participants contributed fresh ideas, perspectives, and insight into the future of international human rights.

Several defenders provided observations and analysis on new regional and international tools and mechanisms designed to promote justice and protect human rights, emphasizing the importance of utilizing the lessons that have been learned from these tools going forward.

Human rights defender Victor Madrigal Borloz shared his thoughts on the Inter-American System Human Rights Defenders Unit, which provides training for Latin American defenders and offers specialized knowledge on issues pertaining to human rights defenders to other regional and international political bodies. Borloz cited two lessons that can be gleaned thus far from this tool. First, the amount of risk to human rights defenders tends to be greater when actions from judicial processes are successful, when violations are publicly denounced, and when the human rights situation begins to favor justice. This is because governments are reacting to successful human rights campaigns by mobilizing the powers of the state to discourage such activism. Second, the presence of intimidation and risk for human rights defenders is not only a means of slowing action but also a way of creating generalized fear—to deter the public from making demands.

Arbour commented on a new international tool, the Universal Periodic Review (UPR), created as a feature of the newly upgraded United Nations Human Rights Council (replacing the Commission on Human Rights). The UPR mechanism offers a system by which all countries, starting with council members, will have their human rights records scrutinized. In this way, no country is singled out, eliminating the ability of countries to refuse to have their records examined because they feel they have been unfairly

targeted. Arbour pointed out that there may be a tendency for council members to go easy on a country under scrutiny since they too will be scrutinized. In light of this, she emphasized that the role of civil society actors and human rights defenders on the ground will be crucial, as they will be able to provide accurate and real-time information, prioritize issues, and offer insightful analysis.

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*“I challenge me, and I challenge you,  
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A number of participants provided their insights into the UPR system. Gavan O’Leary of Irish Aid emphasized the importance of state membership in the Human Rights Council. He purported that it is up to individual member countries to comply fully and participate meaningfully when under review so that the system is successful. Wolfgang Bruehlhart of the Swiss Agency for Development and Cooperation called attention to the significant role he believes NGOs and defenders have to play in the UPR system, such as producing shadow reports to keep governments accountable for the reports they produce on human rights conditions in their countries.

Borloz responded by urging that it is important to examine the interests and strengths of all parties before activating any justice mechanism. For instance, he noted that while “victims may be best equipped to assess damage in cases of abuse, an international group that is litigating might actually be best



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equipped to bring examples of remedies.” Recognizing the strengths of all involved actors facilitates the formulation of a strong and comprehensive action strategy.

Participants emphasized that an imperative in the struggle for human rights is an attitude of optimism. A tool for action, optimism stares in the face of frustration, defeat, and surrender and asserts that something can be done. Francis Deng, U.N. special adviser on the prevention of genocide and mass atrocities, emphasized that if we raise awareness, work together, and search for ways to prevent human rights violations from occurring, then even perpetrators of atrocities will see that the world is united and committed to stopping their heinous acts.

Egyptian activist Ibrahim urged participants to become actors instead of victims. He noted that when some actors work for death, such as suicide bombers,

it is all the more imperative to become actors working for life.

The challenge that our forum set was profound—that such a convergence will be real and positive when human rights violations, wherever they occur and however they may be either justified or tolerated, can be understood and rejected because they are the greatest threat to humankind.

Human rights activist Gloria White Hammond encouraged participants to persevere, as the task at hand will not be accomplished quickly. She issued a challenge to each of us: “I challenge me, and I challenge you, to really operate with ... confidence: to know that your cause is just and ultimately you will prevail. And so, don’t you give up, but get up, don’t you back up, and do not shut up until your job is done and a better day comes.”



## FEATURE PRESENTATIONS

### PRESIDENT JIMMY CARTER

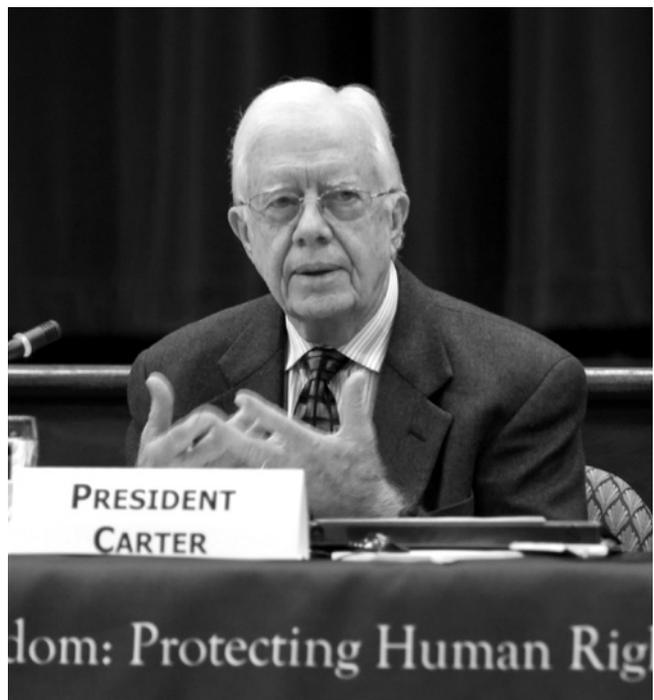
#### HUMAN RIGHTS AND FAITH GROUPS

I consider this to be the high point of my life each year at The Carter Center. We try to define in one sentence what The Carter Center stands for. My evolved response over 25 years is that we stand for basic human rights in the broadest definition of basic human rights. This is our fourth session, but it has brought a new dimension and has opened up a small amount of new challenges but a tremendous amount of new potential. I emphasized the word “new.” I listened with great attention to what Imam Talib said, which could be the summary of what we have discussed. I thought it was beautiful. I also listened to another man of faith, Jimmy Allen, who has been a hero of mine for 30 years. I think he summarized my main thoughts today with his use of the word “marriage”—the potential for a marriage of secular human rights groups that most of us are comprised of and the new groups of faith.

There is a lot of compatibility among Judaism, Islam, Hinduism, Christianity, and others in our commitment to the basic principles of life: peace, alleviation of suffering, and so forth. But in the last few years, I think there is a threat to us. We have not seen any progress but deterioration in the global commitment to the protection of human rights. We have gone backward, and that is a tragic thing. Some of you may disagree with me on it. I have had long discussions recently with Mary Robinson. She points out, and I certainly agree, that it will be impossible for the U.N. General Assembly to draft the Universal Declaration of Human Rights, and we clearly pay lip service to it. I notice in my copy of the Universal Declaration that there are some articles that the United States of America and Israel and others profess to observe:

- Article 5: No one shall be subjected to torture or to cruel, inhumane, or degrading treatment or punishment.
- Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law.
- Article 9: No one shall be subjected to arbitrary arrest, detention, or exile.
- Article 10: Everyone is entitled to full equality, to a full and fair trial or hearing by an independent and impartial tribunal in the determinations of his rights and obligations and of any criminal charge against him.
- Article 15: Everyone has a right to a nationality.

You can tell I get emotional every time when I read these words, as I do sometimes when I read my Bible. We globally say we are honoring the Universal



Former U.S. President Jimmy Carter



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Declaration of Human Rights, but we are not. We are too subservient or quiet or reticent about demanding that our own governments and others comply with these basic principles. I know that our champion Louise Arbour is doing the best she can, but quite often she is subverted in her effort.

### The Problem with Fundamentalism

I do not want to leave a glowing approbation of religious organizations, because in many ways the major religions of the world, in some aspects of their pursuit of God's will, are the greatest discriminators. That

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*There is a lot of compatibility among Judaism, Islam, Hinduism, Christianity, and others in our commitment to the basic principles of life: peace, alleviation of suffering, and so forth. But in the last few years, I think there is a threat to us.*

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is among the fundamentalists or the Constantinians who deprive fellow worshippers of freedom of speech and expression of opinion and who deprive women of basic rights. Where are all the primary discriminators against women? It is in the fundamentalist aspects of religion: Catholicism and the Orthodox Church and in Islam among the Taliban and others. This ought not to be a sacred reservoir of policy that we human rights activists and spokespersons avoid criticizing.

In my own denomination (I am one of the 21 million Baptists) and among the other 16 million, there are new policies that a woman has to be subservient to her husband, a woman cannot serve as pastor, a woman cannot teach men, a woman cannot be a chaplain for the armed services, and so forth—but this is an intrusion of fundamentalism in religion and there also has been an intrusion of fundamentalism into the U.S. government in recent years.

I think it is the intrusion of fundamentalism that is causing us to violate these articles that I have just described, such as when we deliberately say that the Geneva Convention on the treatment of prisoners is no longer applicable to the United States of America.

Article 2 says that everyone is entitled to all the rights of freedom set forth in this declaration without distinction of any kind, including sex or religion. We do not honor that. What is the impact of fundamentalism? A professor of religion and politics at the Massachusetts Institute of Technology, perhaps the greatest engineering school in our country, says, "Extremist fundamentalist religion may well have a greater hold in the United States in the public than in Iran." He goes on to point out that almost half of our people think the entire universe was created within the last 6,000 years, as just one example. Fundamentalism and the imposition of religious beliefs on an increasingly wide range of our people are increasingly serious problems for us.

We have talked about security, which is also very serious in Colombia and so forth, but I think we need to guard against the expansion of fundamentalism. When a small group of leaders professes to speak for God and imposes their will on others without any conscience and with a firm belief that they are absolutely right and anyone who disagrees with them must inherently be wrong and also inferior, that is a root cause of most of the human rights violations that exist in the world. We ought to be vigilant against it and use our existing networks of human rights groups and reach out to bring in as our new allies those religious groups that agree with us that the UDHR ought to be honored.

### Peace and Palestine

I get very emotional discussing or hearing discussed the plight of the Palestinians. It is worse than anyone here knows. The Carter Center has had access to the entire region during the last 10 years because of my prestige in having been the President. We have monitored three elections: one in 1996, one in 2005, and one in 2006. We have seen the increasing deprivation



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of human rights of Palestinians. It is much worse now than it was 10 years ago; it is much worse now that it was five years ago; it is much worse than it was two years ago.

The wall, or separation barrier or fence as the Israelis call it, is an abomination. It is much worse than the Berlin Wall was. When my friend Prime Minister Rabin proposed the wall, at first it was to be built along the border, the Green Line, the '67 border. I had no objection to it, and neither did the International Court of Justice. But Rabin was assassinated, and his successors ordained that the wall be built inside Palestine. It has been designed not for security but for the taking of more and more land. Bethlehem, which I visited not too long ago, is almost completely surrounded by the wall. Gaza is completely surrounded by a barrier. There are other important cities that are completely surrounded by a wall or barrier with a small gate that is opened spasmodically by Israeli security forces. Sometimes the gate is kept closed for two or three days at a time. No one in Qalqilya can get out of their prison except when the Israeli security decides they can do so. The embarrassment and loss of self-respect, loss of human dignity, and loss of hope among the Palestinians are increasing every day.

I finally decided after a great deal of thought to write my book last year. The response to the book probably has been overwhelmingly positive, even among Jewish citizens. Seventy-one percent said they were glad that someone finally pointed out a way that they might have peace. I counted the letters, many of them from American Jewish citizens, including rabbis and four Holocaust survivors. You see how distressed I am. But the folks living in Gaza or even the West Bank are infinitely more distressed than I am. I do not know what I would do if I were living under those circumstances, and I saw my children and my wife starving. It is hard for us on the outside to imagine what we would do.

My hope is that the Palestinians will continue to have the restraint and the courage to bear their plight

and not give up—and hope that some of us in the outside world will help assuage their deprivations and their anger and their hopelessness.

### The Success of Switzerland and Ireland

There is no way to adequately describe the contributions that Switzerland has made not only to the concept of human rights but to the promotion of peace in the Holy Land, in the Mideast. A few years ago, Switzerland supported the development of the Geneva Accords, which remain the basic foundation for future peace, no matter what other devious routes might be taken until that time is reached. I was proud to go there and make the keynote address in the presence of about 600 people. The Geneva Accords spelled out a peace process for Israel and its neighbors in very definitive ways and was supported by former President Bill Clinton, former Prime Minister Tony Blair, former President Jacques Chirac, and about 50

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other leaders, including human rights champions who have been honored by the Nobel committee.

