



State's human rights advocates say U.S. terrorism policies complicate Saberi case



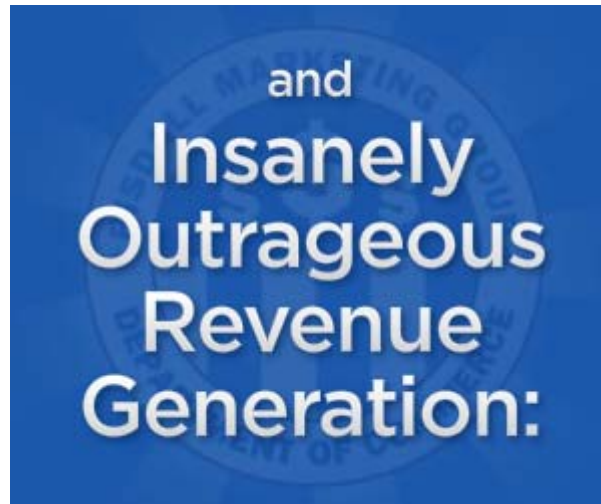
REUTERSRoxana Saberi poses for a photograph in Bam, 776 miles southeast of Tehran, in 2004. Her father says she made "confessions" under duress after she was arrested in January.

Analysis by Sharon Schmickle | Thursday, April 23, 2009

With one clear voice, the United States insists on full legal rights for Roxana Saberi, the American journalist from Fargo who sits in prison in Tehran.

With many voices, though, we argue over what to do about some 240 foreign men who have been locked for years in cells at Guantanamo Bay without basic legal rights.

For Saberi's friends and family in the Midwest, her case brings frighteningly close to home the reasons why so many Americans — from top military officials to exasperated human rights advocates — have warned for years that our own citizens would be endangered if we took shortcuts on human rights in the name of fighting terrorism.



"We have very, very little room to criticize unfair legal proceedings in Iran," said William Beeman, the author of several books on Iran who chairs the University of Minnesota's Anthropology Department.

The record of Guantanamo and other recent U.S. tactics such as secret lockups around the world now make it "tough for us to excoriate Iran" in this case, Beeman said.

No comparison

Let's make one point clear from the start. On the merits of the cases, no one I interviewed sees any similarity between the imprisoned journalist in Tehran and alleged terrorists at Guantanamo.

Some of the men at Guantanamo truly are dangerous killers who should be punished for terrible crimes. The problem is that other detainees may be innocent of any crime. Courts have yet to sort them out even though most of them have been held prisoner for more than seven years.

"These are not parallel cases obviously but the situation opens up the opportunity for rhetorical comparisons by the government of Iran and its sympathizers to say, 'We are giving the same level of due process to Roxana Saberi that you gave to the Guantanamo detainees,'" said Barbara Frey who directs a human rights program at the University of Minnesota.

The nations of the world have agreed on minimum standards for the treatment of prisoners. And there is considerable self interest in honoring the standards whether the cases come up in Tehran or in Washington.

"When you try to find exceptions to international standards that are quite clear, one of the risks that you run is that you will no longer be able to measure other governments according to those standards," she said.

While there can be serious legal consequences for violating international laws as they apply to human rights, the standards are enforced more often than not outside of courts. One country breaks the rules, and the others scold, boycott and impose a range of sanctions.

The United States has lost its moral authority to lead such enforcement in the Saberi case and others that may come up in the future, Frey said.

"It's very difficult to participate in those criticisms when you have publicly violated those laws and, indeed, tried to reduce their legal meaning," she said.

Pressure on Washington

The upshot is that the drama in Iran adds to the pressure on Washington to investigate allegations that Bush administration officials bent the laws and to bring justice where it is warranted.

At the moment the focus in Washington is on allegations that some high-level Bush administration officials authorized the use of torture.

In Iran, reports of torture and ill-treatment of detainees have been common at Tehran's Evin prison where Saberi has been held, said Amnesty International.

