



On the Record: Human Rights Defenders (1998)

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Contents:

- **Jubilation as Britain Says Yes to Pinochet Extradition, by Iain Guest**
- **Suharto's Political Detainees Still Languish in Indonesia**
- **Congolese Rebels Seize Peace Activists, by Laurie S. Wiseberg**
- **Resisting Egypt's NGO Crackdown, by Laurie S. Wiseberg**
- **Business Magnate Urges Consumer Pressure to Make Private Companies More Responsive to Women, by Teresa Crawford**
- **Disappearances Tear at Algeria, by Manisha Thomas**
- **Profiles**
- **Pakistan: Asma Jahanghir – Taking Up the Challenge of Extra-Legal Executions, by Laurie S. Wiseberg**
- **Palestine: Dr. Eyad Rajab El Sarraj – Palestine's First Prisoner of Conscience**
- **Afghanistan: Fatana Gailani, The Afghan Women's Council, by Manisha Thomas**
- **Nigeria: Dr. Beko Ransome-Kuti, by Willem Offenber**

From the AP Editorial Desk

Jubilation as Britain Says Yes to Pinochet Extradition

by Iain Guest

Husband of missing Chilean hails the "most important day of my life"

Shouts of joy rang out at the Defenders' Summit today (Wednesday) at the news that the British government will not oppose the extradition of former Chilean dictator Augusto Pinochet to Spain.

The announcement from London prompted some extraordinary scenes at the Palace of Chaillot, where the Summit is taking place. Weeping Chilean human rights campaigners clung to each other, unable to believe that their nemesis would finally face justice. Glasses were raised, and impromptu press briefings broke out in the ornate Palace hall.

As reporters crowded around, Fabiola Letelier, whose brother Orlando was killed by the Chilean secret police in Washington in 1976, said she felt "25 years old" again. Sola Sierra, president of the Association of Disappeared and Detained Persons in Chile, described it as the "most important day of my life."

Up till now, the debate has centered on whether Pinochet enjoys diplomatic immunity as a former head of state. That has been rejected by the House of Lords. Today's decision by the British Home Secretary Jack Straw finds no legal reason why Pinochet cannot be extradited to face trial.

Under the British legal procedure, the Metropolitan Magistrate must now confirm that the governments which have requested Pinochet extradition have sufficient evidence to try him. If yes, Pinochet will remain in Britain while his lawyers appeal, which could take several months. It is not impossible that he could still be returned to Chile on humanitarian grounds. The maximum sentence is 30 years.

The news that a decision was imminent led many to predict that Home Secretary Straw would recommend against extradition because the timing seemed aimed at avoiding the 50th anniversary of the signing of the Universal Declaration of Human Rights.

In the event, the reverse happened, and Straw handed the Summit the anniversary present that many had hungered for. "On the eve of the 50th anniversary, victims of human rights violations, and human rights defenders the world over could not have wished for a better reaffirmation of the principles contained in the Declaration," said a statement from Amnesty International in London.

Spain, France, Belgium, and Switzerland have all requested Pinochet's extradition, with Spain being first in the list. Between 20 and 30 Spanish nationals, or persons of dual nationality, were killed or disappeared after the 1973 coup in Chile, and the complaint charges Pinochet with genocide, torture, and violating the Nuremberg principles. Under Spanish law, all are prosecutable in accordance with universal jurisdiction, regardless of where the crimes were committed.

The complaint was lodged against Pinochet two years ago by the Progressive Union of Prosecutors, and taken up by Judge Baltazar Garzon of the Spanish National High Court. In an interview with *On the Record*, Carlos Castresana, director of the Progressive Union, said that he never imagined that it would come to this when the complaint was first sent to Judge Garzon.

Now, all of a sudden, Castresana sees a shift underway in attitudes towards impunity that could have major implications for the human rights struggle. The first complaint made by the Union in 1996 was against three former Junta members in Argentina. This, says Castresana, "woke up" the Argentinian judiciary, which hauled Videla into jail on an (unrelated) charge of having ordered the kidnapping of children born in captivity to disappeared women.

The question now is what ultimate impact the Pinochet decision will have. In the first flush of triumph, participants at this summit have no doubt that it will reinforce the universal nature of crimes like torture and disappearances, cause dictators to quake, and serve as a deterrent to future violations.

