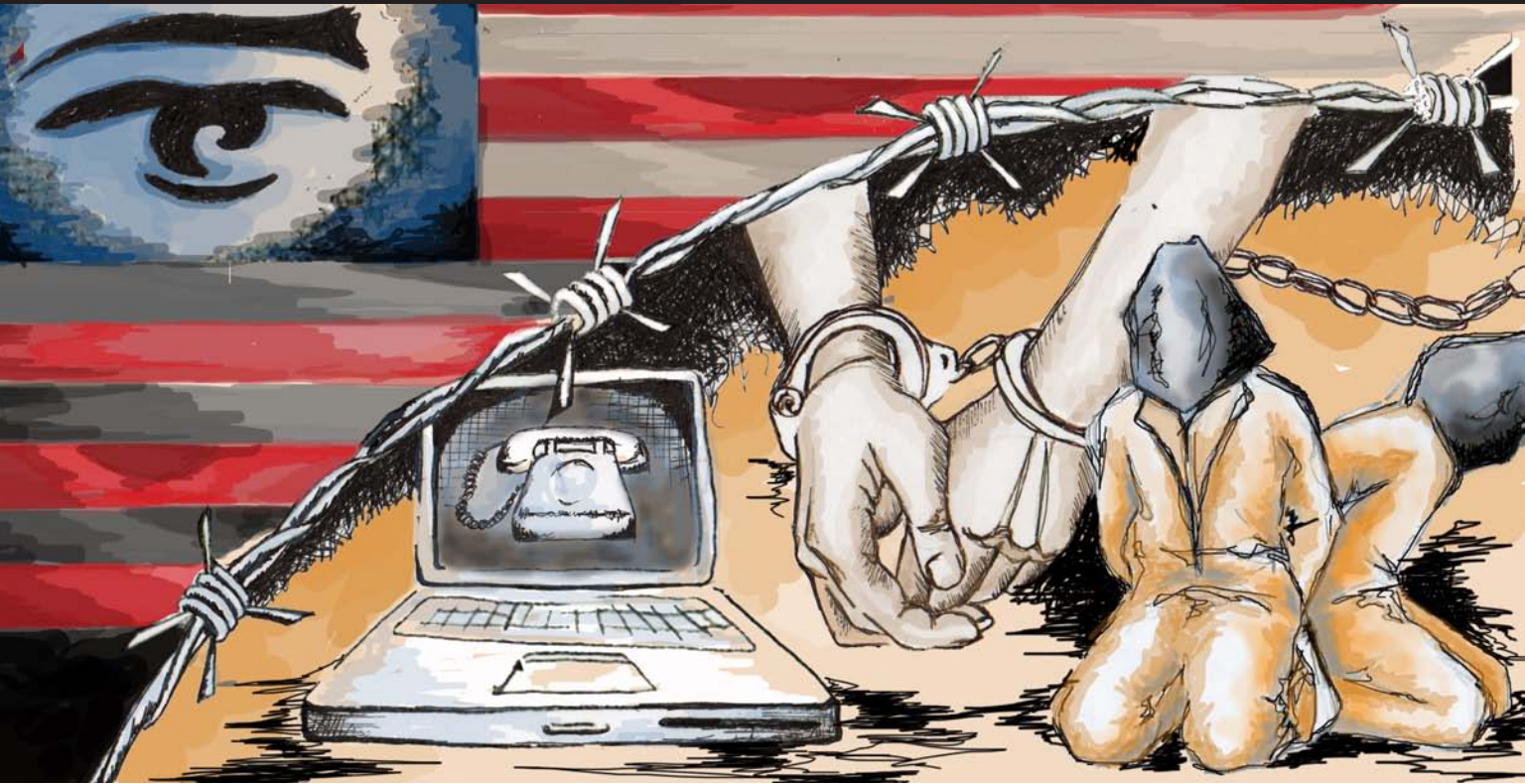


The Larger Struggle

Human Security Requires Human Rights



HINA SHAMSI

Eleanor Roosevelt, the driving force behind the Universal Declaration of Human Rights (UDHR or “the Declaration”), was a woman not just of strong ideals, but also of eminent pragmatism. In a post-World War II world riven by ideological and political conflict, and struggling with economic devastation, she understood that the foundational document of a nascent human rights movement would win universal acceptance only if it carried moral force.

