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Education, Dissent, and Freedom of Speech:

How different governments react to accusations of human rights violations

Abstract

This article examines how different governments, especially those with repressive regimes, throughout the world react to accusations of human rights violations by independent nongovernmental organizations such as Amnesty International. It makes the case that, regardless of differences in ideological orientation or type of political regime, governments use similar arguments to refute accusations against their human rights record. Five broad categories of arguments are identified and illustrated with actual quotations. Finally, the article discusses the validity of these arguments, comparing the rhetoric of governments with real life practices in terms of human rights protection or violation.

Résumé

Cet article se penche sur la façon dont les gouvernements du monde entier réagissent aux accusations de violation des droits de l'homme lancées par des organisations non gouvernementales indépendantes comme Amnesty Internationale. L'auteur soutient que, quels que soient les différences d'orientation idéologique ou le type de régime politique, les gouvernements recourent à des arguments analogues pour rejeter les accusations lancées contre leur palmarès en matière de droits de l'homme. Cinq grandes catégories d'arguments sont identifiées et illustrées par des citations. Enfin, l'auteur analyse la validité de ces arguments, en comparant la rhétorique des gouvernements à la réalité de la vie en termes de protection ou de violation des droits de l'homme.

A controversy has recently arisen in North American colleges regarding the legitimacy of imposing restrictions on the use, on campus, of obscene language or on the expression of opinions which could be considered offensive by members of ethnic minorities. It is not clear, however, whether the need for

a code of conduct in universities justifies such restrictions which might constitute violations of the students' freedom of expression as protected by the Canadian Charter of Human Rights and Freedoms and by the first amendment of the American constitution. While this issue may be a borderline case, it reveals that, even in democratic societies, universities are subject to careful scrutiny and basic rights such as freedom of speech or the right of dissent are open to conflicting interpretations. It is therefore not surprising to observe that, under nondemocratic regimes, universities are usually among the first institutions to suffer from strict limitations in terms of freedom of thought and freedom of expression.

In all countries, the existence of an educational system characterized at all levels by a high degree of pluralism and tolerance is an important guarantee of democracy. Tomorrow's leaders are trained in universities; the knowledge which will shape our future is generated and transmitted in universities. Even in scientific domains, innovations and discoveries are not possible in the absence of freedom of thought and the promise of unrestricted inquiry, as the tragedy of the Lyssenko era demonstrated in the case of the Soviet Union. Authentic democracies are recognized for the systematic consideration of conflicting ideas and opinions in an organized way and the acceptance of dissent as a normal and healthy mode of expression. The educational system in general and the universities in particular play a key role in the never-ending debate on facts and knowledge which is symbolic of the degree of democracy of any society. Thus, democracy is not safe when academic freedom and student rights cease to be respected and protected, as is the case in many nations of the planet.

This article looks at the rhetoric of many governments when they attempt to justify, in the eyes of international opinion, repressive practices which often target intellectuals, not only in universities, but in society at large. It is not possible to respond to all the defensive statements of various governments, especially those of an authoritarian nature, with regards to international censure for their attacks on students, intellectuals, and others who try to exercise freedom of speech, thus the author focuses on the various national criticisms of Amnesty International as an example of the behaviour of governments accused of human rights violations.

Virtues and Modesty of National Governments

Cruelty has always been a typical human feature, but it has never blossomed on a larger scale, with a higher intensity and in a more methodical fashion than during the twentieth century. Among the greatest achievements of our time, our descendants will undoubtedly remember less the creation of the United Nations or the Universal Declaration of Human Rights than the unequalled progress achieved in terms of destruction technology and the widespread practice of repression as a legitimate way of government.

In countries characterized by growing authoritarianism and arbitrariness, individual citizens are helpless and defenseless. For the numerous victims of the repressive actions of governments of our planet, the only remaining recourse is the support which nongovernmental organizations such as the International Federation of Human Rights or Amnesty International attempt to provide. But these associations of volunteers who militate on behalf of human rights can have only a limited and unpredictable impact as their sole source of power is the moral pressure which international public opinion is willing or able to exert.

The instinctive response of indicted governments is entrenchment in scornful silence. By simply ignoring the voices of outrage and protest against human rights violations in their country, they hope to defuse the issue altogether and thus suppress the need for any kind of explanation or justification. In most cases, this tactic of silence is quite effective. International public opinion usually wearies rapidly; concerned people have a short and selective memory; the issues raised fall quickly into oblivion.

