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Kenneth Anderson

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**by Kenneth Anderson**

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"It's an absurd allegation," said President Bush. Vice President Cheney said he was "offended by it." Donald Rumsfeld said the charge was "reprehensible." And Joint Chiefs of Staff chairman Richard B. Myers called it "absolutely irresponsible."

With the release of its 2005 human rights report, Amnesty International got all the headlines that even an organization that lives for press attention could possibly hope to get. It did so by lobbing rhetorical hand grenades--each delivered in press statements but, revealingly and characteristically, not found in the text of the report itself. A strategy, that is, of maximum press exposure today for charges that do not actually figure in the document that will constitute AI's historical archive tomorrow. "Who controls the past controls"--well, no doubt Amnesty's Inner Party knows that particular aphorism and its provenance.

First came AI secretary general Irene Khan's press statement releasing the report in London, which announced that the U.S. detention facility at Guantanamo "has become the gulag of our times." That she meant the word gulag in its original sense--Stalin's camps in the Soviet Union through which millions upon millions of political prisoners passed and where many died--is underlined by the reference in her next sentence to Guantanamo evoking "images of Soviet repression." When the *Washington Post* editorial page, among many others, refused to countenance a comparison of such profound incomparables, she responded in a letter accusing it, astonishingly, of quibbling over semantics.

The "gulag" characterization was accompanied, however, by another allegation, nearly unnoticed in the press, yet if anything more outrageous in its implications. So-called "ghost detentions" by the United States, Khan said, do not merely evoke "images of" Stalin's camps. They actually "bring back" the "practice of 'disappearances' so popular with Latin American dictators in the past." Amnesty thus accuses the United States government of "disappearing"--kidnapping and secretly murdering--people. On what evidence? Well, none in Amnesty's actual report--but, in the press conference, it was said to be on the basis of not reporting all detainees, even ones who are not (in a perfectly

defensible even if, to Amnesty, disagreeable reading of the Geneva Conventions) actual POWs who must be reported to the International Committee of the Red Cross.

Then there was the remarkable call by William Schulz, Amnesty International's USA executive director, in his own press conference, for foreign governments to investigate and arrest U.S. officials, should they venture abroad, for their alleged complicity in torture. Apparently very serious stuff--the media certainly thought so. "Torture," however, in AI's expansive view includes even the mere holding of a detainee "incommunicado." Moreover, since AI apparently regards all the detainees as entitled to full POW protections under the Third Geneva Convention, any departure from mere "name, rank, and serial number" questions is, for it, grounds for foreign governments to arrest U.S. officials and military officers for war crimes. Suffice it to say that the United States does not agree that all detainees are entitled to Geneva protections, and to the extent that something as flimsy as this is the basis for Amnesty's call for foreign governments to make arrests of U.S. officials, those foreign governments might want to be very, very careful.

Schulz offered a long list of senior and junior officials, current and former, starting with President Bush, that he characterized as "high-level architects of torture." It was a charge dutifully, indeed enthusiastically, repeated by a media in thrall to its own predetermined "torture narrative" and therefore indifferent to asking AI, for example, what it actually views as torture. Or whether if captured alive, for example, terrorist mastermind Abu Zaraqawi would likewise, in AI's view, be entitled to the full protections of the Third Geneva Convention even as his organization blows up more Iraqis in suicide bombings. "The apparent high-level architects of torture should think twice before planning their next vacation to places like Acapulco or the French Riviera," Schulz said, "because they may find themselves under arrest as Augusto Pinochet famously did in London in 1998."

So. Stalin's gulag, updated for our times. "Disappearances"--a term meaning, of course, the secret murder of detainees. And calls for the arrest by foreign governments of a long, long list of senior U.S. officials as "high level architects of torture"--oh, sorry, merely "apparent" architects of torture, but worthy of arrest by foreign governments just the same. Strong words for a press conference--and yet charges nowhere appearing in the actual report. Did reporters notice? Did any of them think to ask Amnesty International why it thought charges much more serious and inflammatory than anything in the AI annual report itself should be made merely as part of a press conference? Did any of them ask where the evidence for these extraordinary allegations was in the report just handed them? Did any of them ask about the legal basis for AI's view of the reach of the Geneva Conventions? Not as far as I could tell reviewing Google and Nexis.

But what to expect of reporters who seem to believe that they have heroically dug out vast evidence of U.S. government wrongdoing against detainees, when virtually all of it has been the government's own laborious record-keeping handed over to them on a silver platter? Never mind--score a PR hit for Amnesty International in the credulous, wanna-believe, suspension-of-disbelief world that is the mainstream media. The questions that reporters might have asked AI about its extraordinary accusations were instead directed at

the Bush administration.

When I called and asked AI's press office why none of this was in the report itself, I was told that, after all, the report covered 149 countries and there simply wasn't room.

It has been hard to take Amnesty seriously for a long time, though the press, naturally, will be the last to grasp this fact. Amnesty has made serious factual mistakes--recall the scandal over the reporting of serious human rights violations in Guatemala that turned out to have been made from whole cloth by one of its researchers a few years ago. AI is a latecomer to the arcane world of the international law of war, and within the community of lawyers on these issues, its reputation is not very good--an amateur that depends largely on the ignorance of the press, its brand-name, and logo. In the United States, its leadership represents the far-left political fringe. And in Europe, it simply blows with the winds of fashionable left-wing politics. It has principles, to be sure, all no doubt deeply held--but they shift (and are deeply held, of course, even when shifting) with every breeze of leftish political fashion in Western Europe. One might say that Amnesty International is a serially principled organization.

