

## Aryeh Neier

Aryeh Neier, born in 1937, was active in the U.S. civil rights movement in the 1960s and 1970s. In 1978 he turned to the issue of international human rights and was among the founders of Helsinki Watch, which was renamed Human Rights Watch in 1988. After his work for HRW he played a principal role in building the Open Society Foundations, which since the 1990s has supported projects related to issues of human rights.

## Interview

The following interview with Prof. Dr. Aryeh Neier was conducted in his office at the Open Society Foundations by Prof. Dr. Claus Kreß, Director of the Institute for International Peace and Security Law of the University of Cologne, and Dr. Daniel Stahl, coordinator of the Study Group »Human Rights in the 20th Century«, on the afternoon of March 3, 2015. By advance agreement the discussion was limited to two hours and there was no opportunity for a spontaneous extension. Neier spoke in a deliberate manner and required little time to recall the situations and facts he describes.

### Daniel Stahl

I would like to start with your time in England, where you went after leaving Germany in 1939. How did you as a child experience this time – the World War, and the persecution of Jews?

### Aryeh Neier

In general, I had a fairly happy childhood. There is one exception to that. During the first year that I was in England, when I was still a very young child, I was in a hostel for refugee children. I don't have a lot of memories of that place, because I was still very young. But the memories that I do have are very unhappy. And I'm told that I stopped speaking during that period. I can remember misbehaving, and being put into a corner of a large room behind a bench. The other children went out to play and I stood in that corner to watch them. The other memory I have is the day I left. I had a new, brightly-striped shirt, which I liked very much, and I threw up over that shirt as I was waiting to be picked up. So, that was a very unpleasant period.

But after that, despite what were a lot of difficulties, my childhood was quite happy. After I left the hostel, I was reunited with my parents and my older sister in a small flat they had in London. The top floor of a building. We used to have to go into the Underground at the time that there were bombing raids of London. The Underground in London is extremely deep, and is completely protected against bombing. But my mother hated to go into the Underground. And at a certain point, she refused to do it anymore. Once, when there was an air raid, we went into the cellar of the building, rather than into the Underground. The building itself was destroyed in that bombing raid. But English cellars were well built, and no one in the cellar was hurt.

We were then evacuated from London. The way that evacuations took place is that women

and children went to the big railroad stations in London, and we went to Euston Station in London and you got on a train. When you got on the train, it would stop at each of the regular stops. Then somebody would come aboard and say: »We can take so many.« So, our turn came when we got to a small town called Kettering. Kettering is a town of about 30,000 or 35,000 people. And everybody in England knows it for one thing. It is a boot and shoe manufacturing town. It's a rather nice town. Our turn came at Kettering. Originally, the housing that was available was at a local school. So we moved into the school.

My sister was eight years older than I. She was playing in the schoolyard with a neighborhood girl, and at a certain point, the girl went to her family and said that she had met this friend in the schoolyard and if they could they take her in. The family said yes. Then she approached my sister and my sister said: »No, you have to take my mother and my brother as well.« The family agreed. This was not a well-to-do family. The man in the family was a bicycle repair man. But we moved into their house – a typical English house, in a small town. There was a front room, and the front room was only used on special occasions. The family basically congregated around the dining room. So, they gave us the front room. Some time later, my father was able to join us from London. They had not originally evacuated the men. A local town councilor took in interest in us. His name, of all things, was Mr. Goode. So, Mr. Goode looked out for our welfare. My father didn't ride a bicycle. Mr. Goode found him a job at a milk bottling factory. But the factory was a little far away from the house we were in, so he found another place for us to live. And this time we moved into a more prosperous house.

It was the house of an insurance agent. I remember they had a particularly nice garden. But once again, we moved into the front room of that house. Then Mr. Good got us a place of our own. All these times, it may sound not very pleasant, but I don't recall being unhappy about any of this. I recall that people in England behaved at their very best. They were going to be as pleasant and decent as possible to the refugees, and make them feel as welcome as possible. Everybody behaved in that way. Or at least I, as a child, felt that people behaved in that way. So, my recollection of the period after I left the hostel is all very favorable.

**Stahl**

Did the English people see you as a German or as a Jew?

**Neier**

I would say, we were perceived as Jews. There was, in Kettering, a small Jewish community that had been there for a long time. My parents made contact with that Jewish community right away. They also helped us a great deal. At the end of the war, we moved to the nearby town of Northampton. It's called Northamptonshire. The county is Northamptonshire. Kettering is a town in that. The major town in that is Northampton. It was 14 miles away from Kettering. And there also we were very much associated with the Jewish community in Northampton.

**Stahl**

In 1947 you moved to the United States. What were the conditions you lived in when you arrived here?

**Neier**

We initially moved into a not very nice place in the Bronx, but stayed there very briefly, I think it was a few months. Then we moved into a somewhat nicer place in Brooklyn, and lived there for a while. It was a two-family house. We had the upstairs floor. There was another family that had the lower floor.