A few months ago, I was invited to Ireland. We have seen at a distance the incredible progress that Ireland has made in bringing peace to its own people after decades of horrible conflict, which showed tenacity and a wisdom and courage that is a remark-



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able, good example for the rest of the world. It also has been very gratifying to see Ireland's relative affluence and the enormous economic progress they have made. They have been remarkably generous about that economic process. I monitor very closely the deliberations of the European Union and quite often in the past and maybe still, the European Union reaches the lowest common denominator trying to find consensus among the different nations. But Ireland has become a sterling, outspoken, courageous champion of human rights within that body. I do not have any doubt that Ireland's influence will continue to have an increasing impact.

### **The Independence of the U.N. High Commissioner on Human Rights**

I think all of you see the need to protect the integrity and independence of the U.N. high commissioner on human rights. I am very concerned about it. The Carter Center was in the forefront of promoting the

concept of this high commissioner's post, beginning in early 1993 when the U.N. secretary general was adamantly opposed to it, but eventually it prevailed.

We helped to establish the council to replace the old commission. I have been disappointed at some of the developments in the council, but it still has some potential for hope. One of the dangers there is their effort, which will be sustained by many and maybe even increase, to put restraints on High Commissioner Arbour and others in the future. I hope that all of us will combine, including the U.S. government and Ireland and Switzerland and others, to protect the integrity and independence of the high commissioner. I would personally hope that in the near future, the United States might agree to participate as a member of the council, but of course that is a decision for the President to make. I think it would greatly strengthen the capability of the council if the United States were a member.



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## LOUISE ARBOUR

### THE ROLE OF RELIGION

Let me take a step back from the Universal Declaration into Roosevelt's four freedoms: freedom from fear, freedom from want, freedom of expression and freedom of religion. I think that in no other point in the history of the Universal Declaration have we seen these four fundamental values so much in conflict and in competition with each other.

Let me just provide a reflection about freedom of religion. In my opinion, freedom of religion, like the linked freedom of conscience and belief, belongs very profoundly to the private sphere. They enter the public realm when they are linked with freedom of association, freedom of assembly, and freedom of expression; then they enter the public domain. What we have seen, since the enactment of the Universal Declaration and with the creation of a Jewish state, with the emergence of Islamic republics and self-declared Christian nations, is that there are governments that in human rights terms are duty-bearers, governments asserting themselves as rights-holders on the basis of their protected religious identities and enacting laws that they declare unimpeachable because they are dictated by God. I believe this is an enormous challenge to the very concept of private and protected freedom, to see it hijacked by states and therefore perverting completely its mission.

Without being unduly provocative, I will assert that there is no reason to believe at the outset that a political or social action by a faith-based group will inevitably be a positive force; I think at the outset that it can end up being a positive or a negative force. The roles of some members of the Catholic clergy in Rwanda speak for themselves, as does the now-exposed sexual and physical abuse in residential schools throughout North America, particularly directed certainly in my own country against indigenous children. There are well-documented abuses, both on the personal and institutional level by

members of organized religions. Therefore, the test, I think, will very well be how these initiatives will be addressed by religious groups. I will be keen to see whether Christian or Jewish-based groups call for self-examination in their own communities, or whether or

not religious precepts foster gender equality.



*Louise Arbour*

### Challenges to Universality

There is this perception, which is extremely widespread, that human rights are a Western concept, and that is the beginning of the erosion of universality. If it were only that, then you might say, "Well,

it doesn't matter where it is rooted philosophically; who cares that it is a Western concept?" What is very dangerous about this perception is not just that it is a Western concept but that it is a tool of the promotion of Western interests and, more specifically, American interests. This makes my work extremely difficult, and I suspect that in a lot of your national work you also feel in very concrete ways the effect of the erosion of the concept of universality and the promotion of the idea that the human rights agenda is a tool manipulated for the pursuit of national Western interests.

I will put on the table at least a few ideas that are linked to this idea of universality. One is to work better and more effectively with international organizations that are truly inclusive, such as the United Nations Human Rights framework, the Special Rapporteurs, the Office of the High Commissioner, and the Human Rights Council. This will serve to dissipate the idea that our efforts are geared to the



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promotion of Western interests. Again, to flesh that out, we should think creatively of ways of channeling our efforts in a truly international form.

### **Mechanisms of the Human Rights Council**

In my country visits, I try to meet with NGO representatives in Geneva before the visit in preparation. To receive information and to get their input on the priorities that I should raise during my country visits, I insist particularly on having meetings with local

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NGO representatives in the country, clearly without government supervision or participation. As a result of these interactions, which I hope we will intensify, we can have a truly symbiotic relationship between the human rights defenders on the ground and the Office of the High Commissioner.

What I would like to make sure is that you are aware of the potential that the new Human Rights Council offers for you to bring your issues to the international scene through these mechanisms. The traditional mechanisms are very well known to you, such as the Special Rapporteurs. That work is criti-

cal; obviously, you are the main source, not just of raw information but also of analysis and insight into the kind of advocacy that the Special Rapporteurs can bring to the council. I should also say in this context that the presence of civil society in the Human Rights Council is more or less unique in the United Nations intergovernmental machinery. Although a year ago there were lots of concerns that there could be a pushing back of civil society actors in the Human Rights Council, I think that this is now secure and should continue to be used.

### **Universal Periodic Review**

I think it is important for me to bring to your attention the new feature of the Human Rights Council, which I believe in the long term will be the defining characteristic that will distinguish this council from the previous commission, if it is used appropriately. Now on paper it looks good, but how it will evolve remains to be seen, and that is the system of Universal Periodic Review (UPR). As you recall, the Commission on Human Rights was said to be totally discredited because of allegations of selectivity, double standards, and in the way that it called to account certain countries and not others. Whether that claim was legitimate or not is now, I think, part of history. This question has now been addressed by the creation of a mechanism by which all countries, starting with council members, will have their human rights records scrutinized. So the fact that everybody will be put under scrutiny totally undermines the efforts of those who refuse to cooperate, alleging selectivity, bad faith, double standards.

### **Dilemmas for Human Rights Defenders and NGOs**

To come more specifically to the work of human rights defenders, again in the context of this perception that human rights work is always done in the pursuit of Western values or, worse, American interests, I think that it poses a real dilemma for them and their own work and for international NGOs that want to come to their assistance. But I believe that



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international groups should be guided by the principle of first, do no harm; do no harm to those you are trying to assist. And currently I see that as a very serious dilemma. The knee-jerk reaction and the easy solution, for instance, when it comes to funding or financial assistance, are to try to find indirect ways of offering support. I am not sure if that is the correct approach. If we are concerned that the perception of international assistance to local NGOs or to human rights defenders could be seen as a way of promoting Western interests, to do so in a subversive fashion will only make it worse. So if the effort is worth it, why do we find hidden channels of providing assistance? If they are exposed, they will further vindicate the perception that this is a subversive attempt to promote foreign interests. We have to think in much more strategic and creative ways about how to do that.

### The Responsibility to Protect

This relates to something that I would like to hear more about, which is the responsibility to protect. This concept is now anchored in the outcome document of the World Summit, and there is now is a General Assembly resolution that fleshes this out. There are a lot of ideas that we will need to work on related to this concept.

The first one is that there has been a very fundamental shift, at least theoretically or in terms of ideology, from the old model of the right to humanitarian intervention. We have shifted from this doctrine to a responsibility to protect. This says a lot to the position of the interveners, when it was asserted as a right to intervene. Presumably, when you have a right, you have the discretion not to exercise it. NATO or the United States, for instance, had the right to intervene for humanitarian purposes in Kosovo. It meant that they could exercise the right, which was the correct thing to do, or they could decline on any occasion to do so. This shift to a responsibility, I think, carries with it consequences. All of the sudden, the focus is on the rights-holders, not the right of the interveners,

but it is the right of those who are in need of assistance. The interveners have now been imposed with a duty and a responsibility, which in that case is not discretionary but mandatory; this is made crystal clear in the Genocide Convention. When there is genocide, there is specifically an obligation to prevent it. I think that we as human rights actors need to understand that profound shift and advocate accordingly, that is very much the new focus.

This new doctrine that speaks of the responsibility to protect interestingly does not say what kind of responsibility. Is it a moral responsibility, a political responsibility, or—more interesting from my point of view—is it a legal responsibility that will carry consequences that make it enforceable within a legal framework?

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*There is this perception, which is extremely widespread, that human rights are a Western concept, and that is the beginning of the erosion of universality.*

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**Louise Arbour** (U.N.) is an internationally renowned judge and lawyer who became the United Nations High Commissioner for Human Rights in 2004. She previously served as a judge for the Supreme Court of Canada and gained fame for her role as chief prosecutor during the International Criminal Tribunals relating to war crimes in Rwanda and the former Yugoslavia. Born in Montreal, Arbour obtained a degree in civil law from the University of Montreal and completed postgraduate studies at the University of Ottawa. In the following years she became vice president of the Canadian Civil Liberties Association and then the associate dean at Osgoode Hall Law School. In 1987 she was appointed to the Supreme Court of Ontario, and in 1990 she was named to the Court of Appeal for Ontario. In 1995 she was responsible for an inquiry pertaining to conditions at the Prison for Women in Kingston, Ontario. It was in February 1996 that the Security Council of the United Nations selected Arbour as chief prosecutor for the International Criminal Tribunals. She then became Supreme Court Justice Louise Arbour.



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## FRANCIS DENG

### MASS ATROCITIES AND GENOCIDE

I must confess that I came humbled and in awe about addressing people who have been dealing with these very difficult situations, putting their lives on the line and many of them persecuted. Having listened now to the speakers before me, I am in great awe.

Ironically, the phrase “mass atrocities” is used sometimes as a means of softening the sensitivity of the word “genocide.” Whether you say mass atrocities or genocide, it is bad enough.

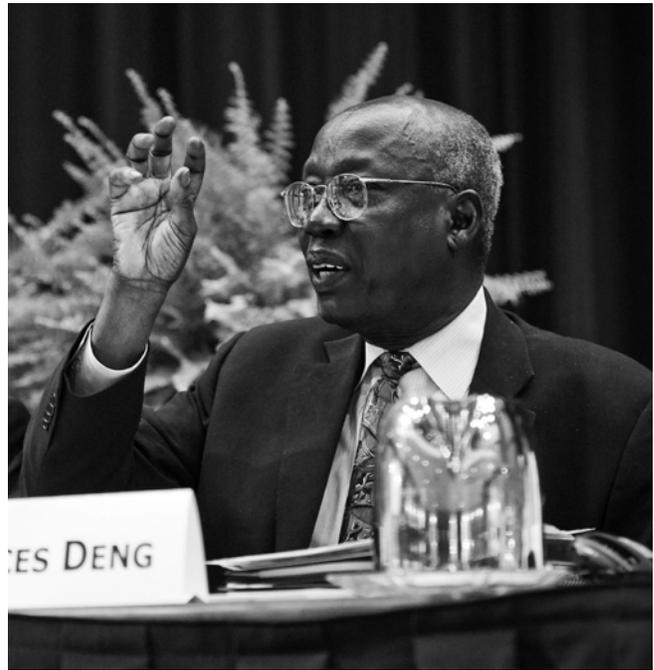
We cannot sit and say that preventing genocide, or mass atrocities, is impossible. I do believe that every little thing one does is cumulative. Many of us may not be visible, but we have contributed in minor ways. Intuitively, when you speak of genocide and mass atrocities, you do not need legal definitions of what they are; we know instinctively that we are dealing with a terrible thing. So if we all talk about it, and we all work together to seek how to prevent it,

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*We have to be optimistic because pessimism means that there is nothing that can be done. Optimism is a tool for action.*

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even the bad guys might get the message and feel that the world is united behind doing something. So we have to be optimistic because pessimism means that there is nothing that can be done. Optimism is a tool for action.



*Francis Deng*

### Sovereignty

Those who resist human rights agendas are those who perpetrate human rights violations. I think it is fair to say that just as much as there are those who are standing up defending sovereignty, there are those who feel they need the international community to come in and override sovereignty, in order to correct wrongs.

I was in the United Nations Human Rights division in the 1960s. In those days, you could not discuss human rights explicitly by mentioning countries. There were confidential communications, and those who were dealing with this would inform the governments about what information had been received about them, and the world would not know who was being scrutinized. Now, we are talking about human rights violations within countries and naming countries and shaming them. So from that point of view, we could say we have made considerable progress.