And yet, it sometimes happens that the publicity made about a particularly shocking incident touches people's hearts and minds and provokes such a general outcry that the authorities of the country under scrutiny feel compelled to react by issuing official statements. The 1979 massacre of school children in Bangui, in which ex-emperor Bokassa had himself taken an active part; the 1986 live-burning of two 19-year-old Chilean students, Rodrigo Rojas and Gloria Quintana; or the June 1989 Tianamen Square massacre in China are examples of such situations.

What kind of explanations do governments provide when they condescend to reply to their detractors? What sort of arguments do they rely on? What are the official reactions to accusations of human rights violations?

In order to answer these questions, an attempt was made to analyze the form and content of a large sample of commentaries and statements made in response to various interventions of Amnesty International (AI) in different continents and countries. The choice of this particular organization was motivated by the predominant role it has been playing among international human rights associations, its paramount concern for impartiality since its creation in 1961, and the fact that it deals exclusively with prisoners of conscience who have not used or advocated violence. Students, intellectuals, writers, and university professors are frequently targetted, and thus become prisoners of conscience. The purpose of this investigation is to establish whether official governmental reactions display a systematic pattern or whether, on the contrary, the diversity of situations encountered is reflected in an equivalent variety of responses.

It is striking to observe that official replies to AI do present a high degree of similarity and homogeneity despite fundamental differences among countries in the nature of their social and economic structure, their political system or their leadership. To begin with the form of these reactions, it is no surprise to observe that very few governments give a friendly reception to AI interventions. As a general rule, the tone is at best contemptuous when not frankly insulting. It would be tedious to draw up an exhaustive list of the not so laudatory terms used to qualify AI, this "bunch of frustrated old women and young people" who belong to a "ghost," "diabolical," "monstrous," "insolent," "absurd," "unscrupulous," "slandorous," and "shameful" organization. Judging from the virulent flavour of such wording, it is obvious that AI's existence and activities do not leave many governments indifferent. Irrespective of ideological or institutional considerations, AI unanimously provokes the wrath of governments of all kinds, whether socialist or capitalist economies, republics or kingdoms, secular or theocratic states, when human rights violations in their countries are publicized.

As far as the content of the accusations raised by AI goes, governments usually put forward one or more of the following arguments to refute the charges thrown at them:

1. *AI's interventions represent an unwarranted interference in the internal affairs of a sovereign state.* Their attitude is: "As an independent nation, we are accountable to no one, and certainly not to a shady organization which has no right whatsoever to mingle with our affairs. AI disregards the right to self-determination of our people. This organization's interventions are unacceptable insofar as they challenge the sovereignty of our government which cannot tolerate any external interference."

In view of the circumstances, the government considers it necessary to emphasize that it does not recognize that Amnesty International has either the competence or the moral authority to report on the internal affairs of Uruguay.¹

That this imperialist body now feels its duty to prescribe the manner in which our present government should treat political detainees amounts to a wanton interference in the internal affairs of Ghana.²

We are not going to allow ourselves to be dictated by outsiders whose interest is to brew up trouble in Kenya.³

No foreigners are entitled to interfere with China's international affairs. There is no necessity for foreigners to teach us or make the Chinese government do this or that at the mercy of foreign public opinion.⁴

2. *The charges brought against governments by AI are only lies intended to demoralize the population and discredit their reputation.* They declare: "The statements concerning so-called human rights violations in our country are entirely false and unfounded. AI is deliberately lying; it enjoys spreading imaginary rumors; it believes at face value the ramblings of unscrupulous characters, our political opponents. We are profoundly disappointed as we were under the impression that AI was a respectable organization with a valuable mission until it started fabricating lies about us. This concoction of lies is an insult to our country's reputation. They are part of a slander campaign designed to discredit the government and stir up trouble among our people."

Most of the allegations contained in Amnesty's report are based either on hearsay or unreliable or largely unverified reports from sources of doubtful integrity. (Pakistan)⁵

In the past Amnesty International commanded respect in this country. Maybe we did not know at the time the shady characters who now it calls the reliable sources from which it gathers its information to interest the international community. (Zambia)⁶

Amnesty has repeatedly lied and does so shamelessly again. The matter is an unbridled and malicious figment of imagination. (Greece)⁷

We invite any foreign reporter to come to Iraq, and see for himself the false and fabricated story of Amnesty International. (Iraq)⁸

3. *Our democratic constitution protects the basic rights of every citizen; the people whose defence AI has undertaken are not political prisoners but only ordinary criminals.* The governments contend that: "AI seems to ignore that our country is committed to abide strictly by its laws and that everything is done according to the constitution and other relevant legal provisions. All citizens are equal in the eyes of the law which defines and protects their fundamental rights. Therefore, there is no need to worry about arrested people. We cannot, however, grant a privileged treatment to so-called political prisoners who, in reality, are nothing but ordinary criminals convicted for regular offenses."