Still, with this year's press conferences, AI has slithered over a very big cliff in credibility in the United States, if not in Europe. Julian Ku, the Hofstra international law professor who blogs at [Opinio Juris](http://OpinioJuris.com) (lawofnations.blogspot.com), maintains that Amnesty is "veering dangerously close to Noam Chomsky/Ramsey Clark-land here." Indeed--and I would add Michael Moore-land and even Lyndon LaRouche-land. AI has not merely veered but plunged deep into those fever swamps--and is proud of it, as befits an organization whose agenda is set on the populist far left of European politics.

Other leading organizations in the human rights business have been by degrees more circumspect. Human Rights Watch, for example, may feel the same as AI but is more cautious and has called only for a special counsel to examine allegations against U.S. officials. But it, too, is entirely capable of publicity-seeking tantrums on these issues. HRW's latest world report, for instance, opens with an essay by its executive director, Kenneth Roth, which compares Sudan and the United States, Darfur and Abu Ghraib. Roth opens in lawyerly fashion, claiming that "no one would equate the two." He then spends the rest of the essay doing little else. Khartoum's violations are more extensive, while Washington's are actually more insidious because it is more powerful. One is entitled to believe this, I suppose. But here's the rub. If you really believe, as Amnesty does, that Guantanamo is a Stalinist gulag, then you ought really to believe that its authors are the genuine Stalinist article--criminal leaders of a world-class criminal regime. After all, it is Stalins, Berias, and their henchmen who produce Stalinist gulags. Likewise, if you are Human Rights Watch and you really believe in the moral equivalence of Sudan and the United States, then surely you ought to regard U.S. leaders as nothing more than wicked criminals, to be arrested, and their regime isolated and sanctioned, if not actually invaded. Surely you should be urging the virtuecrats of Brussels and all of Europe to break off trade relations with the United States. You should be arguing for a breakup of NATO to isolate the human rights abuser, and perhaps even urging Europe to create the military might necessary to confront the deep evil of the U.S.

regime. That's what morally serious people should be doing, after all, in dealing with Sudan and its leaders. We should be contemplating all that and more against the regime in Sudan. And if you really believe in the moral equivalence you rhetorically trumpet, then that's what a principled organization would demand regarding the United States, too.

But that's not what the human rights organizations do or say in the fine print, is it? On the contrary. Human Rights Watch wants the U.S. government to do many, many things on behalf of HRW's own agenda. Not merely mend its evil ways and stop torturing as HRW defines it--no, the group has an extensive action agenda for the world's wicked superpower and for its human rights abusing military, one that it wants Washington to get moving on right away, wicked or not. To start with, HRW has said that someone--preferably the U.N. Security Council, but failing that a coalition that must necessarily involve the United States--should intervene in Darfur.

There is much to be said for that position morally, and I admire Human Rights Watch for overcoming its bias for international organizations and against ad hoc coalitions of the willing, in the interests of the people of Darfur. But if the United States is what HRW says it is, why would the arch-criminals--in Washington, that is--care about doing anything so obviously, well, good? Which is it to be? The United States government and its leadership are a gang of criminals who should be isolated, sanctioned, arrested, and condemned as in principle no better than the undeniably criminal Sudanese government--but, by the way, it would be excellent if the Great Satan would also mount its noble charger, rattle its weapons, gird up its loins, and intervene to defend the people of Sudan. Please report to the International Criminal Court's dock in The Hague to be tried for torture and war crimes and what-not--but on your way, could you stop by Darfur, using military force if necessary to protect the people from genocide, make sure the peace treaty ending the war in the south doesn't fall apart, and don't do anything that we might regard as unnecessary collateral damage (we'll be watching, and we'll add anything we don't like to the list of your crimes). And, oh yes, be sure to arrest and bring the wicked Sudanese leaders and militias along with you to The Hague, so they can be prosecuted after we finish with you.

There is something morally perverse about this. Can you really hold these positions simultaneously and still count yourself a human rights organization acting solely on principle? Unlikely. What it means in the real world, of course, is that these human rights organizations, whether Amnesty International or Human Rights Watch, simply indulge themselves in rhetorical overkill. They do not mean what they say. Amnesty instinctively recognized this by putting its nonsensical charges in its press releases and not in its report. Human Rights Watch announces this horrific moral equivalence--then it calls merely for a special counsel to investigate further. Neither group means what it said, even though, like clockwork, letters to the editor will be received next week insisting that they really, really did. We, for our part, instinctively know better.

We also know that it is suicidally irresponsible for groups that depend on the moral force of their pronouncements to habitually say things they don't actually mean. Rhetorical inflation is a dangerous indulgence for the human rights movement. And it is a bad thing

for the cause of human rights.

The world needs independent human rights organizations. Amnesty International may well have gone into a moral freefall of no return--and if so, it is an immense loss. Human Rights Watch is tempted in the same direction--tempted, to be precise, by the reports of its own virtue--but has not gone over the edge. Anyone who cares for human rights should hope deeply that it does not.

Because we need human rights groups with real moral authority, we should hope that the good ones will resist the temptation to wallow in their own unassailable virtue--to think that they are entitled, because of their inherent goodness, to believe six impossible things before breakfast. Which is why we need a press that is as willing to ask tough questions of the human rights organizations--to actually read their reports and notice what they have said and not said--as it is to go after the U.S. government. It is, at the end of the day, the best way to ensure that the world's nongovernmental watchdogs of morality themselves remain morally serious.

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