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The other side is that there are still gross human rights violations going on today. I remember when I was trying to plead the cause of the internally displaced, and I would say to ambassadors, “You know, you go into governments and out of governments, and certain ideals remain. Today you are defending your government, tomorrow you might be in opposition, condemning the government, but ideals remain. Which side would you want to be on in the end—the side of those who have been changing the human rights agenda to the point where it has improved and we can say we have made progress or the side of those who are resisting progress?” Obviously, a human being would want to be on the right side.

### New Methods for Engaging Governments

Despite the progress we are making, when we talk about human rights we come across as adversarial; we come across as in confrontation with governments, and governments see human rights defenders as almost antagonistic and adversarial. What I wonder about is whether there are different techniques or different methods of engaging governments? In particular, I am thinking we could use legalistic arguments and human rights norms, or we could use other methods of reaching governments, particularly if we’re talking about faith-based advocacy.

In my work on internally displaced persons, I used to tell governments that in this day and age, since the Cold War has ended and human rights and humanitarian issues have become the key concerns of the international community, governments have to see NGOs and human rights advocates not as adversaries but as partners and collaborators who can in fact help them in projecting a good image internationally.

### Concluding Remarks

I do recall that when President Carter made human rights the basis of U.S. policy and internationalized human rights, there was a great deal of skepticism,

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*Governments have to see NGOs and human rights advocates not as adversaries but as partners and collaborators who can in fact help them in projecting a good image internationally.*

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and some people thought it was utopian and not realizable. But today, when we really look at the progress that has been made, despite disappointments and concerns about reversal, I think it is fair to say that we really have gone a long way. Thanks very much for the leading role President Carter played in this.

**Francis Deng** (U.N.) Former Sudanese diplomat Francis Deng was the new special adviser for the prevention of genocide and mass atrocities, succeeding Juan Mendez. Deng is currently director of the Sudan Peace Support Project at the United States Institute of Peace and a Wilhelm Fellow at the Center for International Studies of the Massachusetts Institute of Technology. He is also a research professor of International Politics, Law and Society at Johns Hopkins University Paul H. Nitze School of Advanced International Studies. Dr. Deng served as representative of the United Nations secretary-general on internally displaced persons from 1992 to 2004, and from 2002 to 2003 was also a senior fellow at the U.S. Institute of Peace. He served as the ambassador of Sudan to Canada, Denmark, Finland, Norway, Sweden, and the United States, as well as Sudan’s minister of state for foreign affairs.



HUMAN RIGHTS DEFENDERS POLICY FORUM

## HINA JILANI

### A CAUTIONARY NOTE: THE CONSTRAINTS OF RELIGIOUS STRUCTURES IN PROMOTING HUMAN RIGHTS

There are faith-based groups that are very able in promoting human rights and doing things that sometimes become very difficult for others to do because they have a structure behind them that enables them to work. However, the problem that I see in many countries is that these groups sometimes belong to the minority faith in that country. And here I see a problem. When you have these groups, if they belong to a particular church in a particular religion, they are really playing the numbers game; they have a conflict of interest in many ways—they want to retain direct control of the congregation in some ways and want the communities to be dependent on that structure of the church rather than the state. And therefore there is an interest in segregating the interest of the community from the larger population. There they make a mistake and, in fact, in many ways weaken the protection of human rights.

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*Sometimes human rights defenders need access to the United Nations and to the diplomatic community—to be able to knock on their doors and ask for help and support.*

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The other problem is that sometimes, in order to exist and to maintain some kind of a peace in which their own community can exist safely, these groups have promoted the culture of surrender, promoted the culture of submission amongst their own communities and said “don’t make waves,” and therefore have disallowed members of that particular community to fight for their own rights. In the context of minorities

facing mass atrocities, this can be a problem, especially with faith-based groups.

#### **Protecting the Defenders of Human Rights**

The kind of support that multilateral organizations can give to human rights defenders should be put in the context of the situation and the environment in which the defenders work and function. I want to reiterate some of the very salient features I have observed in my 30 years as a human rights defender and in the six years that I have been the United Nations special representative of the secretary-general.

First of all, we have to understand that there are multiple aspects to the work of human rights defenders. They have different responsibilities and roles in different situations. The different situations in which human rights defenders work can be categorized, starting with societies and states with political tensions that could lead to conflict, then situations where actual conflicts are happening, then the period of transition, and then the countries with established institutions and mechanisms in which human rights defenders function.

In all four situations, the arrangements and need for protection are different. There are general and universal protection measures that apply to defenders in any situation, but there are also specific protection measures that need to be employed in particular situations. Human rights defenders also must determine whether protection needs to be molded to specific



Hina Jilani



## HUMAN RIGHTS DEFENDERS POLICY FORUM

kinds of human rights defenders. For instance, women human rights defenders need specific approaches toward protection.

Another category that needs attention is the situation of human rights defenders who work on social, economic, and cultural rights. During my visit to Brazil, I observed an amazing phenomenon because the rules of engagement in social movements are coming closer to human rights norms.

There are also specific rights and freedoms that need attention if human rights defenders are to perform their advocacy, monitoring, and reporting functions. These rights are the freedom of assembly, expression, and association as well as freedom of information. One of the most critical aspects of the work of human rights defenders in the most difficult circumstances is the right to protest and the right to resist. The right to peaceful resistance is important to recognize so that human rights defenders are saved from malicious prosecution and the use of judicial procedure. A lot of the cases that I have taken up pertain to the prosecution of human rights defenders who exercise the right to protest.

### International Support and Cooperation

Given the situations in which human rights defenders work, it is very difficult to carry out functions without international support. Sometimes the international support does not come in the form of an actual presence on site or of people actually doing work for the defenders, such as documentation. The most important aspect is support even by virtue of a single statement coming from the Office of the High Commissioner for Human Rights, either about the defenders in general or as individuals. The statement goes to the government, a single letter saying we are concerned about the situation of this particular person and giving that person legitimacy through recognition. Afterward, I have seen governments step back immediately. I think multilateral organizations, especially the United Nations, can do a lot.

The kind of support that human rights defenders need is not just concrete measures but also principles,

emotional support, acceptance of their roles, and legitimization. The diplomatic community inside the country needs to realize that the defenders, regardless of their relationship with the government, cannot be denigrated and undermined. Many governments perceive human rights defenders as a destabilizing influence, and that trend is very dangerous. Sometimes human rights defenders need access to the United Nations and to the diplomatic community—to be able to knock on their doors and ask for help and support.

I am extremely disappointed by the role that the United Nations Development Program (UNDP) and

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*The international human rights community needs to engage with human rights defenders on the ground to give them legitimacy and visibility and to send a very clear message to governments that these agents are critical to any kind of change in a country's human rights situation.*

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the U.N. country teams have played in the protection of human rights defenders. I have seen the deliberate avoidance of human rights defenders, especially of those who are in trouble. If the UNDP's mandate does not allow a response, then the least they can do is alert people whose mandate does allow it. This is the result of the kind of hierarchy that has been created in the United Nations between the U.N. political system and the U.N. human rights system. If they do not work hand in hand, human rights cannot be promoted and protected. When peacekeepers go to a particular country, human rights defenders and the human rights agenda need to become an important part of their work.



## HUMAN RIGHTS DEFENDERS POLICY FORUM

### **Governments' Involvement or Avoidance of Human Rights Defenders**

When we are talking about the role of human rights defenders ending human rights crises, multilateral organizations like the United Nations have succeeded in engaging with governments that are committing these atrocities. I've personally observed a very strange trend where governments perceive themselves as victims of circumstances and conditions that they themselves have created. In the example of Darfur, the government is only willing to engage after it has extorted from us some kind of an acknowledgment that it can only correct the situation after the international community fulfills its needs. Its needs are technical assistance, such as a lot of conferences and seminars, and not a single act and measure that concretely deals with the atrocities themselves.

The protection of human rights defenders is one of the most difficult areas in which the government wishes to engage and to make corrections. Although the government is willing to talk about women's and children's rights, they step back on the topic of protecting human rights defenders. The international human rights community needs to engage with human rights defenders on the ground to give them legitimacy and visibility and to send a very clear message to governments that these agents are critical to any kind of change in a country's human rights situation.

### **Israel and Palestine**

I was in Israel and Palestine at the end of 2005, in my capacity as the special representative of the secretary-general. I was the first U.N. special rapporteur invited by Israel for a mission. When I visited that area, I was absolutely taken aback. The reality was so amazing

there; it is a very, very unfortunate situation. Israeli human rights defenders have the liberty to say what they want, but it is not the same for the Palestinians. The Palestinian Authority has been expected to do much more than it has the power or the resources to do. However, whatever constraints the Palestinian Authority feels, it has to realize that it represents a population under occupation. It has to respond to those needs and not copy the practices of the occupation.

We found arbitrary detention and violence toward human rights defenders for speaking out and intolerance for criticism by the Palestinian Authority. On the other hand, what was extremely heartening and encouraging was the way that the Palestinian defenders were responding. They refused to be cowed down. Many do not perceive themselves as victims, and that is extremely important in the context of Palestine. The international community has to realize that if the Sudanese government has to implement resolutions of the U.N. Council on Human Rights, or the Security Council for that matter, so does Israel.

**Hina Jilani** (Pakistan/U.N.) is the United Nations special representative to the secretary-general on human rights defenders. She has practiced law since 1979 and opened the first women's law firm in Pakistan in 1980. She specializes in human rights litigation and is especially concerned with the human rights of women, children, minorities, and prisoners. She has conducted several cases that have become landmarks in setting human rights standards in Pakistan. As an avid social activist, she was a founding member of the Human Rights Commission of Pakistan and the Women's Action Forum. Over the past two decades, she has been involved with the United Nations Center for Human Rights, The Carter Center, and the U.N. Conference on Women. She has received several awards for her human rights work from organizations such as the American Bar Association and Human Rights Watch.



## TESTIMONIES

### ZAINAH ANWAR

#### WHEN HUMAN RIGHTS CLAIMS CONFRONT TRADITIONS

The question before us is really who gets to decide that in the name of cultural diversity, in the name of multiculturalism, certain human rights can be violated or can be delayed? In the name of peace and development, again human rights concerns and principles can be pushed aside, until we get peace and until we get development.

The international community must recognize that there is a diversity of voices within a particular country and within a particular faith community, and especially the voices of women who are emerging to challenge religious institutions and definitions of what a religion means. And here, in particular, I am talking about Islam. There is a diversity of struggles going on within our community.

But whose voices get heard? Are the voices of the human rights defenders on the ground that seek to bring about change, that seek to bring about reform, are they heard? Or is it to maintain goodwill, to maintain leverage on governments that you allow the voices of leaders of government and faith groups that don't recognize human rights principles, that don't recognize justice and equality, to be heard as the dominant voice?

Who decides when there is a debate about whether the constitution will have a section on fundamental liberties, recognizing every individual as equal before the law, outlawing discrimination on the basis of gender? Yet we find a clause that will give exception to religious and customary laws. So, who gets to decide that in the name in religion and custom that women can be discriminated against and the human rights of women can be violated?

Also, faith community leaders on the ground who are also pushing for human rights, for equality, for justice, for freedom, for dignity do exist within the community, within the local community! So, how do we get these voices out there and recognized?



*Zainah Anwar*

My group is taking an initiative to launch an international movement for Muslim family law reform within the framework of justice and equality and really bringing a big coalition of women's groups and scholars working on family law reform. We will work within the framework of justice and equality starting with family law but pushing for an Islam that will recognize justice and equality as fundamental to the teachings of the faith. We will do this in a huge coalition of women's groups that are on the ground, dealing with the impact of injustice and inequality in family law on women.

**Zainah Anwar** (Malaysia) is the executive director of Sisters in Islam (SIS), a nongovernmental organization working on the rights of Muslim women within the framework of Islam. Founded in 1988, SIS has been at the forefront of the women's movement that seeks to end discrimination against women in the name of religion. The group's activities in research, legal services, advocacy for reform, public education, and capacity building at the national and international levels help to promote the development of Islam and uphold the principles of justice, equality, freedom, and dignity within a democratic state.