Amnesty, in its report, has ignored the facilities established by Israel to safeguard the human rights of prisoners. (Israel)⁹

The contents of the report are without foundation as the legislation of Iraq protects all the rights of anyone in prison or under arrest. (Iraq)¹⁰

Zaire is not the jungle, but a state ruled by law. (Zaire)¹¹

The recommendation of Amnesty International violates the spirit of the democratic system and the rule of law. (Taiwan)¹²

I ask you to have a look at our constitution and at our laws. You will find that the fundamental rights of the people are deep-rooted in the constitution. (German Democratic Republic)¹³

4. *AI is not objective at all, but rather extremely biased in favour of hostile ideologies.* Their explanation is: "AI is a propaganda tool working on behalf of the powers which attack our values. It is financed and manipulated by the intelligence networks of these nations." Socialist and communist regimes see AI as an agent of US imperialism controlled by the CIA while capitalist countries believe that this organization is but a puppet whose strings are pulled by Moscow and the international communist movement. Arab states in the Middle East criticize the pro-Israel bias of AI, African nations reject its racist and paternalistic Eurocentrism, South Africa deplores AI's lenience toward other African states, and some Latin American countries equal AI with a Nazi organization.

The action which this private organization called Amnesty International is trying to promote against Uruguay surpasses all extremes yet reached by international propaganda campaigns against countries that defend themselves against Marxist-communist penetration. (Uruguay)¹⁴

Everyone knows that Amnesty International is nothing more than a communist organization, as unqualified as any organization controlled by Moscow to judge Chilean events. (Chile)¹⁵

In practice, (Amnesty International) is nothing but a tout of the US imperialism and its chief espionage and subversive agency. It is not the Democratic Republic of Afghanistan but international media that have reported the ties that bind Amnesty International with the US Central Intelligence Agency. (Afghanistan)¹⁶

There lies the central objective of Amnesty International: to align socialism with the devil, to liken it to facism, to cloak the fight against socialism in the guise of "presentation of human rights." (German Democratic Republic)¹⁷

5. *Instead of unduly worrying about a flawless human rights record, AI should better turn its attention to those countries – which happen to be enemies or ideological opponents – whose reprehensible actions fully justify AI's involvement.* They make the point that: "We would take AI seriously if this organization would focus on human rights violations in truly repressive regimes. But AI's present work is wasted because it has chosen the wrong target. AI should

not be concerned with us since we have nothing to be blamed for. However, there is much worth investigating in neighboring states or in any other country with whom we are on bad terms."

After the dust settles too, it becomes clear that Amnesty International is dedicated more to an attack on governments it does not like than on the defense of the victims of oppression. (USA)¹⁸

Neither Eastern countries nor penal procedures in Asia and Africa attract Amnesty's humanitarianism. . . . (Uruguay)¹⁹

Amnesty International doesn't do anything for the thousands of citizens languishing in Chilean, Spanish, Israeli, and South African jails, as these prisoners are not anticommunists. (USSR)²⁰

If you are really concerned about the lot of underprivileged and oppressed peoples, it is suggested that you approach certain prominent members of the OAU and your friends behind the iron curtain. (South Africa)²¹

While it is not the purpose of this article to take sides with regard to specific points of controversy between AI and any particular government, it is nevertheless useful to ponder the validity and good faith of the typical arguments used to support these official reactions. Among the five arguments presented at the outset, the first one, that is the principle of noninterference with the internal affairs of a sovereign state, is certainly the most powerful. It is true that this principle is deeply rooted in traditional international law and that it has frequently been called upon to reject accusations of human rights violations from outsiders. As early as 1890, US Secretary of State Blaine stated that he did not recognize "the right of any government to tell the US what it should do" after complaints about the violent riots against Italian immigrants in American cities had been voiced in Europe.²² Similarly, when Theodore Roosevelt protested a few years later against the pogroms against Jews in Russia, Tzar Nicholas dismissed this "attempt at interference in Russia's internal affairs."²³ After World War II, the founding members of the United Nations were careful to write down in the Charter of the World Organization that the UN should abstain from intervening "in matters which are essentially within the domestic jurisdiction of any state. . . ." (Article 2, Paragraph 7).