That may not necessarily happen: the decision could simply deter brutal rulers from traveling to law-abiding countries. But for the moment, Latin American defenders are savoring their victory,

and sharing their views with other activists. Indonesians were among the first to ask whether the former president Suharto could be brought to trial.

Suharto's Political Detainees Still Languish in Indonesia

The Indonesian government of President Habibie continues to jail political detainees who were jailed by the former president Suharto without being charged, according to the Indonesian Action Committee on the Release of all Political Prisoners in Indonesia.

Speaking here today on behalf of the Committee, Maria Pakpahan said that there are at least 20 political detainees still in jail. One has been waiting on death row for 30 years. Executions normally take place around Independence Day (August 17) she said: the prisoner has spent many anxious Augusts wondering if the time had come.

The prisoners come from varied backgrounds, ranging from the Indonesian Communist Party to East Timorese activists. Some have been released by the Habibie government, said Pakpahan. Yet there had been no clear policy statement on the rest, or review of the cases. "Retaining them in prison is affirming the lack of commitment to democratization and reform, and accepting the legacy of the Suharto dictatorship," she said.

Congolese Rebels Seize Peace Activists

by Laurie S. Wiseberg

Congolese rebels fighting to overthrow the government of President Kabila have cracked down on human rights activists who have opposed the rebellion and urged a peaceful settlement to the ruinous Congolese civil war.

According to information made available here by Human Rights Watch, local human rights groups in the Congolese province of South Kivu have started distributing tracts that call for a negotiated end to the war. One example is a document entitled "Plan for Peace" which has been circulated by the office of coordination of civil society in the region. Following a meeting of the rebels' security commission on November 27, security agents reportedly seized Maheshe Francois, an activist with one of the groups. Other members of the group are considered at high risk.

This is the latest blow to fall on the embattled groups that have been trying to monitor human rights through two years of chaos and bloodshed in Eastern Congo. It was referred to by Reed Brody, director of advocacy at Human Rights Watch, during an address to today's working group on the problems that face human rights defenders monitoring abuses during armed conflict.

Brody served as the deputy director of the ill-fated UN mission to investigate war crimes in Eastern Congo that occurred during the 1996 rebellion by Laurent Kabila against the former dictator Mobutu Sese Seko. According to the UN, as many as 200,000 Rwandan Hutu refugees were hunted down and killed by Kabila's forces and the Rwandan army in Kivu.

The mission was confined to Kinshasa for months. When it was finally permitted to leave for the field, said Brody, it was shadowed by the authorities. Anyone seen reporting to the mission was subsequently interviewed and even arrested.

In August of this year, however, Kabila fell out with his former allies in Rwanda, and the eastern part of the country quickly fell to the rebel Congolese Rally for Democracy. The rebels urged human rights defenders to join up, but many refused. Fearing reprisals, they disappeared into shanty towns, assumed a false identity, or left the country.

Elsewhere in the Congo, in areas loyal to Kabila, human rights groups were not rewarded for their commitment. In April this year, the government dissolved the country's largest human rights organization ASADHO (the African Association for the Defense of Human Rights) shortly after it published a report about the killing of civilians in the east. In May, ASADHO's national offices were shut, and its executive director arrested. The government then de-registered all but 22 of the country's human rights groups.

For Brody, this illustrates not only the vulnerability of human rights defenders trying to work in wars, but the risks they undergo from working with UN human rights missions. It is, he said, a good reason to take care when nongovernmental organizations (NGOs) start monitoring in situations of danger.

Resisting Egypt's NGO Crackdown

by Laurie S. Wiseberg

Hafez Abu Se'da, secretary general of the Egyptian Organization for Human Rights (EOHR) arrived at the Defenders' Summit a day late. But the fact that he came at all is a tribute to the power of international pressure. Were it not for this pressure, he told a press briefing Wednesday, he would still be languishing in Tura prison instead of spending the week at the Summit in Paris – albeit out on bail.

Se'da is one of the more prominent casualties in a major crackdown by the Egyptian authorities against NGOs. Just last week, on December 1, Se'da was sentenced to a 15-day sentence on order of the Higher State Security Prosecution, as part of a wide-ranging crackdown by the authorities against NGOs. The charges against Se'da included accepting funds from a foreign country with the intention of acting in manner that would harm Egypt; disseminating false information abroad that would harm the country's national interests; and receiving donations without having obtained prior permission from competent authorities.

