

1-1-2008

Challenging 'The Politics of Fear': Amnesty International Leader Says War on Terror Should Not Negate Human Rights

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Recommended Citation

UB Law Forum (2008) "Challenging 'The Politics of Fear': Amnesty International Leader Says War on Terror Should Not Negate Human Rights," *UB Law Forum*: Vol. 20 : No. 1 , Article 13.

Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol20/iss1/13

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Law School Report

FALL MITCHELL LECTURE

CHALLENGING 'THE POLITICS OF FEAR'

Amnesty International leader says war on terror should not negate human rights



Standing-room-only crowd came to hear Irene Zubaida Khan.

A prominent international advocate for human rights brought her message to UB Law School in October, capping an extended period of teaching and discussion with a keynote address that explored the uneasy tension between homeland security and the rule of law.

Irene Zubaida Khan, secretary general of the human rights watchdog Amnesty International, delivered the annual James McCormick Mitchell Lecture on Oct. 25 in O'Brien Hall to an overflow crowd. Even more watched her address on an oversized video monitor in the room next door. In addition, the speech was broadcast live on the Web, and was recorded for later showing on C-SPAN.

Khan's appearance came at the invitation of SUNY Distinguished Professor Makau Mutua, director of UB's Human Rights Center. Khan consulted with Mutua as she initiated internal reforms that broadened Amnesty International's focus on human rights abuses in Southern Hemisphere countries.

Her O'Brien Hall address followed a two-day residency in which Khan spoke to UB Law students in Mutua's human rights course and a course on domestic violence law taught by Clinical Professor Suzanne Tomkins. In addition, she met with University Provost Satish K. Tripathi, Professor Stephen Dunnett, UB's vice provost for in-

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Terrorism must be confronted, but it must be confronted within the framework of human rights.*
– Irene Zubaida Khan, secretary general, Amnesty International

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“Fear allows leaders to consolidate their own power. I think today the biggest test of human rights and the rule of law is fear. In the fear of terrorism and counterterrorism, you see the most specific manifestations of fear and what fear can do to human rights.”

– Irene Zubaida Khan, secretary general, Amnesty International

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international programs and other university professors and dignitaries.

A native of what is now Bangladesh, Khan is Amnesty International’s seventh secretary general and the first woman, Asian and Muslim to hold the post. She is a graduate of the University of Manchester, United Kingdom, and Harvard Law School.

Kahn’s address was titled “The Rule of Law and the Politics of Fear: Human Rights in the 21st Century,” and in his introduction, SUNY Distinguished Service Professor David Engel said, “These issues have remained a central challenge to our society, and it is the responsibility of law schools and members of the legal profession to continue to address them.” He noted that Khan’s leadership of Amnesty International has broadened its mission as an advocate for human rights, and praised her diplomatic skills in pursuit of that goal, saying that her advocacy comes “not in the form of finger pointing or elitist condescension, but in a form accessible to all.”

Khan, a former United Nations official, began by noting that the post-9/11 world is one “where the security interests of the powerful and the privileged override those of the poor and marginalized. This agenda seems to provide security, but it is security for the few at the expense of insecurity that affects lives of many more. This agenda is driven by fear.”

Fear can be a positive sometimes, she said, as in worries over global warming that are spurring ecological action. But mostly, she said, “it destroys our shared humanity because it converts the other into a threat.” She cited the rising incidence of racism and xenophobia in Europe, and increasing anti-Western feeling in the Middle East – “all consequences of fear-mongering” by political leaders who use emotion to build consensus for their own agendas.

“History is replete with examples of

how easily political leaders have used fear to short-circuit debate or divert attention from other issues they do not want to talk about,” Khan said. “Fear allows leaders to consolidate their own power. I think today the biggest test of human rights and the rule of law is fear. In the fear of terrorism and counterterrorism, you see the most specific manifestations of fear and what fear can do to human rights.”

Noting that “terrorist violence as been with us for a long time,” and acknowledging that states have a duty to protect their citizens, she engaged in a thorough critique of the U.S. response to the attacks of Sept. 11, 2001.

“The United States could have treated this incident as an international crime and could have garnered international support for arresting those responsible,” she said. “Instead, the U.S. chose regime change in Iraq and Afghanistan, and around the world they launched a global war on terror.”

And by responding instead as if it were an act of war, she said, “the United States has taken the position that international human rights law does not apply. This is in sharp contrast to international legal opinion.”

Khan specifically criticized American agents’ use of waterboarding, a controversial interrogation technique in which the subject is made to believe that he is drowning, and the presence of secret CIA detention facilities outside the United States. “We do not know what people are being held there or under what conditions. What the president admitted to, in effect, was enforced disappearances,” she said. “This has been a crime under international criminal law since the Nuremberg trials. The irony is, had these secret detention centers been created by another country, they would have been reported in the State Department’s human rights report.”

The U.S. administration, she said, “has tried to redefine torture. It has tried to differentiate between torture and cruel and degrading treatment, though international



Professor Makau Mutua introduces Irene Zubaida Khan

law treats them as the same.” But whatever the term, she said, these techniques are “actually very unreliable methods of gathering intelligence, because when people are in pain, they will say anything they think the other side wants in order to stop the pain.”

Khan, who became secretary general of Amnesty International a month before the 9/11 attacks, said, “In the war on terror, the main casualty has been the rule of law. You all know Thomas Paine’s words about how the law is king – well, the rule of law is not just about any law. Nazi Germany had a rule of law. Adequate protection of human rights is a fundamental principle of the rule of law. The U.S. administration, by disregarding human rights, has undermined that concept of the rule of law. Terrorism must be confronted, but it must be confronted within the framework of human rights.”



to law students in his Human Rights class.

One consequence, she said, is that the United States' moral authority has been impaired on the world stage. As Russia and especially China emerge as major economic powers, they need to be encouraged to make the human rights of their citizens a priority – but now, she said, the United States is in no position to make that argument.

Khan concluded her remarks by urging “another way of looking at things, an approach based on sustainability rather than insecurity. A sustainable strategy promotes both human rights and democracy. Sustainable approaches to human rights require a global approach and multilateralism. It means rejecting the Cold War style of supporting your favorite dictator. We all get afraid from time to time. It is leadership that makes the difference whether we are ruled by fear or whether we manage that fear.”

And she does see signs of hope, Khan said. As one instance, she pointed to international criminal courts operating in Uganda and Congo, cracking down on the recruitment of child soldiers. But “possibly the biggest sign of hope,” she said, “comes from civil society,” the non-government organizations that serve as a check on government abuses. Last year, she said, Amnesty International and Oxfam conducted a massive campaign to gather not petition signatures, but photographs of individual endorsers, urging passage of a treaty controlling the international trade in small arms. Despite opposition in the United States led by the National Rifle Association, the United Nations General Assembly adopted a resolution calling for the drafting of this treaty.

“It is a dismal, dark picture out there,” Khan summed up. “There are many chal-

lenges. But new governments are coming on the scene, new actors are coming on the scene, and what is really exciting is the way social capital is being built, social networks are being built, around the issue of human rights.

“Some governments are fear-mongers; I believe that human rights activists are hope-mongers.”

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The James McCormick Mitchell Lecture, first given in 1951, is funded by an endowment by Lavinia A. Mitchell in memory of her husband, an 1897 graduate of the Law School who later served as chairman of the UB Council.