Long before Harvard professor Joseph Nye coined the term “soft power,” Mrs. Roosevelt recognized that her ability to persuade other nations to embrace her views depended on the

legitimacy of the values she espoused. Drawing, therefore, upon the U.S. Bill of Rights, the Magna Carta and the Declaration of the Rights of Man, Mrs. Roosevelt persuaded delegates from around the world to join her in crafting, in elegant and simple language, a declaration of fundamental rights and freedoms grounded in the principles of dignity, equality, justice, and opportunity. The Declaration is now the most widely-recognized statement of the rights to which every person on our planet is entitled.

On the 60th anniversary of the Declaration, America’s historic role as a leader in the human rights movement

and its moral standing in the community of nations have been damaged as never before. As the world now knows, the Bush administration's response to the terrible tragedy of September 11, 2001, called into question truths Americans had thought self-evident about themselves. American officials had helped draft the Convention against Torture and the United States was at the forefront of the anti-torture movement. Yet, starting in 2001, U.S. personnel subjected hundreds, perhaps thousands, of people in Guantánamo, Iraq and Afghanistan to cruel and inhuman treatment, and tortured an unknown number. More than 70 detainees in Iraq and Afghanistan have died in the custody of the United States because of gross recklessness, abuse or torture, and four detainees at Guantánamo have committed suicide. America historically stood for the principle of justice in accordance with the rule of law, yet starting in 2002, hundreds of men were detained without charge in Guantánamo and secretly, in other countries. America has always been the land of immigrants, but after 9/11 the Bush administration established special programs in which thousands of immigrants were questioned, wrongly detained, and hundreds unfairly deported, often for minor immigration violations such as overstaying a visa.

Of course, the United States' relationship to international law and the human rights movement has always been an ambivalent one. Even as the United States was at the forefront of the development of human rights in virtually all areas, it has also defended its right to act unilaterally and with "exceptionalism." For example, as a habitual matter, when the Senate ratifies a treaty at the request of the executive branch, it does so subject to reservations, understandings and declarations that prevent changes in domestic law. Other forms of American exceptionalism include the

insistence—by Democratic and Republican administrations alike—that other nations adhere to international standards that favor U.S. interests, while failing to adhere to standards or treaties that do not (in that administration's view) serve the United States.

The Bush Administration's positions—its insistence that *no law* applied to constrain executive action during a global war of indefinite duration—are of a different magnitude altogether. Other administrations have justified American exceptionalism with, for example, the argument that domestic law trumped the United States' international legal obligations. The Bush administration went much further. It claimed that there are places (Guantánamo) and kinds of people ("enemy combatants") entirely outside the protection of the U.S. Constitution or of international human rights and humanitarian law. Whereas once Eleanor Roosevelt told her audiences that "Among free men the end cannot justify the means," over the last eight years, leading U.S. officials demonstrated that they had no interest in acting within the rule of law and, worse, that they saw the law as a hindrance.

In the name of national security, the Bush administration increased human insecurity. In doing so, it presided over the most precipitous decline of American soft power in a generation—at a time when the battle over ideals and values is at its most critical. Top officials ignored or were willfully blind to fundamental truths. Fair hearings do not jeopardize security; unfair hearings—which send a message to the world that the United States is willing to deviate from its history, its values, and its system of laws—do. Torture and cruelty damages not only the victim, but also the perpetrator and society. In the words of one senior Special Operations interrogator, "Torture and abuse are against my moral fabric. The cliché

still bears repeating: such outrages are inconsistent with American principles. And then there's the pragmatic side: torture and abuse cost American lives." Abu Ghraib and Guantánamo are now recruiting tools for those who want to stoke hatred of the United States and its allies. Repressive governments around the world have pointed to the United States' behavior as an excuse for illegal actions against their own citizens, further delegitimizing the United States' moral authority.

We stand now at one of history's turning points. With new leadership, the United States has the potential to regain its moral status, to regain its soft power and thus its ability to be a leader in the broader struggle, of which the struggle against terrorism is a part. Among the other crucial parts of the larger struggle that must be rekindled—and that are necessary to achieve the long-term strategic goal of combating terrorism—are battles against discrimination, lack of education, disease, injustice and poverty. But the United States must first turn its back decisively on the illegal policies and practices of the previous administration. It must also conduct an independent and non-partisan investigation into the nature and extent of those policies, their origin, and who should be held responsible for them; above all, it must ensure accountability and redress for violations of law.

Sixty years ago, American leadership helped bring the nations of the world together to issue a Declaration that begins: *the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.* Now, more than ever, it is time for America to once again set an example, and history guides the way.

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