These charges were all brushed off by Se'da. He recently received a check of \$25,000 from the Human Rights Committee of the British House of Commons for his organization, but says that this was the second installment of a grant negotiated in 1996 to support a project on women and handicapped persons. Moreover, the government never raised any questions about the first payment of \$17,300 received two years earlier.

As regards the second charge, concerning the dissemination of false information, this is thought to be related to an EOHR report on an incident in the Al-Kosheh village which documents gross

violations by the authorities. This includes hundreds of arbitrary arrests and the use of torture on men, women, and children. Following publication, an article appeared in the Sunday Telegraph (UK) alleging that the attack was part of the campaign against the Christian Copt minority, and that villagers had been crucified – allegations never made by the EOHR and which the organization immediately denied.

The Observatory for Human Rights, in a press release December 2, expressed concern that the EOHR "appears to have been made a scapegoat for Egyptian authorities' anger" over an article in a foreign newspaper. A representative of the World Organization Against Torture suggested that the government may have also been upset about a report released 15 days earlier on social violence. In it, the EOHR described the abuse suffered by persons arrested by the police for ordinary crimes in five different areas of the country and warned that Egyptian people might turn to violence if this policy of random arrests, torture, and impunity by the police continued.

Se'da himself is not certain why he has been targeted by the regime at precisely this moment. The EOHR has been publishing reports about human rights violations in Egypt for 13 years, since it was established in 1985. "And before we release any report," said Se'da, "we always send a copy to the Attorney General and to the Minister of the Interior, asking for their comments. Not once in all these years has the government commented on any of these pre-publication documents."

Given this, he sees his agency's legal battles as part of a determined effort by the authorities to curb the independence of NGOs as a whole. It is no coincidence, he feels, that his arrest coincided with the introduction by the government of a parliamentary bill to enact a new NGO law.

If adopted, the new law would require NGOs like the EOHR to get official permission before accepting any foreign funding; it would give the Ministry of Social Affairs the right to appoint members to NGO boards; and it would also give the Minister of Social Affairs the right to dissolve NGOs by requesting the court hand down such a judgment in 24 hours. Finally, officers of an NGO could be sentenced to two years in prison for infringing these rules.

The EOHR attempted to register in 1985 but was refused registration by the Minister of Social Affairs on the grounds that another human rights organization already existed in the country. At that time, the EOHR challenged the constitutionality of the law, since the constitution guarantees everyone the right to form associations under national law. Until now, no verdict has been delivered, which has left the EOHR in a legal limbo.

Se'da also drew attention to another disturbing dimension of the NGO law. Prior to its being tabled before Parliament, the Minister of Social Affairs had asked for NGO input, and even organized a forum at which more than a hundred NGOs appeared. In addition to the 20 to 30 human rights groups, development groups were also invited. Why? Probably because Egypt was under pressure from foreign donors to appear to be consulting civil society on something as important as an NGO law.

Yet there is little to suggest that NGO views were subsequently incorporated into the draft legislation. For example, the NGOs stated that they had no problem informing the government on what foreign funding they received. But having to ask permission was clearly a move to undermine their independence.

When the Defenders' Summit is over, Se'da returns to Egypt, where he will most probably stand trial. He could receive a sentence of up to 15 years for the charges laid against him. Other defenders will have to remain vigilant to ensure that he – and other Egyptian NGOs – do not once again fall victim to Egypt's intolerance.

Business Magnate Urges Consumer Pressure to Make Private Companies More Responsive to Women

by Teresa Crawford

One of the world's foremost business entrepreneurs today urged the human rights movement to use consumer pressure in making private companies accountable for the damage done to women by free trade and economic globalization.

Speaking at a working group on women, Anita Roddick, the founder and owner of the Body Shop, said that she had originally been invited to the Summit speak at a panel debate on human rights and big business, but that this was canceled at the last moment for being too controversial. Instead, she found herself at a workshop on women and human rights. She said women's rights are heavily impacted by business practices

Roddick weighed in strongly on the subject. Much of the work done by women is central to the world economy, she said, but is not recognized in monetary terms. As a result, it is termed "inactivity." This is one of the factors that keeps women economically disadvantaged: another is free trade. Women are also penalized by the absence of internationally recognized community, property, and family rights.