However, the interpretation of this nonintervention principle has changed significantly over the last decade or so following, in particular, the adoption by the international community of the Covenant on Civil and Political Rights and the Covenant on Social, Economic, and Cultural Rights. Contrary to the Universal Declaration of Human Rights which is a document without judicial value, the two covenants, which were ratified in 1976, are legally binding. The

governments that have ratified these international agreements have undertaken to respect the rights guaranteed by the covenants and have therefore accepted a certain degree of international oversight – for example by the UN Human Rights Committee – of their human rights performance. The establishment, at the regional level and at the initiative of the countries involved, of the American and European Human Rights Conventions and of the African Charter of Human and People's Rights confirms this evolution of international law toward the endorsement of the principle of collective responsibility and accountability of nations in terms of human rights protection. The UN General Secretary acknowledged himself in 1978 that

... there is an inescapable link between respect for human rights and the maintenance of international peace and security, and no nation can justifiably claim immunity, under Article 2(7) of the Charter, from international scrutiny and expression of concern about flagrant and systematic abuses of the human rights of its citizens.²⁴

With respect to the second argument, which refers to the unreliability of AI's sources, one may wonder why those governments which feel slandered do not sue AI for libel. If it is true that AI reports contain only lies and unfounded rumors, then the regimes that have been unjustly criticized ought to expose AI's dishonesty in court so as to silence calumny and bring discredit to that organization once for all. As a general rule, however, accusations of lies are never taken further than the official denial stage.

Another reproach addressed at this level to AI is that it tends to believe political opponents or exiles more readily than government spokesmen. While this kind of bias can certainly be documented, it is also obvious that government officials do rarely represent the most cooperative information source to obtain accurate and complete evidence about human rights violations in their country.

The third argument, concerning the role of the constitution as a major guarantee in terms of human rights protection, could be valid from a purely theoretical standpoint. Most countries have indeed drafted and enacted very appealing constitutions where the basic rights and liberties of citizens are carefully inscribed. But the best law treaties are not necessarily implemented and what matters really is what happened, rather than what should have happened if governments respected their own sets of rules. The reports prepared by AI are not intellectual exercises intended for measuring the degree of sophistication of a constitution, but only straightforward testimonies about concrete human rights practices.

As far as the notion of "political prisoner" is concerned, it is necessary to note that those in power never accept to treat people who oppose the

established order differently from ordinary criminals. This attitude reflects the fact that the definition of a "political" crime cannot but be subjective. It does not depend so much on the nature of the offence as on the intent and purpose of the "criminal." For the authorities, the logic of power commands punishment of any illegal action as a breach of the peace, whereas those who challenge the legitimacy of a law perceived as unjust view their action as part of a political commitment. Whether or not a crime is acknowledged as a political action is a matter of opinion and, eventually, of power balance. Yesterday's victors are written down in history as heroic patriots, but the losers are condemned to have their names added to the long list of crushed rebels. A Frenchman who fought German occupation during World War II was a patriot, but an Algerian opposing, in 1954, French presence in the Algerian "province" was only a bandit. The Americans of European origin who gained their independence from England were great patriots, but the North American Indians who lost their independence and territories to these patriots were only outlaws. In Eastern block countries as well as in the West, dissidents have been treated as common criminals by the authorities they defy, and as courageous and dedicated militants by those who support the legitimacy of their claims. Thus, in the eyes of the Soviet government, Sakharov was no more a political prisoner than Dennis Banks was in the eyes of the US authorities or than Bobby Sands was in the eyes of Margaret Thatcher.²⁵

The fourth type of criticism encountered by AI is that it is a politically and ideologically biased organization. But in whose favour is that bias supposed to be? There is no need to undertake a thorough examination of a particular government's statements to demonstrate the inaccuracy of this accusation. The quotes provided earlier in this article, which illustrate very vividly the variety of contradictory judgments made about AI by a wide range of different regimes, is sufficient to show that it would prove difficult to identify a definite bias. It is indeed unrealistic to support the notion that AI is, **simultaneously**, an "imperialist," "communist," "racist," "Zionist," and "Nazi" organization.