## HUMAN RIGHTS DEFENDERS POLICY FORUM

### SONJA BISERKO

#### REFLECTIONS ON THE FORMER YUGOSLAVIA

Thank you to The Carter Center for inviting me to this conference to share some of the experiences we had in Serbia and in the Balkans. I would like to focus on the overwhelming challenge, which was the failure of the international community to adequately respond to that crisis, based on a lack of political will and a lack of consensus to deal with it while it was still preventable. I can recall or mention a few steps, but unfortunately the international community did not stand up behind their own decisions, like the Hague Conference from 1991. And when I say the international community, I mean all of them: major governments, international organizations, and NGOs. And unfortunately, that goes for the U.N., too. The so-called “neutrality,” in fact, almost always helped one side, regardless of good intentions; in our case, it was the aggressor’s side. Neutrality does not mean that we can lose sight of the context because this could lead, as it did, to the Srebrenica massacre; I do not have to remind you what happened there.

#### Civil Society

Another major obstacle was the poor status of civil society organizations at that time, in particular the human rights organizations in the former Yugoslavia. In this context I would also like to mention that the citizenship context is also a problem for many of these, I would say, collective societies, which reject the concept of individual rights, and this continues to this very day. Those NGOs were being established in parallel with the unfolding crisis and were not strong enough to substantially influence the course of events. From the start, the Belgrade group of Muslims divided the blame equally on all sides, thus aligning itself indirectly to the nationalist Serbian government, while the groups in the newly established countries mostly identified with the countries under attack from the Belgrade government.

The conflict over interpretation of the conflict is still not entirely over, neither within the new coun-

tries nor in some parts of the international community, as you can see from the developments related today to the Kosovo issue. This lack of common interpretation was not and certainly is not the result of ignorance, since there is an abundance of independent documentation of human rights violations, but rather it is the frequent case of pragmatic subordination of the human rights issue to specific political interests.



Sonja Biserko

#### Voices of Human Rights Defenders

Third, in the first phase of the conflict, human rights defenders were not considered as factors of any significance at all and basically failed to influence, even less change, the position of either the international and local audiences. Yes, then they were rather isolated voices, but what they were voicing was the much-needed truth about the scale and nature of the origins of human rights abuses. Often human rights defenders were and still are considered radical, militant, and more often than not, not sensitive or adaptable enough to the perceived political needs of the specific times. This was especially the case in the period after the transfer of President Slobodan Milosevic to The Hague tribunal. Most of the NGOs dealing with human rights were recognized or perceived by foreign diplomats in Belgrade as destabilizing factors of the society. They felt that removal of Milosevic would be the end of Serbia’s evil past, so, unfortunately, until the assassination of Prime Minister Zoran Djindjic, this was the case. Some of the leaders of the NGOs’ coalition, which took part in Milosevic’s overthrow, identified with the new ruling party and eventually integrated in development. Those who continued to



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be critical were immediately singled out as too radical and destabilizing of the new government.

### The Role of the Media

Fourth, press and electronic media, mostly government-controlled, were and still are in our country the main instruments in instigating mass crimes by spreading hate speech. Human rights defenders are more or less at their mercy. Campaigns against human rights defenders usually stop after the intervention by some major international NGOs or by a European or

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*Often human rights defenders were and still are considered radical, militant, and more often than not, not sensitive or adaptable enough to the perceived political needs of the specific times.*

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the U.S. government. The media has failed to offer the truth about the war and human rights abuses to the Serbian people. There was no debriefing of what has happened. The smear campaign against anyone or any organization may be organized in a day or two because there was no effort to ever tell any truth. In the current situation, for instance, Albanians have been continuously demonized as the greatest enemies of Serbia. I have to point out that there has been no international response to that because, among other things, it is held that such efforts may endanger the freedom of expression so there has to be some reflection on this very important instrument.

Fifth, one of the major obstacles to our work was the lack of recognition, both at home and abroad, of the latent impact of virulent nationalism on the

public opinion of ordinary people for a huge part of the population. Additionally, nationalism in Serbia was not only long-running but also a singular and deeply engrained political tradition of more than a century. Therefore, the anti-war movement that initiated in the 1990s in Serbia, as weak and disorganized as it was, did not have a chance except as it concerned the mobilization of youth. But it is important to note the several NGOs, including the Helsinki Committee, that emerged from that movement. On the whole, all of these factors contributed to the deep frustration of the local human rights defenders, for they were left without substantial support. Moreover, they were often sidelined by some international actors as troublemakers.

### The Serbian Orthodox Church

Unfortunately, I have to say that the situation we face in Serbia is not a good example of faith-based organizations that work with these ideas mentioned here. The reason is simple and I would say tragic. The Serbian Orthodox Church has played the major negative role in laying the groundwork for the conflict, together with the Serb Academy of Arts and Sciences and Serbian cultural and intellectual elites. I have to mention that The Hague Tribunal has mainly dealt with political and military officials, and no figures from the religious hierarchy or cultural elite have been held accountable for their part in instigating ethnic intolerance, hatred, and violence

**Sonja Biserko** (Serbia) is a leading Serbian human rights defender. She is currently the head of the Serbia Helsinki Human Rights Committee, which she founded in 1994, and also serves as a member of the executive board of the International Helsinki Federation in Vienna. She was also a founding member of the Center for Anti-War Action, Belgrade, in 1991; the Belgrade Forum for International Relations, in 1992; and the European Movement in Yugoslavia, also in 1991. Biserko has published numerous articles and books in English and Serbian. In 1994, she received an award from the Lawyers Committee on Human Rights for her work. She was trained as a career foreign services officer for Serbia.



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BERENICE CEYLETA

In Colombia, we have to confront historical mechanisms of impunity that have been there for 40 years. Add to this the “war on terror,” which our government uses to accuse human rights defenders of terrorism. Why do they believe that human rights and defenders of human rights are a terrorist threat? It is now a globalized concept that we are dealing with.

We all speak a common language here, we speak the same language, and it’s the language of defending human rights. But the war machine that is running around throughout the world in the end has the power that will determine the economical, political, and military situation.

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*The war machine that is running around throughout the world in the end has the power that will determine the economical, political, and military situation.*

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Berenice Celeyta

We need big solutions, and those big solutions have to do with political decisions, and those political decisions are in the hands of those people governing the world and who have the power. The problem is not jurisdictional; laws have been in place since World Wars I and II, and they are very important. In Colombia, it would be enough just obey the laws for us to enjoy, with dignity, our human rights.

**Berenice Celeyta** (Colombia) is president of La Asociación para la Investigación y Acción Social—NOMADESC (Association for Social Research and Action), a nongovernmental organization dedicated to working with communities in southwestern Colombia and the Magdalena River Valley in north-central Colombia. These communities are particularly hard-hit by violence and oppression. NOMADESC works primarily with women, trade unionists, campesinos, and the Afro-Colombian and indigenous peoples. By facilitating legal support, education, and accompaniment, Celeyta and her team work with affected communities to raise social awareness and promote empowerment. They use civic and legal tools to nonviolently defend themselves and assert their human rights. She received the Robert F. Kennedy Memorial Award for Human Rights in 1998.



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## KAMALA CHANDRAKIRANA

Thank you very much to The Carter Center and Human Rights First for inviting me to be part of this forum. I am Indonesian, and I will speak about my experiences in Indonesia in addressing not one incident of mass atrocities but many incidents in the past 40 years of our history.

In the 1960s, a 32-year dictatorship was born out of a mass atrocity directed against anybody who was perceived to be communist. This incident resulted in the mass killings of up to half a million people and arbitrary arrests and torture on a massive scale. During the rule of the dictatorship in the provinces that are furthest from the center, where the challenge to the power of the center was very high, these areas—Aceh, Papua, and occupied East Timor—were being established as military zones where the military had full control with no accountability and where many gross violations of human rights happened in the name of the Indonesian people.

In 1998 we had a change, and President Carter came to monitor the elections. Immediately afterward, the country broke down into communal conflict in various parts. The conflict was between Muslims and Christians and/or indigenous people versus incomers, people who were previously living as neighbors for generations. At its peak in 2002, as many as 2 million Indonesians were displaced. Except for East Timor, all of these incidents were viewed by the international community as domestic matters and therefore did not warrant international intervention. And up to this day, when we are reaching 10 years of our reform period, the truth from all of these incidents has not been fully disclosed, and accountability remains an elusive goal.



Kamala Chandrakirana

## National Commission on Violence Against Women

The organization that I work for was born out of an incident of mass violence and was shaped by all of the mass atrocities that have happened in the past 40 years. The incident that gave birth to us was a mass riot in May 1998, which triggered the dictator, General Suharto, who at that time was one of the longest-reigning dictators, to finally resign after 32 years. In the midst of the mass rioting, mass rape occurred. There were many denials that the rape happened because none of the victims were confident

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*It is not just that there is no rule of law and there are no investigations. We also face the silence that women have to go through; the risks they take in speaking out mean they can be ostracized by their own community. The tendency of the community is still to blame the victim in the case of sexual violence.*

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enough or were well enough to speak out. Because of these denials, there were many protests by women's groups. Out of the protests came an agreement by the president, the new president at that time, to establish a national mechanism to address all forms of violence against women, and this is the institution that I work for, the National Commission on Violence Against Women.

My role as a defender is to ensure that this public institution, which is very new and unprecedented in Indonesia, and maybe also not very common anywhere else in the world, becomes an effective mechanism of human rights for women and that it is responsive to the needs of victims and accountable to the public.



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### Lessons Learned as a Defender

Let me share a few lessons we have learned so far in doing this work in the past nine years. First, we found out very quickly that our first task was about truth, because in fact, particularly on the issue of violence against women, it is not just that there is no rule of law and there are no investigations. We also face the silence that women have to go through; the risks they take in speaking out mean they can be ostracized by their own community. The tendency of the community is still to blame the victim in the case of sexual violence. So, even before accountability comes truth, and for us that meant not just going to the military zones, which by that time had become independent, but also going into the past 40 years to meet with the women victims of the 1965 massacres in order to understand their experience as women during that time. We had to make sure that in bringing out truth in relation to violence against women, we created a support system or an approach that would prevent their re-victimization. The principle of “do no harm” that Arbour mentioned also applies to us as defenders when we are engaging with victims. Through that process we are learning as we go about the ethics of working with victims and communities of victims.

On the issue of justice, from our discussions and from listening to women victims of violence, we find that in a country like Indonesia where the rule of law never existed, looking for justice in the courts is something that is very long term. We cannot wait to talk about justice from the legal system or judicial reform because it will take decades. We learn from the victims when we speak about justice. How much we learn, particularly from women and victims of sexual violence, depends on the sense of justice within their communities and families. We understand how fragile it is to be dependent on the level of commitment to justice within their own communities, because in fact, it is these communities that ostracize them for being impure because of rape. It is also their leaders who neglect to hear their voices and their

needs, which leads them into further impoverishment. The lesson from this is that social and economic justice requires a community-wide effort to transform themselves, to transform their values, to transform their institutions and their behaviors so that they are able to embrace the women victims of mass atrocities and sexual violence.

We have learned with our work on truth and justice that the environment can shift suddenly in the process of working on truth and justice for women victims of mass atrocities and sexual violence. For example, in Aceh, when after more than a decade of armed conflict and trying to struggle to find truth and justice in the context of mass violence, suddenly the ground shifted, and the rise of religious fundamentalism came very quickly. The whole peace process in Aceh actually incorporated the legal enforcement of Shari’a law in Aceh. Of course, in this case, women

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*When we see huge resources and a huge international presence in countries devastated or societies devastated by mass atrocities, it is important for us to be aware that the imbalance of resources between local and international institutions can undermine the viability of local institutions on which we depend for long-term peace.*

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are the ones who are the first victims of it because religious fundamentalism is the attempt to control our bodies and minds.

We have also learned how fragile the peace process is and how long the journey to justice is. And because of this, it becomes important that we are able to work



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not just in the time frame of projects but also in terms of building institutions. It becomes imperative that we build the leadership of indigenous institutions and not just depend on international organizations to perform activities, emergency work, and capacity building. Indigenous institutions need the new standards that we have developed internationally after all these years. We have to find a way to facilitate the internalization and articulation of these international standards within indigenous institutions that live where the victims live.

These can be modern institutions but also traditional institutions, and for this I would like to go back to the principle of “do no harm” that Arbour mentioned earlier about how international institutions work with local and national institutions. When we see huge resources and a huge international presence in countries devastated or societies devastated by mass atrocities, it is important for us to be aware that the imbalance of resources between local institutions and international institutions can undermine the viability of local institutions on which we depend for long-term peace.