Under Roddick, the Body Shop has combined an acute business sense with a sense of responsibility. In Brazil, it has supported the "free babasu movement," which has successfully campaigned to harvest babasu nuts in areas dominated by cattle barons. The babasu nut produces a delicate oil that is used in Body Shop products.

The Body Shop is now trying to increase the wages of the farmers and harvesters – who are mostly women – by cutting out the middleman and by partnering with the harvesters to process the oil directly. Forty-three different communities are involved in similar projects around the world, and Roddick argued that this was a successful example of how business can be moved from "private greed to public good" through an intelligent and energetic consumer movement.

In spite of her own firm's success, Roddick acknowledged that there is often a separation between community values and business values in the rush to make a profit. Women, she said, should make business accountable for its actions. Business responsibility should feature prominently in the Summit Action Plan.

Disappearances Tear at Algeria

by Manisha Thomas

They are taken from the streets, from their beds, from their places of work, and even from hospital beds. Most are young men aged 20 to 25, but women and men as old as 83 have also disappeared, never to be seen again. The army and police take people and use them for multiple purposes – to cook, to clean, to fight. Innocent civilians are simply snatched from their families. For the past seven years, Algerians have been living in fear. The streets of the capital city, Algiers, are empty on the outside by 6:00 pm. Inside, people hide out of fear that they could be taken at any time.

This was the grim and sobering picture painted by Algerian defenders at a press briefing today. Every Wednesday, from 8:30 am to 1 pm for the past year, families gather outside the Observatoire National des Droits Humains (National Observatory of Human Rights) in Algiers, calling for the return of their loved ones. Several members of the Collectif des Familles des Disparu(e)s en Algerie (Collective of the Families of the Disappeared in Algeria) have made the trip from Algeria to attend the Human Rights Defenders' Summit. Their stories make one ask why the international community is so silent on the situation in Algeria.

The founder of the Collectif, Nassira Dutour, lost her son in January 1987. He was living in Algeria with his grandmother. One day, a neighbor phoned from downstairs. The boy went downstairs, returned to collect some things, and went back down. His friend was no longer there. He took a few steps outside to see if he could find him. A car drove up, stopped, and picked him up. He has not been heard of since.

One Friday afternoon, five years ago, the son of another Collectif member was at home. The military came to the door of the house and took him away. Three years later, she saw him being taken from one military camp to another. She has heard nothing about him since.

In January 1988, a woman's son was taken while he was at home sleeping. Another woman's son was taken by police while he was at work. Someone else's son was taken off the street. A doctor was taken from the hospital by police.

The stories are endless. The Collectif, started in France after the disappearance of Dutour's son, has 3,500 dossiers of people who have disappeared, but the actual number is probably much higher. There is also a Collectif in Algeria, but it is not recognized by the government. Appeals and requests for the government to look into cases of those who have disappeared are barely even answered. Families are often told that their sons or children must have left on their own, likely traveling out of the country. The truth, however, is that hundreds of people go missing through no fault of their own.

The crisis in Algeria is not, of course, limited to disappearances. One woman told a story of 17 people being massacred in one night by the military. Last week, more mass graves were uncovered. One young Algerian who came to Paris for the Summit explained that youth just want to work, to have enough food to eat, and to be able to freely travel. But the future facing young Algerians is very different. Yet so few people outside seem to care. As Salima Ghezali, a

member of the Steering Committee of the Human Rights Defenders Summit, said at the opening of the Summit to loud applause, it is both scandalous and unacceptable that the international community is not demanding the truth from Algeria.

Profiles

Pakistan: Asma Jahanghir – Taking Up the Challenge of Extra-Legal Executions

by Laurie S. Wiseberg

Petite and intense, Asma Jahanghir, is one of the few women advocates in Pakistan who can plead before the Supreme Court. Recently, she turned down a judgeship so as to be able to continue providing legal aid to those whose rights are violated or in jeopardy. She was not, however, able to turn down a position offered to her at the end of September – the mandate of Special Rapporteur (SR) of the Commission on Human Rights for summary and extra-legal executions. The position had previously been filled by Bacre Waly Ndiaye of Senegal who vacated the post this past June to become Deputy High Commissioner of Human Rights and head of the UNHCHR's New York office.

