

# feature: Double Standards of a Super Power

The Bush administration has called for the "United Nations to fulfill its charter" in order to disarm Iraq. For the United Nations to be taken seriously it must apply the standards it has articulated, encompassing the full charter and all countries. This, however, is not a reality and the United States of America regularly disregards international law within its own borders. In the State of the Union Address just over a month ago President George W. Bush evoked the human rights situation in Iraq listing some of the methods used by Saddam Hussein's government to torture and intimidate. He said that Iraq had shown "utter contempt for the United Nations and for the opinion of the world" in its failure to dispose of its weapons of mass destruction. Hypocrisy is at large and mostly spewing from George W's mouth.

Example: the death penalty. On February 28, unless granted a stay of execution, Michael Johnson will be the 300th prisoner to be executed in Texas since 1982. This anachronistic punishment has no place in civilized society and breaches numerous United Nations resolutions. "Race, ethnic origin and economic status appear to be key determinants in who will, and who will not, receive a sentence of death" wrote a U.N. Special Reporter after visiting the U.S. in 1997. In practice, the death penalty is imposed predominantly on people belonging to ethnic or other minorities for crimes committed against persons belonging to majorities. Furthermore, with human nature being what it is, it is inevitable that innocent people will (and have been) be put to death. Illinois Governor George Ryan has commented that, "If the system was making so many errors in determining whether someone was guilty in the first place, how fairly and accurately was it determining which guilty defendants deserved to live and which deserved to die?" The United Nations was created to protect those needing protecting and ameliorate human rights standards, a concept lacking in the capital punishment system.

Bush vetoed legislation which would have provided indigent defense despite an international law requiring that all capital defendants be adequately represented at all stages of proceedings. Many of the lawyers appointed to those too poor to appoint

their own are " [...] absolutely terrible. [I mean], lawyers that nobody should have, much less somebody on death row on his last appeal" (a former Texas Court of Criminal Appeals judge was quoted as saying). This was tragically demonstrated by the case of Calvin Burdine in 1984 where his lawyer, through substantial proportions of his trial, slept.

Bush opposed legislation banning the execution of people with an I.Q. less than 65 although each year since 1997 the U.N. Commission for Human Rights has passed a resolution calling on retentionist countries not to carry out the death penalty against anyone with mental retardation. Most mentally ill prisoners never received adequate medical help before committing their crimes, treatment which could have saved the lives of their victims and their own. And, in a shocking twist, a U.S.

Federal appeals court ruled, only last week, that "Arkansas officials can force a prisoner to take anti-psychotic medication to make him sane enough to execute." Surely, the benefit of medication to the patient's health is removed once it makes him eligible to die.

In 1991 nine senior former U.S. diplomats filed a 'friend of the court' brief arguing that the U.S.A.'s use of the death penalty on the mentally ill had "become manifestly inconsistent with evolving international standards of decency" and continuing to do so would "strain diplomatic

relations with close American allies, provide ammunition to countries with demonstrably worse human rights records, increase U.S. diplomatic isolation, and impair the United States foreign policy interests." Bush spoke of Saddam Hussein's contempt for the opinion of the world but perhaps his government should start listening to a world increasingly turning its back on capital punishment. The Council of Europe called for a moratorium pending universal abolition of the death penalty at the First World Congress Against the Death Penalty in Strasbourg June 2001. Japan and the U.S.A. are the only rich industrialized countries to still execute people despite the repugnance felt throughout Europe, including the Vatican.

Can the United States government seek to wage a war with U.N. backing and claiming to protect and improve human rights when at home it disregards



international standards? Last year 85 people were put to death in the United States and in the past five years 12 (out of 17 worldwide, over half) child offenders were executed. The Geneva Conventions, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, all have clauses prohibiting the execution of anyone convicted of committing a crime when they were under the age of 18.

Are some U.N. resolutions more important than others? Is it acceptable to ignore the rest of the world in some countries and not in others? The International Court of Justice (I.C.J.) has recently ordered a stay of execution of three Mexicans on death row in the U.S. because the Mexican government claims they were not advised of their right to consular access guaranteed under the Vienna Convention of 1963. The I.C.J. ordered Iran to make reparations to the U.S. because Iran failed to advise American hostages of the right to consular access when the U.S. Embassy was seized in Tehran in 1979. This time, however, the U.S. argued that an injunction would be an unwarranted intrusion into U.S. affairs.

Bush promised the Iraqi people that "the day he (Hussein) and his regime are removed from power will be the day of [your] liberation" despite the fact that twelve years of sanctions from the international community have left the Iraqi people half starved and without basic medical supplies. Military intervention is likely to create a humanitarian crisis and further deteriorate of the situation of the Iraqi people. He also pledged to "bring to the Iraqi peo-

ple food, and medicines, and supplies and freedom" but many of the thousands of internally displaced people would be out of reach of international aid. The international community must decide how to provide safety in the refugee camps, how to bring to justice Iraqi officials for the grave human rights violations which have occurred and how to appoint monitors to ensure both sides follow international laws. Unfortunately, solidarity is severely lacking amongst the international organizations such as the Security Council, NATO and the European Union.

United Nations resolutions, human rights standards, international pressure; these are phrases and tools thrown around without much real consideration for what they mean and who is using them. Selective attention to global human rights only serves to undermine the work achieved by activists. The impact on civilians of any possible military action must be fully debated in open session. The United Nations was created to preserve peace not oversee wars. Yes, it must fulfill its charter but with regards to human rights as well as disarmament and under the guidance of all its members, not being led by a remorseless U.S. government intent on going to war and with no respect for international law, other world leaders or many of its own people. As Bush put it himself, "The decision is for the U.N.: when you say something, does it mean anything?"

*by jo sykes*