### Appeal to Protect Defenders

I would also like to mention a few words about the work of defenders because we do our work in defiance of the odds. There is very little support for us and particularly for women. Many of us have become banished from the category of good women, and that is a fundamental attack to our existence. We also build institutions, but the institutions we build are shaped

by the values and the work we do. We need your support to ensure that the institutions through which we work become viable, credible, and capable of meeting the challenge of long-term peace and justice.

The work of defenders becomes exhausting and as damaged as the people they call victims of mass atrocities. Many of them fall ill, sometimes from simple exhaustion. Defenders need space to heal and reflect, and this is part of the support we think is necessary. So the need for human rights defenders is not just protection during the times of danger but also facilities to ensure that their institutions are viable and they have the ability to heal after long years of hard work.

**Kamala Chandrakirana** (Indonesia) is a human rights defender. She has contributed to the establishment and growth of numerous civil society organizations working in the areas of poverty eradication through coalition building; anti-corruption through the Indonesian Corruption Watch (ICW) and JARI Indonesia, a national network on “development watch” initiatives; and women’s rights through the establishment of a women’s rights education institution for Muslim communities (RAHIMA). She is also in the board of human rights organizations, such as ELSAM and Imparsial. Since 1998, Chandrakirana has played a key leadership role in developing a credible independent national commission, Komnas Perempuan, established by presidential decree to work for the elimination of violence against women and the promotion of women’s human rights. Through this commission, she has initiated a number of fact-finding efforts on women in armed conflict situations (in Aceh and Poso) and in natural resource conflicts (in a mining area in North Sulawesi) as well as developed strategies for legal and policy reform. Based on this work, Chandrakirana was among the 1,000 women nominated by an international coalition of women’s rights advocates for the Nobel Peace Prize in 2005.



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### MARC ELLIS

#### POLITICAL EMPOWERMENT



Marc Ellis

Although I do not want to personalize this, the idea that Palestinian human rights and Israeli human rights are on the same side is an illusion. It is an illusion because the power of Israel, the facts on the ground, already has sealed the fate of the Palestinians.

So human rights cannot be guaranteed and cannot be the foundation without political empowerment. We have to look at what progressive Jewish groups, the United Nations, and other groups have to say about the political empowerment of the Palestinians, not the human rights situation. In my lifetime, this discussion has been going on forever, since I first visited Israel in 1973. Continuously since 1984, if you just take what I have seen, it is not sporadic, it is not unplanned, it is not through excitable fundamentalist settlers; it is a civilian government bureaucratic extension of Israel that is permanent. So if we are going to do human rights work, let us ask why these groups include human rights groups that are heavily dependent on donations and works by Jews. In the narrative that we have in the West around the Holocaust, including Christian Zionists, we have got to get to these issues if we are going to talk about the political empowerment of Palestinians, which would mean the pushing back, physically, of Israel. Now if we are not willing to talk about that, we are not really ever going to be able to protect Palestinian human rights; it is an illusion, which, as a Jew, I would like to dispel.

#### Justice and Human Rights

Human rights issues become more complex as the violations come closer to home. Often left unaddressed is justice for those whose rights have been violated. Without justice, human rights cannot be achieved over the long term; as Jews we know this throughout our history. The temptation is to violate the human rights of others once we finally escape the violation of our own. Thus, the cycle of violence and atrocity, of justice denied to us, and then when the time is right, denial of justice to others. We as Jews have succumbed to this temptation. Is there a way out of this cycle? Do Judaism and other religions offer us a different path? My answer is yes and no, not by themselves, perhaps with others in a new diaspora.

#### Speak Truth to Israel's Power

In the desert and in the "Promised Land," the prophets came to the people of Israel as a sign of contradiction; the prophets told us that when injustice is practiced, the covenant is violated. The prophets speak truth to Israel's power by citing Israel's failed social experiment to create a society different than the one we experienced in Egypt. We are witnessing this failure again today. The prophets see this failure through the maltreatment of what has become the marginalized of Israel: the poor, the widowed, the orphaned, and the strangers. Today we would call these violations one of basic human rights. During my years of traveling to Israel and Palestine, I have seen the human rights abuses against Palestinians mount to a level that few American Jews know or seem to care about. The United States is an enabler of Israel's violations of Palestinian human rights. This is also true of the American Jewish community. Should Jews speak truth to Israel's power? Or should Jews help fashion narratives and policies that enable Israel to continue while limiting the dissent of Jews and others in the United States and the world?

Parts of the Jewish establishment see their primary challenge as securing the power necessary for Israel's survival and expansion. In doing so, they silence many Jews and non-Jews who long for another way of life. The Jewish community is divided



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between three minority and articulated factions: Constantinian Jews, Progressive Jews, and Jews of Conscience. Constantinian Jews have institutional clout and personal financial wealth; they have loyalty

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*Human rights cannot be guaranteed  
and cannot be the foundation  
without political empowerment.*

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of elected political officials, especially in the United States. Progressive Jews ostensibly struggle against the Constantinian Jewish establishment; for the most part, this fight has been rhetorical rather than substantive. At best the strategy the Progressive Jewish opposition pursues is to protect the human rights of Palestinians who remain and the little they have left to lose. This has been clear for decades: the call for human rights protection without political empowerment is a dead end for the Palestinian people, but is this not true everywhere? Jews of conscience are in exile from the Jewish community since the tangle between Constantinian and Progressive Jews is about the limits of Jewish power rather than the call to radically evaluate its trajectory. What Jews of conscience see is a disaster that has already arrived; only a new opening to Palestinians in confession and full equality will do. Again, this is true of so much of the world.

### **New Paradigm**

We need a new paradigm of life together; the old trajectory is a recipe for disaster, which in many places of the world has already arrived. This new trajectory is a process of revolutionary forgiveness. Here the violator of human rights begins a new journey of equality and justice for all. The pursuit of justice makes it possible to break the cycle that engulfs both parties. With justice at the heart, compassion and forgiveness cannot be far away. Is there a way of joining Jews, Christians and Muslims of conscience in this effort? We must begin by confronting Constantinian Judaism, Constantinian Christianity,

and Constantinian Islam and the political powers they bless and often represent. But we should not be seduced by the pieties of progressive rhetoric from individuals or institutions. Often they enable the injustice to continue. The expulsion of Palestinians in 1948 was the beginning of the unraveling of Palestine. This unraveling continues with the further dispossession and settlement of Palestinian land. Again, as in the broader framework of human rights work, the violation of human rights typically has a prior political history that must be addressed. What resources are available to Jews, Christians, and Muslims of conscience as the other strategies have failed? What is it within each community that can subvert the rhetoric of innocence and the posturing of the violations of human rights as a necessity to ensure its survival?

Imagine for a moment the prophetic informing the people of Israel once again; imagine the coalition of the prophetic as Jews, Christians, and Muslims of conscience bond together. Imagine the creation of a new covenant when people of conscience form a new diaspora. The new diaspora demands a political acumen strengthened by religious sensibilities. These religious sensibilities, fragmented and humbled by history, reach out to others in need. This need is for comfort, "Isaiah's shelter from the storm," and also a political structure that allows the power of protection. The new diaspora enjoins the powerful to enter into an interdependent empowerment that overcomes injustice sometimes with a former enemy, thus promoting revolutionary forgiveness. Today we are confronted with a choice as to which part of the Bible and which part of our history we emphasize and choose. This choice becomes a question of conscience, conscience defined as the movement toward the other, which is at the same time a movement toward God.

**Marc Ellis** (United States) is director of the Center for Jewish Studies at Baylor University. Influenced by the Jewish ethical tradition and the dissonance of Jewish life after the Holocaust, Ellis has sought to rescue the Jewish ethical tradition in the face of the demands of modern times and develop insight into Jewish-Christian-Muslim relations and their complexity today.



## HUMAN RIGHTS DEFENDERS POLICY FORUM

### ROBERTO GARRETÓN

Working for human rights has a political dimension. We should not forget that the Universal Declaration of Human Rights claims that it represents the common ideal by all people and nations. It is a political ideal with very deeply moral content. The Universal Declaration of Human Rights is one of the most important texts created in the history of humanity, because it was created by human beings—that the protection of human rights would not be only a divine order but is the work of human beings as a result of reasoning, thinking, and from the pain suffered through many decades. This text is very modest, 30 little articles. But this text is today, and I want to insist on this concept, universally acknowledged by all peoples—maybe not by those inflicting suffering on other people, but they see in this text a limitation to their powers, a limitation to their ability to oppress. When the World Conference in Vienna grappled with the debate over whether the UDHR represented universal concepts, we saw that all the people who objected to its universal character represented dictatorships, every one of them. But in the conference discussion on the floor in Vienna where all the NGOs were, there was agreement about the universal nature of the rights enshrined in the UDHR.

We know that religion can work against the enjoyment of human rights, but I will speak of our case, where the churches work in favor of the rights of people. In Chile, during the coup of Augusto Pinochet, the churches began to get together to defend human rights. They started to get together all the religious leaders, and a month after the coup, the committee of cooperation for peace in Chile was founded, including Catholic, Lutheran, Baptist, Methodist, and Orthodox churches, along with the great rabbi of Chile. The union was very impressive because it defended human rights all over the country and served as a model for other institutions in Guatemala, El Salvador, Peru, and Brazil.

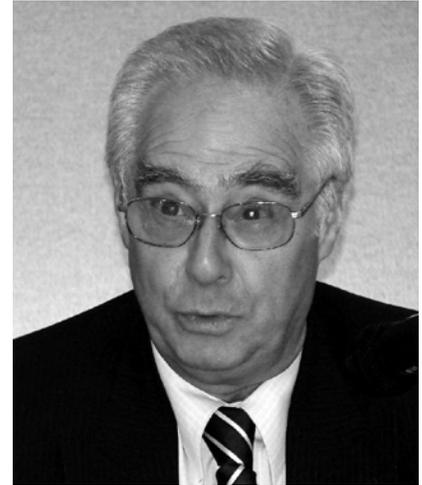
We speak of communities of faith and human rights, but a defender of human rights cannot put his faith or the principles of his church above everything else and ignore or postpone the work for human rights.

When I was working in the Democratic Republic of the Congo, there were some human rights institutions that were defending

their own ethnic group and not other groups. When that happens, the work of the defender becomes perverted. Any other interest, be it political or religious, has to come second to the common cause of the dignity of the human being.

The work of human rights defenders does not end with peace or democracy. They have to keep on working as defenders with the same values with which they worked during the war or dictatorship. Repairing democracy requires a process of establishing the truth, and that is absolutely fundamental. People are not going to believe in a democratic regime that would use lying just like the dictatorships or the warriors did. If you want to be seen as legitimate in the eyes of your people and the international community, you have to operate in the truth.

**Roberto Garretón** (Chile) is a lawyer and expert on transitional justice. He was formerly an attorney for Vicaria de la Solidaridad, a human rights group established by the Catholic Church that worked on accountability issues during and after Pinochet's regime. Until recently, he represented the high commissioner for human rights for Latin America and the Caribbean and served as U.N. special rapporteur for the Democratic Republic of the Congo. He is a member of the U.N. secretary-general's Advisory Committee on Genocide Prevention.



*Roberto Garretón*



HUMAN RIGHTS DEFENDERS POLICY FORUM

# GERARD JEAN-JUSTE

## CHALLENGES FACING AMERICA

If we want peace, we need justice on the social level as well as on the economic level. On the social level, we need equal opportunity. It is almost the same thing on the economic justice level. When I say equal opportunity, I mean equal opportunity for all in America. I am not concerned only about Haiti, I am also concerned about Guatemala and Chile and all the other corners of poverty in America and wherever. So I am begging my brothers and sisters to understand. Put yourselves in the shoes of those who are hungry, thirsty, homeless, refugees; those who are arbitrarily arrested and kept in jail in many parts of America and everywhere; those who are sick and cannot find medication; those who do not go to school. You know how beautiful it is to go to school. It is because we have gone to school that all of us are here today. I do not think they picked up any illiterates to come to this conference.