I asked Jahanghir what she felt like when she heard that she was appointed to become SR. With characteristic modesty, she replied: "I fear I will be reaching my level of incompetence. It will be very hard for me to fill Bacre's very big shoes." (Ndiaye is about 6', 4" to Jahanghir's 5', but in terms of courage, commitment, and intelligence, they both come out in the topmost percentile.)

She then elaborated. "I am basically an activist. This is new to me, this world of diplomacy." She is right. The fact is that a SR as well as being a fact-finder, must also deal courteously and nimbly with governments of countries where some of the grossest human rights violations are taking place.

What, I asked her, do you most need to help you in your task? "First," she said, "I need adequate assistance."

With the expansion over the past years in the number of special mechanisms of the Commission on Human Rights in the context of a tiny and stagnant budget, most SR's only get a third or a half of a staff person at the Office of the High Commissioner to assist them in their work. Nor do SR's get remuneration for their work.

And the job requires more than an annual report (itself comprehensive in scope and regionally balanced). It also means organizing on-site fact-finding missions to countries that will issue an invitation, and responding to urgent actions where someone's life is on the line. In one of her first such interventions as SR Jahanghir helped stop the deportation home of a Somali woman from Australia. She might have saved the woman's life.

In part because of the meager resources at their disposal, SRs must rely very heavily on information provided to them by the NGO community. It was, therefore, not surprising when Jahanghir said that she needed "responsible and reliable information." "The information must be accurate," she stressed. "I cannot afford to make a mistake." Moreover, the information needs to

be sharply focused. "It is not helpful to get massive volumes that I will never have time to read," she pointed out. If a report is long, it should be accompanied by a one to two page executive summary.

Though her new "job" is challenging, it is hard to think of a person who could do the job better or with more courage. Jahanghir is a veteran of nearly 20 years of human rights activism. In 1980, together with her sister Hina Jilani, she was in the forefront of the women's movement, founding the Women's Action Forum. It was in this early period that Jahanghir learned what the cost of the human rights struggle might entail. In 1985, the Assembly in Pakistan unanimously voted that she should be put to death for blasphemy because she suggested that certain sha'ria laws should be abolished because they did not accord with international human rights standards. As well, on two separate occasions, resolutions were introduced into the Bar Association seeking her disbarment because of her "anti-Pakistani and anti-Islamic views." Fortunately, on neither occasion did the resolution pass.

In 1986, with funding their father had put into the Jilani Foundation for Human Rights (initially, this was basically to help families of political prisoners), Jahanghir and her sister founded the Pakistan Commission for Human Rights. Since its founding, the Commission, which now has a membership of about 2000 and links to many other social justice institutions, has been in the forefront of every major human rights struggle in Pakistan. For their passionate commitment to human rights, she and her sister have received death threats, armed men has come to their home, and they have been subjected to numerous campaigns of harassment. During the last two years, Jahanghir pointed out, many members of the Pakistan Commission have been threatened. The members of the Commission recently read in a local paper that "if they didn't shut up, their tongues would be hacked out."

In taking up her new task, Jahanghir expects to look at extra-legal executions from a gender perspective and to examine crimes like "honor killings" and the killings of girl children. She also hopes that governments will look upon her work with a positive light, and be open to analyzing how they can work with civil society to make things better.

Palestine: Dr. Eyad Rajab El Sarraj – Palestine's First Prisoner of Conscience

The dubious honor of being the first Palestinian ever to be arrested by the Palestinian National Authority was bestowed upon Dr. Eyad Rajab El Sarraj. In an interview with The New York Times he had criticized Yasser Arafat's handling of dissidents.

During the Paris Defenders' Summit he is chairman of the workshop on Human Rights Defenders and Armed Conflicts. Two weeks ago he received the prestigious Martin Ennals Award for Human Rights Defenders in Geneva, named after the first secretary-general of Amnesty International.

Dr. El Sarraj was arrested three times as commissioner-general of the Palestine Independent Commission for Citizen's Rights, which acts on complaints from Palestinian citizens. He is a popular figure in Gaza; soft-spoken and modest, he regularly visits Palestinian prisons.

