AFTER ABU GHRAIB

Exploring Human Rights in America and the Middle East

This book traverses three pivotal human rights struggles of the post–September 11th era: the American human rights campaign to challenge the Bush administration’s “War on Terror” torture and detention policies, Middle Eastern efforts to challenge American human rights practices (reversing the traditional West to East flow of human rights mobilizations and discourses), and Middle Eastern attempts to challenge their own leaders’ human rights violations in light of American interventions. This book presents snapshots of human rights being appropriated, promoted, claimed, reclaimed, and contested within and between the American and Middle Eastern contexts. The inquiry has three facets: First, it explores intersections between human rights norms and power as they unfold in the era. Second, it lays out the layers of the era’s American and Middle Eastern encounter on the human rights plane. Finally, it draws out the era’s key lessons for moving the human rights project forward.

Shadi Mokhtari is an independent scholar and human rights attorney. She currently works with a domestic violence nonprofit organization in the Washington D.C. area and serves as the managing editor of the Muslim World Journal of Human Rights. She holds PhD and LLM degrees from Osgoode Hall Law School, York University; a JD from the University of Texas School of Law; a master’s in international affairs from Columbia University; and a BA from American University. She has taught as an adjunct professor at Osgoode Hall Law School and has contributed chapters to books, including Islamic Law and International Law (“The Iranian Search for Human Rights within an Islamic Framework”) (2007), Islamic Feminism and the Law (“Towards a New Agenda for Islamic Feminism: Clearing the Human Rights Minefield”) (2008), and Migrant Women’s Search for Social Justice (“Migrant Women’s Interests and the Case of Shari’a Tribunals in Ontario”) (2009). In 2006, she was selected as a “new voices” panelist at the American Association of International Law Conference and was awarded honorable mention for the John Peter Humphreys Fellowship from the Canadian Council on International Law.
CAMBRIDGE STUDIES IN LAW AND SOCIETY

Cambridge Studies in Law and Society aims to publish the best scholarly work on legal discourse and practice in its social and institutional contexts, combining theoretical insights and empirical research.

The fields that it covers are: studies of law in action; the sociology of law; the anthropology of law; cultural studies of law, including the role of legal discourses in social formations; law and economics; law and politics; and studies of governance. The books consider all forms of legal discourse across societies, rather than being limited to lawyers’ discourses alone.

The series editors come from a range of disciplines: academic law; socio-legal studies; sociology; and anthropology. All have been actively involved in teaching and writing about law in context.

Series editors

Chris Arup Monash University, Victoria
Martin Chanock La Trobe University, Melbourne
Pat O’Malley University of Sydney
Sally Engle Merry New York University
Susan Silbey Massachusetts Institute of Technology

Books in the Series

Diseases of the Will
Mariana Valverde

The Politics of Truth and Reconciliation in South Africa
Legitimizing the Post-Apartheid State
Richard A. Wilson

Modernism and the Grounds of Law
Peter Fitzpatrick

Unemployment and Government
Genealogies of the Social
William Walters

Autonomy and Ethnicity
Negotiating Competing Claims in Multi-Ethnic States
Yash Ghai

Constituting Democracy
Law, Globalism and South Africa’s Political Reconstruction
Heinz Klug

The Ritual of Rights in Japan
Law, Society, and Health Policy
Eric A. Feldman

Continued on page following the index
After Abu Ghraib

EXPLORING HUMAN RIGHTS IN
AMERICA AND THE MIDDLE EAST

Shadi Mokhtari
To my father, Rahim Mokhtari, and my mother, Guiti Assadi, for their burning passion for the realization of justice and human dignity in their native Iran, in their adopted United States, and throughout the world.
Contents

Acknowledgments  page viii
Abbreviations      ix

Introduction

ONE    American Imaginings of Human Rights and the Middle East  21
TWO    The Human Rights Challenge from Within             63
THREE  The Middle Eastern Gaze on American Human Rights Commitments  113
FOUR   American Imprints and the Middle East’s New Human Rights Landscape  150
FIVE   From the Ashes of the Post–September 11th Era: Lessons for the Human Rights Project  200

Conclusion  237

Bibliography  245
Index  249

© Cambridge University Press www.cambridge.org
Acknowledgments

I am greatly indebted to family, friends, colleagues, and mentors for their support and assistance in the completion of this book. First and foremost, I would like to thank Susan Drummond for her enduring encouragement and invaluable input throughout the process. At every point at which I felt the project was simply too ambitious and impossible to complete, it was Susan who convinced me to get back in front of my computer and start the next chapter. I also thank Obiora Okafor and Annie Bunting for their guidance and feedback throughout my tenure at Osgoode Hall Law School.

I must also express my gratitude to all the people who assisted me throughout my fieldwork. This project would not have been possible without the tremendous insights provided by the American and Middle Eastern human rights activists, journalists, and government officials who graciously offered me their time, experiences, and perspectives. I would also like to thank Anbara Abu Ayyash, David Cole, Gregory Dean Johnson, Galil Noaman, Wendy Patten, and Charles Schmitz, who each provided valuable leads and assistance with some aspect of the field research. My work in Yemen also benefited immensely from the interpretation assistance of Baraa Shiban.

Finally, I would like to thank my husband, Peyman Khalichi, for his immense enthusiasm for my work and for his willingness to always engage with the issues and ideas encompassed in this project. I am also grateful for the support of my brother Rohmteen Mokhtari, who never ceases to amaze me with wisdom beyond his years. His spirit serves as inspiration for the optimism and hope weaved into this work.
Abbreviations

ACLU – American Civil Liberties Union (American NGO)
CAT – Convention Against Torture
CEDAW – Convention on the Elimination of All Forms of Discrimination against Women
CERD – Convention on the Elimination of All Forms of Racial Discrimination
HOOD – The National Organization for Defending Rights and Freedoms (Yemeni NGO)
IAF – Islamic Action Front (Jordanian Islamist Party)
ICRC – International Committee of the Red Cross
INGO – international nongovernmental organization
IO – international organization
LCCR – Leadership Conference on Civil Rights (American NGO)
MCA – Military Commissions Act
MEPI – Middle East Partnership Initiative
NAACP – National Association for the Advancement of Colored People
NCHR – National Center for Human Rights (Jordanian quasi-governmental organization)
NGO – nongovernmental organization
NPR – National Public Radio
PDF – Political Development Forum (Yemeni NGO)
SAF – Sisters’ Arab Forum for Human Rights (Yemeni NGO)
UNDP – United Nations Development Programme