### Call to Christians

I am bothered when I see all these people not enjoying the basic human needs. That bothers me not only as a person but mostly as a Christian. I try to put in practice what my Savior orders me (I am Catholic),

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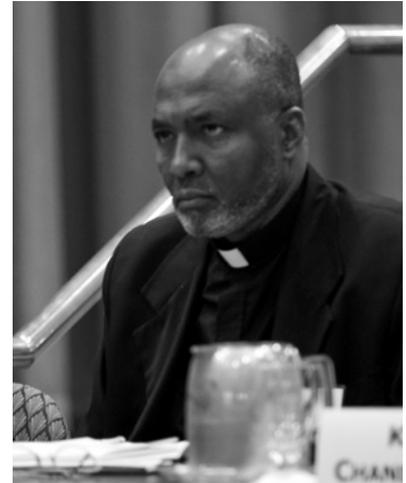
*It is because I am trying to enjoy my human rights by helping others enjoy their human rights that I have been denied my own human rights.*

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what Jesus orders me. For instance, in the Gospel we have a section, Chapter 25 of Matthew, particularly verses 36-46, when Jesus says, “I was hungry, you fed me; I was homeless, you sheltered me; and I was in

prison, you visited me.” So, we have an order to help our brothers improve their lots. When we have so much opportunity in our continent to improve the conditions of our people, and we have not taken advantage of it, I am bothered.

Understand that most of us in America are Christians. Christians are fighting Christians. I am ashamed of that because we can do better. It is because I am trying to enjoy my human rights by helping others enjoy their human rights that I have been denied my own human rights. I have been arbitrarily arrested twice. Right now I could be far below 10 feet of ground, if not for the effort of the State Department, some officials at the U.S. Embassy in Haiti, grassroots people in the United States and all over the world, and Republicans as well as Democrats—particularly the Congressional Black Caucus.



Gerard Jean-Juste

**Gerard Jean-Juste** (Haiti) was a human rights activist and Catholic priest. He co-founded the Haitian Refugee Center Inc. in Miami in the late 1970s to help refugees fleeing persecution under the Duvalier regime and served as its executive director for more than a decade. He returned to Haiti in 1990, where he later became pastor at the Sainte Claire Catholic Church in Tiplas Kazo. Through his church, the Rev. Jean-Juste ran a soup kitchen and other projects to service the community in which he worked. He also became an outspoken critic of human rights abuses in Haiti, using his pulpit and mass media, especially radio shows, to condemn violence by anyone, regardless of their political affiliation or position. As a result of his activism, the Rev. Jean-Juste was arrested several times on spurious charges and imprisoned for months at a time without access to due process of the law. He passed away on May 27, 2009.



HUMAN RIGHTS DEFENDERS POLICY FORUM

ABBÉ APOLLINAIRE  
MALUMALU

I would like to speak about the mobilization of the churches during the elections of 2006 in my country. The churches worked ecumenically and proved that when they work together, they succeed in doing big things. But when individual personalities just want to speak by themselves, they are unable to analyze the situation and make bold moves. The Shared Societies Project, which helped to mobilize the churches, concentrated on the people more than problems. This helped us get people to participate in the elections.

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*The real problem that we have in the Democratic Republic of the Congo is figuring out reconciliation between the exploitation of natural resources while developing its human resources.*

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If we can define the conflict as a pursuit of incompatible purposes with various actors, then this fight may be limited by its territories, resources, and power but also by values, collective identities, personal controversies, and rationales. The real problem that we have in the Democratic Republic of the Congo is figuring out reconciliation between the exploitation of natural resources while developing its human resources. The Congolese men and women should be at the center of the policies, both at the external

and the internal level, but they are not. This is our challenge now.

What, then, is the role of organizing free and transparent elections in limiting and diminishing the conflicts? Elections can play a double role.

First, they make it possible to courageously confront the crisis of power legitimacy. People who claim their power through force of arms and negotiations are not accountable to the population, and they have externally focused policies that do not benefit the people. So, it is important that the population elect its leaders. The population seeks transparency in elections and was mobilized by this hope during the 2006 elections. Again, the churches helped make the elections a success.

There is also the governance crisis. Organizing elections exposes all the problems (territorial, cultural, and economic) that a country has to solve in the long run. The elections process exposed some recurring problems. First, our lack of territorial security in the Democratic Republic of the Congo was evident. We did not have an army to guarantee the security of our territory, so militias proliferated. Secondly, women were marginalized in the election process. Very few women were elected, only 4 percent. Lastly, participation overall was limited by internal movement and displacement, with many people outside of DRC with refugee status. If we can get the churches to join in this effort to improve governance and the protection of human rights, it will be a major achievement.

**Apollinaire Malumalu** (Democratic Republic of the Congo) is a Roman Catholic priest and president of the DRC's Independent Electoral Commission.



*Abbé Apollinaire Malumalu*



HUMAN RIGHTS DEFENDERS POLICY FORUM

# INGRID MATTSON

## THE ROLE OF FAITH COMMUNITIES

I am concerned about the notion of economic and social injustice as a root cause of conflict and would like to consider what it means when we degrade a human’s sense of dignity rather than advancing it.

What has so often happened historically, whether in our national normative discourse or within our faith traditions, is that our faith traditions uphold the dignity of humanity, but we are selective in to whom we ascribe humanity. The United States denied humanity for African Americans for centuries while upholding the rights of human beings. I think it is the original sin of taking humanity away from a group of people that makes it possible to allow indignities to happen to these people.

When we look at the role of faith communities, we have to consider not only how these communities support the dignity of the human being but also how they create a sense of in-group and out-group that leads to a sense of dehumanization of the other.

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*Our faith traditions uphold the dignity of humanity, but we are selective in to whom we ascribe humanity.*

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### Chasms Between Religious Groups

When talking about Christian Zionists, these are the same group of people that historically demonized Jews. Now suddenly in the Christian Zionist churches you find all these Jewish symbols, and people are learning Hebrew and they are dancing Jewish folk dances. What that says to me is that we need to look

at the formation of our identities as people of faith and see the inevitable creation of a division between us and the others.

Now with the Christian Zionist movement, you have the feeling of “Yes, we Christians and Jews against Muslims.” We are completely dehumanized, and that is done via ignorance of Muslims and lack of contact with them and then giving a very selective teaching about Islam. Faith leaders, and especially those who work in education and the formation of clergy, need to consider our basic construction of our religious identity and in what ways we inevitably end up dehumanizing one group or another.

I came here from the annual convention of the organization of which I am president, the Islamic Society of North America. We are the largest and oldest Muslim organization in America with a broad tent. We had more than 30,000 people at our annual convention—Muslims representing all different walks of life, Christian and Jewish faith leaders who spoke at our convention, as well as representatives of the U.S. government.

When we talk about faith and human rights, faith obviously plays a positive and negative role. There are human rights that are violated in the name of religion. There are individuals’ human rights—the right to religious freedom—that are violated by political forces and others, but also there are faith communities that are very active in defending the rights primarily of their own religious brothers and sisters in faith. We need to transcend that parochialism if we are going to get beyond the negative effect of religion’s involvement in power struggles throughout the world.



Ingrid Mattson

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HUMAN RIGHTS DEFENDERS POLICY FORUM

**The United States' Treatment of the Muslim Community**

Since 9/11, the U.S. Muslim community has learned a lot and has struggled with human rights. Our own government has violated the human rights of Muslim Americans in many cases. This has been a struggle and a learning experience for us. We were a community that felt very comfortable in America and felt that many Muslims came to America to seek refuge from political persecution, restrictions of their religious freedom, and other restrictions from other countries. We were shocked to find in the U.S. that some of our rights were now being restricted and that the American public at large has advocated for the restriction of the civil liberties and civil rights and human rights of Muslim Americans, including having special identity cards for Muslims. It is not a yellow star but a more up-to-date sign of being a Muslim.

What has been remarkable, and I take it as a sign of God's grace, is the response from many of our brothers and sisters in other faith communities, in the human rights community, and in the civil rights community. These people have said that this is not what America is about, and they are not going to accept that. This is something that has made it possible for us, as a community, to continue to advocate for human rights internationally. Very often we are the recipients of State Department–sponsored groups of international delegations of Muslim religious leaders, activists, and journalists who come to see religious pluralism in the U.S. and how the Muslim-American community is doing. We travel and meet Muslims in other countries, and there is an expectation that we can demonstrate the value of human rights and democracy by our very presence in America and our knowledge of living in a democratic, pluralistic society. We are a religious community that is a very small minority in this country, but we have not been

limited in our practice of religion. We tell them that they should not fear freedom, and, in fact, our community has flourished as well as our ability build our institutions, to practice Islam, and to be Muslims in the fullest sense of the word.

The restrictions that have been placed on us have brought skepticism on the part of the international Muslim community about America's claims to support democracy, human rights, and freedom. These restrictions include special registration, all sorts of infringement upon our movement within the United States, violations of human rights, and American citizens like Jose Padilla being declared an enemy combatant within the United States subject to isolation.

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*We need to transcend parochialism if we are going to get beyond the negative effect of religion's involvement in power struggles throughout the world.*

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Sometimes we find that the international community uses that as an excuse to say, "Well, look at America, it is all hypocrisy. How could anyone criticize us?" But we have been able to respond because we believe in these values. We can say that we are going through a difficult period, and we have erred on the side of being cautious or restrictive to protect the citizens.

We disagree with many of the measures that the current administration has taken, but there are people who have stood up for us—this congressperson, this senator, the head of this major religious organization—Jewish, Christian, and others. This support has taught us that this country is not perfect, but we



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are committed to a democratic engagement to access our rights. When a delegation came from Iran last year and tried to say that U.S. Muslims are oppressed in America, we said that is not the case. We have a range of freedom and partners and allies. We told them we wanted to ask about their statements on Holocaust denial, about the restriction of women in Iran, and they did not expect that from us. That has been helpful and encouraging.

The war on terror has severely impeded the ability of Muslim human rights defenders across the world to access their rights. It is very easy to classify them as terrorists or Islamic extremists, not only when they are trying to access their political rights but also their social and economic rights. You see that in places like southern Thailand and other places where there are disputes over access to ports and the land to have natural gas exploration or to put in oil pipelines. People who oppose the appropriation of their land and their resources for very understandable reasons, because they do not want their land to be polluted and destroyed, are being characterized as extremist, as some kind of religious response. I would like to encourage the human rights community to listen to what Muslim activists are saying in their struggles. Very often we put a religious context around any

kinds of rights discourse in which Muslim activists are engaged. Even when they express their faith in the righteousness of their struggle, that they believe that God is with them, they are not saying they are religious fanatics but that faith gives them hope. When we hear Muslims say that, we tend to say, “Oh, you know, we are very worried that these are religious extremists or fanatics.” So, listen to what they are saying about land, water, and sovereignty, and take that seriously.

**Dr. Ingrid Mattson** (United States) is the first female president of the Islamic Society of North America. She is also professor of Islamic Studies and director of Islamic Chaplaincy at the Macdonald Center for Islamic Studies and Christian-Muslim Relations at Hartford Seminary in Hartford, Conn. Dr. Mattson was born in Canada, where she studied philosophy at the University of Waterloo, Ontario (B.A. '87). After university she converted to Islam. From 1987–1988 she lived in Pakistan where she worked with Afghan refugee women. In 1995 she served as adviser to the Afghan delegation to the United Nations Commission on the Status of Women. During her graduate studies in Chicago, Dr. Mattson was involved with the local Muslim community, serving on the board of directors of Universal School in Bridgeview and as a member of the Interfaith Committee of the Council of Islamic Organizations of Greater Chicago. Dr. Mattson earned her Ph.D. in Islamic Studies from the University of Chicago in 1999. Her research is focused on Islamic law and society.



HUMAN RIGHTS DEFENDERS POLICY FORUM

## JESSICA MONTELL

### FREEDOM OF MOVEMENT IN ISRAEL/PALESTINE

Freedom of movement is really the most pervasive and crippling of human rights issues that we are facing. We in Israel/Palestine may think that we are



Jessica Montell

in the center of the universe because of the amount of headlines and column space that we occupy in the world's newspapers; you would think we were a huge empire. Israel/Palestine is a very tiny area—15 years ago you could get into your

car and drive from Gaza, across Israel, all the way to the end of the West Bank, so all of the area of Israel/Palestine may be traversed in an hour and a half. Today, you could not make that trip, not in a week; it would be impossible. For me as an Israeli, it would be virtually impossible, and certainly for any Palestinian it would be impossible. You would have to pull a great many strings to travel from Gaza through Israel to the West Bank.