His whole life has been tied up with detention. It is the dismal plight of prisoners that propels Dr. El Sarraj's open criticism of the Palestinian National Authority, putting his life in great danger. His most recent arrest was in July 1996. During interrogation he was frequently tortured, underwent prolonged solitary confinement, and denied access to a lawyer

Dr. Serraj is working in Gaza, where he founded the Gaza community mental health program. This provides support for mentally-damaged victims of Israeli reprisals. Some of the damage was done by rubber, and some by bullets and tear gas fired during the Intifadah.

He says: "This I remember about one of the people I left behind in prison. He said to me as I was about to be released: "Don't forget me." He gets emotional when reminiscing about the many detention centers and prisoners he visited in Palestine. "In this troubled world the real champions are the people who sacrifice their lives by death, torture, or mistreatment or who sacrifice their lives behind bars for others to enjoy a normal life. It sharpens my resolution and commitment to continue. I will always remember these faces with a sense of responsibility that we have to carry on. And I am sure that one day human rights will win."

Afghanistan: Fatana Gailani, the Afghan Women's Council

by Manisha Thomas

Afghanistan has undergone more than 20 years of war. Human rights are not respected and many Afghans have grown up only knowing war. When the Soviet invasion took place, Fatana Gailani fled Afghanistan with her family for Pakistan and has lived near the border since then.

The situation facing Afghan women has become progressively worse. Under Taliban rule, women have few rights. Many women have been widowed by war, leaving them to raise children on their own. A major problem facing Afghan refugees in Peshawar, Pakistan is that many women must work 12 hours a day to make a living, but then have to leave their children alone in the camps. There is a lack of water and medical facilities in the refugee camps.

In 1986, Gailani and several other women formed the Afghan Women's Council, an organization providing services to women and children in Peshawar. They opened a school for grades 1 to 12 that has 2000 students. The Modern Child Health Center has 12 doctors who treat more than 100 women each day. In addition, a monthly newspaper is published on human rights and women's rights.

The discrimination against women in Afghanistan has been justified largely in the name of Islam, but the Afghan Women's Council tries to counter this by showing what Islam really says about human rights and women's rights. In addition, the Council works with international organizations to gain support for Afghans by explaining the problems they face. At a time when most international organizations have pulled out of Afghanistan, the work of defending the rights of Afghans is left to NGOs like the Afghan Women's Council.

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Nigeria: Dr. Beko Ransome-Kuti

by Willem Offenberg

"Democracy in Nigeria? Yes, we need it. Yes, we'll have it." Dr. Beko Ransome-Kuti, veteran Nigerian human rights campaigner, released from jail immediately after General Abacha's death in June, is adamant: one day all Nigerians will benefit from democracy. But will this happen with the upcoming elections next February? That remains the big question. Frankly Dr. Ransome-Kuti expects the outcome to be "a sham. Some fellow will get elected and after that everybody will continue along the same road. What is necessary is restructuring the federal state."

He predicts that Olusegun Obasanjo, fresh out of jail right after the end of the Abacha-era, will win the election. Not because he is the most popular candidate, but simply because his party, an alliance of African leaders co-operating in the People's Democratic Party, has set-up affiliates in all 24 states. This will enable him easily to gain a minimum of five percent of the votes in the first round, which is required for participating in the presidential elections on February 27. Obasanjo's south-western alliance in fact won more than half of the councils in the country this week in an election contested by nine "political coalitions of convenience." Ransome-Kuti does not trust the motives of this former general-cum-Foreign Minister: "Obasanjo will always try and protect the interests of the military."

The bottom line, he says, is the following: "There will be no hand-over of power by the northerners." Meaning: the northern elite that has wielded power, one military regime after another for the past two decades, will try and influence the results. "To get enough votes candidates have to form coalitions in different states, combine their party-manifestos in order to arrive at some kind of agreement. This dilutes the democratic process."

It would benefit real democracy in Nigeria if a national conference were to be set up to rewrite the constitution. But the present caretaker-government under General Abdulsalam Abubakar, who came to power in June and immediately released 70 political prisoners (among them Dr. Ransome-Kuti) is not prepared to convene such a conference. Ransome-Kuti's message to the West: Keep up the pressure.

As chairman of the Campaign for Democracy, Dr. Ransome-Kuti remains an implacable opponent of the military dictatorship. "I believe in democracy. The worst civilian is better than the best soldier."