Her father, Reza Saberi of Fargo, has said she made "confessions" under duress after she was arrested in January. But Iranian authorities have allowed him to visit her. And neither he nor anyone else has said publicly that she has been tortured.

Saberi, 31, was born in the United States and grew up in Fargo, but she also holds Iranian citizenship because her father was born in Iran. She moved to Iran six years ago and worked as a freelance journalist for National Public Radio and other news organizations.

Her arrest may have been related initially to purchasing alcohol, which is forbidden under strict Islamic law, Beeman said, but she was formally accused of working with expired press credentials. Later a judge charged her with passing classified information to U.S. intelligence services. Last week she was sentenced to eight years for espionage.

Amnesty International has cited many flaws in the Iranian government's handling of her case.

"A shifting tide of accusations from the time of her arrest until her trial is an indication that the Iranian authorities were looking for any excuse to detain her," said Hassiba Hadj Sahraoui, Amnesty's deputy director of the Middle East and North Africa Programme.

Amnesty also said she was denied access to lawyers before her "confession," that the rushed one-day trial gave her no time to prepare a defense against the espionage charge and that Iranian authorities have yet to disclose any convincing evidence.

Disturbing parallels

This is where human rights advocates see disturbing parallels with detainees at Guantanamo and other lockups around the world that U.S. authorities had run secretly.

"What we are looking at is a lack of the fundamental due process involved in rights under the Geneva Conventions: the right to know the charge against you and the right not to testify against yourself," Frey said.

At Guantanamo, most of the detainees "didn't even know what they were charged with for many years," she said. When they were charged in special proceedings intended as substitutes for U.S. courts, they were not given access to much of the evidence being used against them.

"That is similar to Roxanne Saberi's case in the sense that if you don't give the person the right to challenge the evidence that's being used to charge and convict you, then that's a violation of fundamental due process," Frey said.

Bush administration officials argued that the detention facilities they created at Guantanamo were needed in a dangerous age of terrorism to combat Islamist militants. The officials cited national security concerns for keeping some evidence secret. And one reason men were held there for years without clear charges was that U. S. courts were wrangling with the administration over their rights. Courts have only recently begun hearing challenges to their detentions.

President Obama has announced plans to close the Guantanamo camp

next year, and he has established a multi-agency review of each detainee's case. But Republicans in Congress are seeking to block some \$80 million Obama has requested to shut down the camp and relocate the men, the Associated Press reported.

"The administration needs to tell the American people what it plans to do with these men if they close Guantanamo," U.S. Senate Republican leader Mitch McConnell said on the Senate floor Tuesday.

"Foreign countries have thus far been unwilling to take them in any significant numbers. And even if countries were willing to take them, there's an increasing probability that some of these murderers would return to the battlefield," McConnell said

Iran embarrassed

In Iran, the signals are that Sabari may be saved by complex political maneuvers as she gets ready to appeal her conviction.

The country's president, Mahmoud Ahmadinejad, has said Saberi should be allowed full reign to defend herself in an appeal of her conviction, and the chief of Iran's judiciary has ordered an investigation of the case.

In the latest development, an Iranian filmmaker said Tuesday that he is engaged to marry Saberi. Bahman Ghobadi defended her as innocent and circulated in an open letter begging Iranian authorities to release her, the Associated Press reported. Her father said he could not confirm that Ghobadi was Saberi's fiancé.

Ghobadi's claim that Saberi planned to leave Iran but lingered for his sake could help explain why she was working with expired press credentials, Beeman said.

"I think that frankly the central powers in Iran are somewhat embarrassed by all of this," he said. "I think this is something that just got out of hand."

Any solution to the related controversy in the United States will be far more complicated, involving many layers of government and independent commissions.

"We have come through a huge crisis," Beeman said. "It has to be addressed, but it can't be addressed in a way that proves utterly destructive to all of the people you have to work with."

But some level of correction is essential for the sake of American leadership around the world, Frey said.

"In order to restore our credibility we need to take care of our business at home, investigating who is responsible for violations of international law and deciding collectively as a democratic community how we can address those violations," she said.

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