The last type of argument, which consists of advising AI to worry about other, more "attention-deserving" governments, confirms the lack of sincerity of governments hiding behind the nonintervention principle. On the one hand, they refuse any outside interference as far as their own human rights record is concerned; but on the other hand they strongly encourage AI to look into the internal affairs of those countries with which they are on unfriendly terms. The worst show of bad faith in this respect is the face-about of some governments that do not tolerate any form of criticism by AI, but that do not object to reproducing, sometimes with comments of praise, AI reports about human rights violations in a country with which they are in conflict. For instance, when AI prepares a report on USSR, the Soviet press exposes its "unscrupulous methods";²⁶ however, when AI writes about Spain under Franco, Moscow's

opinion is much less scathing: "AI has issued a revealing document. . . it comes to confirm, with the authority of this humanitarian international organization. . . ."27 In the same way, the Iranian press, which has repeatedly unmasked the intrigues of this organization which follows "imperialist and Zionist orders," was not at all reluctant to publish the complete text of AI's reports on Iraq when it was at war with that country.²⁸ The number of similar examples could easily be multiplied.

To conclude, let us give the floor to the Indian reporter who noted in 1977 that "the award of the Nobel Peace Prize to Amnesty International is a good way of saying to the repressive governments that the worth of this institution does not depend on what they think of it."²⁹

NOTES

1. Foreign Minister Juan Carlos Blanco in a special news conference, 18 February 1976.
2. Editorial entitled "Keep out Amnesty", *The Weekly Spectator*, Accra, 18 November 1972.
3. *The Weekly Review*, Nairobi, 1977.
4. "China hits interference", *The Washington Post*, 19 March 1989.
5. Press release, Embassy of Pakistan in London, January 1982.
6. Editorial in the *Zambia Daily Mail*, Lusaka, 1975.
7. Statement by Byron Stamatopolulos, Greek Government's Press Undersecretary, *The Athens News*, 8 June 1973.
8. "Amnesty International accuses Iraq", *The Washington Post*, 30 January 1990.
9. *The Tel Aviv Times*, 3 September 1980.
10. Iraqi government's reply to the AI report entitled "Iraq: Evidence of Torture", April 1981.
11. Statement made by President Mobutu in 1978.
12. Comments of the Government of the Republic of China, Taiwan, in a memorandum submitted to Amnesty International in May 1981.
13. Interview of the East German Prime Minister Erich Honecker, in *Stern*, February 1981.
14. Editorial entitled "Amnesty in Defence of Communism", *El Pais*, Montevideo, 21 February 1976.
15. Letter from the Chilean Ambassador, published in *Cambio 16*, Madrid, 28 April 1975.
16. *Kabul New Times*, 12 December 1981.
17. *Das Volk*, Erfurt, East Germany, 17 January 1978.
18. *Evening Outlook*, Los Angeles, July 1981.
19. *El Pais*, Montevideo, February 1976.
20. Reuter report from Moscow, published in *Neue Zuercher Zeitung*, Switzerland, 13 August 1974.
21. Letter from Prime Minister Vorster's Private Secretary, Pretoria, 8 August 1972.
22. Vogelgesang, S., *American Dream, Global Nightmare* (Norton Company, 1980), p. 118.
23. *Ibid.*, p. 104.

24. UN General Secretary Kurt Waldheim, addressing the World Conference to Combat Racism and Racial Discrimination, on 14 August 1978. Quoted in Vogelgesang, S., *op.cit.*, pp. 86-87.
25. Sakharov's fate as a dissident received world wide publicity after he was awarded the Nobel Peace Prize.
Dennis Banks was a leader of the American Indian Movement in the late 1970s. Wanted by the FBI, he took refuge in California where the Governor took the unprecedented decision to refuse to extradite him on the grounds that "he would not benefit from a fair trial."
Bobby Sands was an active IRA militant as well as an elected member of the Northern Ireland Parliament. While serving a 14-year sentence at the Maze high security prison, he went on a hunger strike in April 1981 to obtain the status of a political prisoner. Mrs. Thatcher refused to consider the demands made by Bobby Sands who died on the 62nd day of his hunger strike. Mrs. Thatcher had told members from the Irish Parliament who had come to intercede on behalf of Bobby Sands that "it was not in her habits to discuss the fate of a British citizen with members of foreign parliaments." A few days before Bobby Sands' death, Humphrey Atkins, the British Minister for Northern Ireland, told the press that the "terrorist" had not entered a coma, but was merely sleeping!
26. "Zealots of Falsehood in the Slough of Slander", *Izvestia*, Moscow, 24 October 1971.
27. Radio Moscow Bulletin, 18 September 1975.
28. *The Tehran Times* throughout October 1981.
29. *The Indian Express*, New Delhi, 12 October 1977.

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