#### The Gaza Strip

Gaza today is virtually locked down. We used to use “one big prison” as a metaphor for the Gaza Strip. Today, I think it is not a metaphor but actually a literal description of the situation in Gaza. You have a very severe deterioration regarding all issues related to freedom of movement and other issues of personal safety for Gazans. Over the past seven years, the last blow following the Hamas takeover was the division

between Hamas and Fatah, the two Palestinian factions in Gaza and West Bank. Now Gaza is completely shut down. There are no exports. The only goods getting into Gaza are bags of flour and beans and the most essential medicines, so the economy has been crippled. I think the latest figures, in terms of poverty, are that about 80 percent of the population is dependent on food aid; literally, they will starve without these bags of flour and beans that the international community is providing. That is more than a million people, and 10 years ago it was about a few thousand, that were living in such abject poverty. This is primarily a result of the restrictions on freedom of movement in the Gaza Strip.

#### The West Bank

The other part of Palestine, the West Bank, is also very severely crippled by restrictions on movement. The West Bank, a very small area, has been further subdivided into six areas. Through a system of checkpoints, physical obstacles, and restrictions on roads for Palestinian use, there are roads in the West Bank that are for Israelis only. Although the roads are running through Palestine, Palestinians are not allowed to use these roads. Then there is the separation barrier, the last in a series of mechanisms to restrict Palestinian movement, which is sneaking its way inside the territory of the West Bank.

Now the West Bank again is subdivided into six areas, and between some areas you can travel with a great deal of difficulty, while others are completely off-limits to Palestinians. To cross over the separation barrier, unless you live on the other side, is virtually impossible. East Jerusalem, which is an integral part of Palestinian society and the Palestinian territories, is completely cut off for Palestinians. Even a Palestinian Christian or Muslim who wants to pray in their faith's most holy sites do not have access to Jerusalem. So it is easy to imagine what the effects of these very severe restrictions would be on all aspects of daily life. We start with the right to life and the right to get access to urgent medical care. When you consider that Jerusalem is the site of the major hospitals serving



## HUMAN RIGHTS DEFENDERS POLICY FORUM

Palestinians, it is extremely difficult for the staff of those hospitals and for sick people to reach them and get treatment. The economy has really been devastated, as has family life and the ability to visit relatives. In some cases, even spouses have been separated. Then there are the much-less-tangible effects. The right to life is enshrined in international conventions: the right to health and the right to make a living and support your family. But we do not have the luxury to talk about the right to be spontaneous, the right to wake up on a Sunday morning and think, "Let's go visit Grandma today," or "Let's go to the beach today." These things are unheard of for Palestinians.

### Effects on Human Rights Defenders

It is important to talk about how this affects human rights defenders as well. I am an Israeli citizen, and I am legally prohibited from entering the Gaza Strip, although my job is to monitor human rights in the Gaza Strip. So obviously that is an obstacle. But my movement is much less restricted than Palestinian counterparts. President Carter mentioned Al Haq, our Palestinian counterpart in Ramallah. The director of Al Haq, in fact, does not leave his city of Ramallah because he knows that he will be arrested by Israeli authorities. He has spent a great deal of time in administrative detention and now does not risk going through an Israeli checkpoint. So his life is confined to his city, and this is not very unusual.

It is the first time that I have met my colleague Mitri here in Atlanta, although his office and my office must be five miles down the road from each other, but he cannot enter Jerusalem. Where my office is, it is illegal also for me to enter Bethlehem. If you think of that division between human rights activists, it is easy to imagine, then, the polarization between the two societies. Then you think of the need to reconcile two societies in conflict, when Israelis and Palestinians never see each other. In fact, the only Israelis that Palestinians meet today are soldiers. Israelis who are not soldiers basically never meet Palestinians. That only further entrenches the conflict and polarization between the two societies.

### Security Justification

Of course, all of these restrictions on movement are justified by security. I do not want to belittle Israel's genuine security needs. I live in Jerusalem, and we

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*One of our main challenges is to put forward this message: We cannot blindly accept everything that is justified in the name of security, while not dismissing genuine security concerns and the need to ensure that everyone lives in safety and dignity.*

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have had our share of bus bombings and attacks, and certainly my family has not been immune to that and the fear that that engenders. But I think we have to be very careful about blindly accepting the security justifications, and I am frequently amazed at the way that security becomes almost a religion in Israel. It is enough to wave the flag of security, and you are silencing any dissent or public discussions about these policies. Frequently, while there are some policies that genuinely have security benefits, there are others that are conveniently said to be necessary for security, when in fact they are advancing completely different objectives. The imprisonment of 1.3 million people in Gaza certainly has roots in security concerns, but I think it also has a clear element of a collective punishment on the population for supporting Hamas. Israel has said quite clearly they want to make the Palestinians understand that they made a mistake in electing Hamas.

Then there are the road restrictions on the West Bank. The roads for Israelis are only intended to perpetuate the settlements, the Israeli colonies that have been established in the West Bank. One of our main challenges is to put forward this message: We cannot blindly accept everything that is justified in the name



## HUMAN RIGHTS DEFENDERS POLICY FORUM

of security, while not dismissing genuine security concerns and the need to ensure that everyone lives in safety and dignity.

### Accountability

Usually we think of accountability in the context of grave violations and very traumatic events. I think that we also have to think of accountability in terms of restrictions on movement and of the social and economic hardships this creates. In our organization, when a soldier at a checkpoint does not allow someone to get access to the hospital, we send these cases to the military authorities to be investigated—that 18- or 19-year-old soldier should be held accountable. Of course, the government that is perpetrating these policies—and even more so, the government that has designed these policies—must be held accountable as well as the international community.

In Gaza, where 80 percent of the population is dependent on food aid from the international community, people are being kept alive by the generosity of primarily Europe and the international community

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*Where religious activism exists, the links and cooperation are very clear and encouraging. But where it doesn't exist, religion is often very clearly a source of repression.*

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as a whole. But Israel has the legal obligation to be attending to the welfare of this population, so the international community is actually stepping into Israel's shoes financially and allowing Israel to circumvent its legal obligation. I think that that also puts some legal responsibility on the international community. You have to wrestle with, on the one hand, how you ensure that people continue to subsist. We are certainly not calling for the international community to cease its aid to people who are in such

distress. But, we really need to wrestle with the legal implications and the measures that can be taken to ensure that we continue to support people in distress, while also ensuring accountability. I mean, it is not a natural disaster; the reason that people need this assistance is not an earthquake. It is very much human-made, and that brings with it some legal responsibilities.

### Secular Activism

I confess to being a secular human rights activist, and when I was initially invited here, I said that maybe I was being invited under false pretenses. You might expect me to be convinced, like others here, that God is protecting me and encouraging me. I think it is both a challenge to us secular human rights defenders and very encouraging to hear of the groundswell of religious activism on behalf of human rights. But this also raises a lot of questions for me. Where religious activism exists, the links and cooperation are very clear and encouraging. But where it doesn't exist, religion is often very clearly a source of repression. The Jewish religion represses me, and there is fundamentalism in both Israel and in Palestine; I think the role of fundamentalist Islam is also very clear. So for me, it feels a little artificial. In all of the religions, there is a lot of raw material, but there is also another story to be told. So I feel like it is the beginning of the conversation: How can we link these two movements in a way that is not just cynical but is actually genuine?

**Jessica Montell** (Israel) is the executive director of B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories. B'Tselem combines research and documentation with advocacy and public education strategies in order to change Israeli policy in the occupied territories and ensure that its government protects the human rights of residents there and complies with its obligations under international law. Montell is the author of B'Tselem's comprehensive report "Prisoners of Peace: Administrative Detention in the Oslo Process" as well as numerous articles on human rights, international humanitarian law, and counterterrorism policies. She is also a member of the International Council on Human Rights Policy.



HUMAN RIGHTS DEFENDERS POLICY FORUM

BETTY MURUNGI

IMPLEMENTATION GAPS

From our experiences in Kenya, we have had, for the last five years, a government that has in its ranks world-renowned human rights defenders. And yet we have seen in the past five years incursions on the media and on freedom of the press and terrible incursions on the freedom of movement. From the time I was here at The Carter Center in May 2006, we have seen Muslim Kenyan nationals transferred from their country in the middle of the night, without any lawful or legal orders, one of whom has been brought, taken by the American government or its agents, to Guantanamo Bay.

To get back to my own point, I think that as human rights defenders, we need to reach the point where we stop talking about the implementation gap and do something about it. Last year the high commissioner for human rights brought this to our atten-

*I think that as human rights defenders, we need to reach the point where we stop talking about the implementation gap and do something about it.*

tion, and she identified not just an implementation gap but also other gaps, including knowledge gaps. I want to add another gap, and then hopefully we can all figure out a way to deal with those gaps.

One of the major gaps I see now, within the context of the discussion we have been having, is a listening gap. We are not listening to the communities of survivors and victims whom we seek to represent. One profound lesson that I am taking away from today's panels, in particular from the interventions of President Carter and the high commissioner, is the



Betty Murungi

whole question of poverty, starvation, disease, and mass atrocities. When I look back and think about the condition of the 1.6 million people living in IDP camps in northern Uganda, the mass atrocities that they have suffered over the last 19 years are poverty, starvation, and disease. I think we need to look at that particular

problem and address it from that aspect and listen to those communities.

In much of this year, my organization hosted female survivors of sexual violence from 12 different situations of mass atrocities. The one thing that came out of that meeting was the concept of livelihood and the question of reparations. Let us reintroduce reparations back into this discussion, so that we're not just talking about physical reconstruction, and we are listening to the communities of survivors and victims.

**Kaari Betty Murungi** (Kenya) has served as director of Urgent Action Fund-Africa since its formation in 2001. Since 1998, she has also served as legal adviser to the Women's Human Rights Program at Rights and Democracy, Montreal, Canada. As a member of the International Coalition for an International Criminal Court, Murungi and others advocated extensively for the inclusion of a gender perspective in the establishment of the International Criminal Court and in the work of the United Nations International Criminal Tribunal for Rwanda. She serves on the board of the Kenya Human Rights Commission, the Women's Initiative for Gender Justice at the International Criminal Court (Den Haag) and is a past board member of the Federation of Women Lawyers-Kenya. Murungi is a lawyer by profession and has extensive experience in the human rights of women, gender, and governance. In December 2003, the president of Kenya awarded her the national honor: the Moran of the Order of the Burning Spear (MBS) for her work in human rights.



HUMAN RIGHTS DEFENDERS POLICY FORUM

## KAREN TSE

### TWO STORIES

Today I've had two different stories going on in my head. In the morning I was really struck by President Carter saying that when compared to all the countries that were dictatorships when he was President, the world today is a completely, on the face of it, different place. We have democracy. All the dictatorships are no longer dictatorships. It's post-communist. There's this exciting movement in the world. But still today people are being tortured and arbitrarily detained. For many people, life hasn't changed that much. Though the laws are there, the letter of the law is just a dream; it's not a living, breathing reality. So that's one story.

The second story is about a sister who greatly influenced my life. I was in Cambodia working and training police officers who were torturing a number of people. I said to her one day, "I can't figure out what to do with these police officers," and she gave me the most profound piece of advice that has stayed with me. She had no experience in the area of human rights, but she said, "If you want to change this world, if you want to work with the police who torture people, you have to find the Christ or the Buddha in each one of them." She really believed in the power of transformative love, that there was a way in which we could reach to our mutual humanity instead of just telling them what the new laws were. At the same time, I remember a Buddhist monk who said, "You only have to remember one thing, and one thing only, and that is whatever you focus on will grow."

I'm bringing together the two stories to say that it is really beautiful to be here, and it's wonderful because I'm so inspired by some of the stories. I sometimes think that we need to move beyond our own selves, beyond feeling like we're the right ones and we're the ones doing all the work and we're the only ones who need to be here.

Thich Nhat Hanh, a Vietnamese Buddhist, was asked, "What do we need to do to save the world?" So

everybody stopped and waited for his big answer, and he paused and after a while he said, "Do you know what we need to do if we want to save the world? All we need to do is to allow ourselves to hear the cries and pains of the world." Part



*Karen Tse*

of what I think is so exciting about being here and hearing you and what is exciting about the religious community is that it can provide a holding environment where we can allow ourselves to hear the cries of the world. Then we can move forward. I'm very grateful for that, and it makes me think of courageous defenders everywhere, specifically the people that I work with, the criminal defenders who are sometimes tortured themselves when they stand up. The poem that is in every gathering that I come to is: Take courage friends. The road is often long, the path is never clear, and the stakes are very high; but deep down you're not alone.

