

United States violates international human rights standards

Part 6 in a series of articles on Amnesty International's report on human rights abuses

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Amnesty International released its report 'United States of America--Rights for All' on October 6. The report paints a chilling picture of American society, including police brutality, abuse of children, prisoners, asylum-seekers and others, and the use of high-tech tools of repression and torture. Numerous violations of international standards of human rights are cited, as well as the role of the US in exporting weapons to governments known to carry out torture, and training the personnel to use these weapons. The report is the basis of a yearlong campaign planned by the human rights group to bring US human rights violations to worldwide attention.

As part of a detailed examination of the Amnesty International report by the World Socialist Web Site, today's installment deals with the seventh chapter: 'Double Standards: The USA and international human rights protection.'

Despite the leading role played by the United States in establishing an international system of human rights protection over the past half-century, 'it has been reluctant to submit itself to international human rights law and to accept the same minimum standards for its own conduct that it demands from other countries,' according to Amnesty International. This international system accepts that human rights are not only a universal right, but they transcend the sovereignty of individual nations.

The US has utilized intergovernmental agencies such as the United Nations and the International Court of Justice when it has served its political purposes, and ignored them when it has not. In 1979 the United States

filed a suit against Iran before the International Court of Justice (International Court) when US diplomats were taken hostage in Tehran. However, in 1983 the US refused to recognize the jurisdiction of this court when Nicaragua condemned US-sponsored military and paramilitary actions against the Sandinista government.

The US has consistently refused to criticize human rights violations by the state of Israel against Palestinians, and has turned a blind eye to violations in Saudi Arabia. The clearest example of the US changing its attitude due to political considerations is in relation to Iraq:

'During the 1980s Iraqi forces committed gross and widespread abuses, including repeated massacres of Kurdish civilians, many of them children, sometimes using chemical weapons. Amnesty International repeatedly appealed for action, yet neither the US authorities nor the UN responded. However, after Iraq invaded Kuwait in August 1990, the US attitude changed dramatically. The USA repeatedly cited the Iraqi government's appalling human rights record to gather support for UN military intervention in the Gulf.'

The US blatantly violated international law in 1990 when the Drug Enforcement Agency ordered its agents in Mexico to seize Mexican citizen Humberto Alvarez Macháin, who was wanted in the US for kidnapping and killing a DEA agent. Alvarez Macháin could have been legally brought to court under an extradition treaty. The DEA's illegal activities were subsequently endorsed by the US Supreme Court.

Foreign nationals have been executed in the US in violation of international standards. Angel Francisco

Breard, a Paraguayan citizen, was denied assistance from Paraguayan consular officials after his arrest in the state of Virginia, a right guaranteed under the Vienna Convention on Consular Relations, a statute signed by the US. The International Court ruled on April 9, 1998 that his execution should be suspended until it had considered the case. Breard was executed five days later.

Another Latin American, Irineo Tristán Montoya, a Mexican citizen, was sentenced to death in 1986 by a Texas court, again without consular assistance. AI reports: 'He had been subjected to a lengthy interrogation without a lawyer and had signed a confession in English, a language he did not read, speak or understand,' and was subsequently executed. The governor of Texas stated that because the state had not signed the Convention on Consular Relations they were not bound by it.

United States administrations and politicians have repeatedly challenged the primacy of international human rights law, citing the supremacy of US law. A spokesperson for Republican Senator Jesse Helms, chairman of the Senate Foreign Relations Committee, said earlier this year: 'It's an appalling intrusion by the UN ... there's only one court that matters here. That's the US Supreme Court. There's only one law that applies. That's the US Constitution.'

However, US law presently falls short of some of the minimum standards set down in human rights treaties. For example, the US allows the use of the death penalty against juvenile offenders. The International Covenant on Civil and Political Rights (ICCPR) upholds the right to freedom from cruel, inhuman or degrading treatment. The US ratified this treaty, but with the reservation that it will apply the ICCPR only to the extent allowed by domestic law.

Other US violations of international law cited by Amnesty International included the following:

- corporal punishment in schools;
- prolonged solitary confinement;
- use of male guards to staff women's prisons;
- interference in the private lives of people through the criminalization of sexual relations between consenting adults in certain states;

- the state nomination systems for some judges, which affect the right to an 'independent and impartial tribunal';

- indefinite detention and lack of safeguards for foreign nationals facing expulsion or extradition.

Although the US is one of only two countries, the other being Somalia, that have failed to ratify the Convention on the Rights of the Child, the US has repeatedly blocked an Optional Protocol to that treaty which would ban the recruitment of children under age 18 into the armed forces. The United States is also one of a few countries which have not ratified the Convention on the Elimination of All Forms of Discrimination against Women.

See Also:

US cited for widespread human rights abuses:
First in a series of articles on Amnesty International report

[17 October 1998]

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[27 October 1998]

Part 3: Violence and brutality in the prison system

[6 November 1998]

Part 4: Asylum-seekers treated like criminals

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