**Karen Tse** (Switzerland) is an international human rights attorney and ordained Unitarian Universalist minister. A social entrepreneur, Tse is the founder and CEO of International Bridges to Justice. International Bridges to Justice works to promote and facilitate the right to a fair trial and access to competent legal counsel for all and is building a global network of defenders to achieve these goals. This organization has successfully negotiated and implemented groundbreaking measures in judicial reform with the Chinese, Vietnamese, and Cambodian governments and is currently creating programs in Burundi and Rwanda. Tse first developed her interest in the cross section of criminal law and human rights as a Thomas J. Watson fellow in 1986 after observing Southeast Asian refugees detained in local prison without trial. A former San Francisco public defender, she later moved to Cambodia in 1994 to train the country's first core group of public defenders. Subsequently, she served as a U.N. judicial mentor. Under the auspices of the United Nations, she trained judges and prosecutors and established the first arraignment court in Cambodia.



## REPORT OF THE WORKING GROUP ON PREVENTING ATROCITIES

*Presented by Zainah Anwar*

I want to highlight two important issues that we identified in our group. They are the role of the media in escalating or preventing conflict and the role of civil society in escalating or preventing conflict or turning conflict into violence. The group benefited from the experience of Serbia presented by Sonja Biserko.

### BOSNIA AND INDIA AS CASE STUDIES

Biserko explained how the media in Serbia became the mouthpiece of the nationalist project. The media produced hate speech, nationalistic discourse, and calls for lynching and demonizing of political opponents. The deluge of inflammatory language from the media created a sense of siege and victimhood among the Serbs. When atrocities broke out, the Serbs had no sense of empathy or sympathy because they saw themselves as the victims rather than those who were killed or ethnically cleansed. So here, the role of the media in shaping public opinion and feeding the flames of the conflict and violence was very significant. We need to recognize these consequences and reflect on how we as human rights defenders can intervene to present an alternative discourse.

I thought this analysis was also supported by the work of Ashutosh Varshney because he did very interesting work in his book, "Ethnic Conflict and Civic Life: Hindus and Moslems in India." He did 10 years of intensive research and examined one riot-prone city and another that was not. One of the very interesting findings was the role of the press in determining whether that city remained peaceful or the conflict turned to violence. In violent cities, instead of investigating rumors, which were often strategically planted and spread by political operators, the press

simply printed them with abandon, he said. He also found journalistic connections where Muslim thugs worked closely with the Urdu press and Hindu thugs worked closely with the Hindu press to inflame public opinion.

In studying peaceful Calicut and violent Aligarh over the Barbari Mosque agitation, he found that Aligarh local newspapers printed inflammatory falsehoods while the newspapers in Calicut actually neutralized rumors after investigating and finding them unfounded.

### STRATEGIES AND RESPONSES

Our group discussed the importance of developing media strategies to challenge the voices of intolerance and supremacist thinking and the use of hate language to inflame public opinion. As human rights defenders, we need to offer to shape public opinion, to intervene to get our alternative ideas and discourse into the media to generate a more informed rational discussion on the issues of conflict, be it nationalism, religion, or ethnicity. But we recognize the challenge many of us face, living in societies where the press is controlled. So getting our voices heard, especially in the mainstream media, is a problem. We recognize therefore the importance of also using online newspapers and blogs to get our voices heard and develop an alternative discourse, especially to reach the younger audience and shape public opinion.

Another important strategy involves building the capacity of journalists to cover these contentious issues in a more informed and balanced manner. In the area of religion in particular, human rights defenders can play a role in addressing the fears, ignorance, and biases among many journalists on the subject matter by training them on the possibilities and necessities for reform in religious knowledge, alterna-



## HUMAN RIGHTS DEFENDERS POLICY FORUM

tive religious understanding to deal with changing times and circumstances, and also by providing access to experts that they can interview. This enables the journalists to cover issues in a more critical and balanced manner that engenders a more informed, rational discussion on conflicting issues.

The second issue I'll share with you is on the role of civil society. Again, Biserko pointed out the weakness of civil society in Serbia and the inability of civil society to challenge the dominant nationalistic, patriotic, supremacist voices that dominated the public space. She highlighted the role of intellectual, cultural, and religious elites in producing and multiplying this victimhood mentality. We always hope that the voices of intellectual, cultural, and religious leaders, as people who shape public opinion, will be the voices of moderation. They are part of civil society, and in this case they became a source of conflict rather than a source of peace-making.

Again, I will draw on the research done by Varshney in India where he offers this very compelling thesis. He said that his research showed that the greater the patterns of intercommunal civic engagement in a society, the lower the likelihood of violent conflict and rioting. He concluded that pre-existing local networks of civic engagement between Hindus and Moslems stand out as the single most important explanation for the difference between peace and violence. Therefore, he found that trust built on interethnic social and civic ties, not intraethnic, single ethnic group ties, is critical for peace, as the interethnic ties build bridges and manage tensions and nip rumors, small clashes, and tensions in the bud. He contrasted this against the role of intraethnic networks of civic associations (and here we can bring the Serbia example) of intellectuals, religious elites, cultural leaders who just work within their own grouping only. Varshney's research shows that such communal and ethnic-based organizations are not only often incapable of preventing Hindu-Muslim riots but are

also linked with the escalation of communal violence. I do not know the situation well enough in the Balkans to analyze the similarities and differences in the situations in India, but Varshney is now testing his thesis in six or four different countries where he is looking at situations that resulted in violence and conflict situations that were able to be controlled and maintained peace and finding out whether the thesis he developed in India could work in other conflict situations in other countries as well.

So, the challenge for us, human rights defenders living in plural and divided societies, is the need to build interethnic, interreligious, and intergroup ties. We need to build alliances across boundaries and divides that will build social capital and build the type of civil society that promotes bridge building and so better serves peace and public culture of citizenship and inclusive participation.

As Varshney's studies show, these ties pre-existed in the peaceful cities, and they were resilient enough when confronted with attempts by politicians to polarize citizens along ethnic lines. In the end, polarizing politicians either do not succeed or eventually give up trying to provoke and engineer communal violence in these cities where conflict did not erupt into violence.

We identified five strategies that we should employ:

1. We should challenge voices of intolerance and supremacist thinking to shape alternative ideas and discourse. It is important as well to monitor media output and to challenge the hate speech and incitement when it occurs.
2. It is important to promote independent and diverse free press, especially in many of our countries where the mainstream media is controlled but where the alternative press, the Internet press, is not controlled. There's freedom there on the Internet. How do we use the Internet more effectively to get our voices heard?



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HUMAN RIGHTS DEFENDERS POLICY FORUM

3. Civil society must provide that alternative voice and challenge the supremacist, chauvinistic voices in our society. We should focus on training high-leverage groups that are opinion makers and opinion shapers, be it journalists, political leaders, lawyers, or human rights activists, on the issues.
4. Arbour raised the importance of international NGOs in preventing the breakout of conflict. They must have a record of consistency and impartial adherence to universal standards. Many of us in our local communities as human rights defenders are accused of being pet poodles of the West. This affects our relations with human rights organizations, and we need to be strategic in that interaction.
5. The role of religious leaders is important. President Carter spoke about religious leaders being in cahoots with state leaders because both are in authority and want to preserve their authority. How do we identify the progressive voices, the voices of peace, among the religious leadership who may not be savvy enough to get their voices heard in the public space? We, as activists with the skills that we have, must encourage those moderating voices within the religious leadership so that their help will have a moderating influence on their own faith communities in areas of conflict.



# APPENDIX A CARTER CENTER HUMAN RIGHTS WEBSITE

To make optimal use of growing public reliance on Internet-based information, the Human Rights Program worked with the Carter Center's Office of Public Information to develop a microsite within the larger Carter Center website ([http://www.cartercenter.org/peace/human\\_rights/defenders/index.html](http://www.cartercenter.org/peace/human_rights/defenders/index.html)) in conjunction with the 2007 Human Rights Defenders Policy Forum. The site

includes brief YouTube-based video interviews, personal profiles of human rights defenders, and thought-provoking articles on issues that defenders confront. Special features are also available for students and teachers, including lesson plans for middle and high school classrooms that explore the role of personal leadership in advancing human rights.

**HUMAN RIGHTS DEFENDERS INITIATIVE**  
LEADING THE GLOBAL MOVEMENT FOR OUR BASIC RIGHTS.

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[News & Features](#)  
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 Dec. 3, 2008: Human Rights Leaders Urge President-Elect Obama to Renew U.S. Commitments to Human Rights >>

**meet the defenders**

 <b>Timothy Njoya</b> Devoted clergy member is disciple of change in Kenya. <a href="#">Read more &gt;</a>	 <b>Sima Samar</b> Afghanistan's indelible doctor remains rock of inspiration. <a href="#">Read more &gt;</a>	 <b>Saad Eddin Ibrahim</b> Egyptian defender setting an agenda for Arab democracy. <a href="#">Read more &gt;</a>	 <b>Hina Jilani</b> U.N. special representative at forefront of peace movement. <a href="#">Read more &gt;</a>
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**Corneille**  
 Rwandan Genocide Survivor Tells His Story Through Song >  
 Permission granted by the artist for streaming only. Do not download.

**bring defenders into your classroom**

The human rights defenders featured here represent history in the making: they are courageously leading the way to a more just and equitable global society. What better role models for our students?

Download our innovative lesson plans and meet featured defenders on our "For Teachers" page >

*Courageous and effective activists from around the world gather annually at the Human Rights Defenders Policy Forum, co-sponsored by The Carter Center and Human Rights First, to strengthen their voices and rally international support for their causes.*

Home page of Carter Center website for human rights defenders



## APPENDIX B

# CONFERENCE PARTICIPANTS

### FORUM CHAIRS

Jimmy Carter, Former U.S. President

Louise Arbour, U.N. High Commissioner  
for Human Rights

### FEATURED GUEST

Hina Jilani, Special Representative to the  
Secretary-General on Human Rights Defenders

### HUMAN RIGHTS DEFENDERS

Mossaad Muhammad Ali, Sudan

Zainah Anwar, Malaysia

Sihem Bensedrine, Tunisia

Sonja Biserko, Serbia

Berenice Celeyta, Colombia

Kamala Chandrakirana, Indonesia

Roberto Garreton, Chile

Yolanda Huerga, Cuba

Saad Eddin Ibrahim, Egypt

Gerard Jean-Juste, Haiti

Helen Mack, Guatemala

Apollinaire Malumalu,  
Democratic Republic of Congo

Jessica Montell, Israel

Betty Murungi, Kenya

Timothy Njoya, Kenya

Mitri Raheb, Palestine

Karen Tse, Switzerland

Radwan Ziadeh, Syria

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Jimmy Allen

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State for Democracy, Human Rights, and Labor

Victor Madrigal Borloz, Inter-Americas Commission  
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Gavan G. O'Leary, Deputy Director, Human Rights  
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Rights First



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First, we extend special thanks to our co-chairs for the forum—President Carter and High Commissioner Arbour. Their words of guidance and encouragement were appreciated by all participants. We would like to thank the staff members of the U.N. Office of the High Commissioner for Human Rights for their hard work to make it possible for the high commissioner to contribute so much to this conference.

The Carter Center recognizes the collaborative efforts of many from others at partner nongovernmental organizations. Human Rights First co-sponsored the Human Rights Defenders Policy Forum from 2005–2007. Its financial support, its valuable expertise, and deep commitment to the protection of human rights defenders have made the forum possible. In particular, Neil Hicks and Matthew Easton have been wonderful partners in this endeavor. All of the international human rights organizations that participated did so at their own expense and therefore contributed both in material and spiritual ways.

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Carter Center Human Rights Program staff in Atlanta had responsibility for the event. Program Director Karin Ryan managed the project, with the invaluable help of Valerie Harden, who was assisted by Jesse Harmon. Administrative assistance was provided by Delikah Carter, Perin Arkun, and Karen McIntosh. The primary drafters of this report were Karin Ryan, Tessa Stromdahl, and Sara Staley. Special thanks go out to our wonderful interns Harry Akoh, Randa Alattar, Kimberly Cernak, Beate Goverdhan, and Shannon Hiller. We thank the outstanding staff members in the Center’s Events and Public Information offices who always go above and beyond the call of duty to make this event a great success. We also thank our colleagues in the Development and Finance departments, along with our wonderful colleagues in President and Mrs. Carter’s offices.



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