**Stahl**

Your father and mother, what work did they do?

**Neier**

My father was a teacher and he got work in the United States.

**Stahl**

Did political issues play a role at home? Were your parents politically involved, for example in Germany?

**Neier**

They were obviously very concerned, very politically concerned about the war. They were particularly focused on which of their family members, if any, had survived the war. And for most of the war they didn't know who had survived. Eventually we got a visit, unexpectedly, from a Canadian who turned out was a somewhat distant relative who had found us. And he worked for a refugee agency. And he had information on who had survived, and who had died during the war. This was towards the very end of the war. It was probably, I'm guessing now, around April 1945. That was really the first information that my parents had on what had happened.

**Stahl**

Other issues, like the Jews in the Soviet Union, or the Cold War?

**Neier**

No, there was no consciousness of the Jews in the Soviet Union. I mean, frankly, that consciousness only came about much, much later on. There was no sense of that during the war.

**Stahl**

But also after the war – did political issues play a role?

**Neier**

My parents died before those became significant issues. My father died in 1966. My mother died later in 1974. And by 1974 the issues of Jews in the Soviet Union had become a factor. But in her last years, my mother was not in good condition and didn't, you know, focus on that issue.

Everybody in the school was politically aware, politically conscious, politically involved. And I was more politically conscious and more politically aware than anybody else.

**Stahl**

And McCarthyism?

**Neier**

McCarthyism played a major role for me because I went to high school in New York City and my years in high school were 1950 to 1954. That was exactly the period of McCarthy's high point. In 1950 he had made the initial speech announcing there were communists in the State Department, which attracted attention to him. And in May 1954, a month before I graduated from high school, there were what we call the Army-McCarthy hearings, which brought down McCarthy. So, his high point exactly coincided with my period in high school. I was highly conscious of this. I attended a high school that is well known in New York City and well known in the United States, Stuyvesant High School. It is highly competitive. One has to take exams in order to get into Stuyvesant. It was sort of the elite publicly-supported high school in New York City and in the country as a whole, known particularly for its programs in science. In that high school everything was political.

Among other things, we had teachers who themselves had been targets in the McCarthy period. Everybody in the school was politically aware, politically conscious, politically involved. And I was more politically conscious and more politically aware than anybody else. We had in the school something called the History Club. I was the president. I could invite speakers to the school, and I did that all the time, outside speakers. For example, I brought Raphael Lemkin to the school, who drafted the Genocide Convention.<sup>[1]</sup> I had written to him, inviting him. He invited me to come and see him at the United Nations. So, at the age of 16, I went to the United Nations to see him. I met him in the delegates' lounge. I was very impressed with that, but I realized long after that probably, the reason he met me there is, he didn't actually have an office at the United Nations. So, the place he could see me was in the delegates' lounge. I brought members of Congress to the school, and various other people to speak to the History Club. So I was deeply engaged politically. But the whole school was deeply engaged politically during that period.

**Stahl**

What motivated you to get engaged politically? I mean, there were many students in that school. Not everyone was engaged like you. Was there a particular event?

**Neier**

I wouldn't say that there was a certain event. I just got deeply involved in that. Every organization in the school had to have a faculty advisor. The woman who was the faculty advisor for the History Club was my history teacher. I liked her a lot, she liked me a lot. So, I got very actively engaged. But I was also very much a debater in the school. I was part of the debate club, took part in debates with students from other schools. The combination of debate and that history club made me heavily involved politically.

**Stahl**

Why did you go to the history club? I mean, if you want to engage politically, it's not necessary to deal with history.

**Neier**

It was called the History Club mainly because the teacher who was the advisor to the group was a history teacher. And so we called it the history club, but it was the forum within the school for the students themselves to organize discussions of political issues. A lot of them related to McCarthyism. I mean, some of them related to international affairs, so bringing Raphael Lemkin there to talk about the Genocide Convention reflected the concern with international matters. But a lot of it involved domestic political matters.

**Stahl**

How did you make contact with Congress people, or people like Lemkin? Did your teachers have some connections?

**Neier**

The teachers didn't have connections, but they encouraged us to write letters to people to invite them to the school. The school was particularly prestigious, because it was sort of known as this elite place that produced all these scientists. So, when somebody got a letter from Stuyvesant High School, they were more likely to respond than if they got a letter from a less well-known school. And it was here in Manhattan, so it was conveniently located. It has been relocated since. Today, it is in lower Manhattan near, what is called, Battery Park. If you went to the school today, probably almost all the students you would see would be Asian. If you went to the school in my day, it was more of a mix. There were Jewish students, but there were a lot of other students as well from all over the city. And it was at 15th Street and Second Avenue, which is fairly well located in Manhattan, accessible to a lot of people.

**Claus Kreß**

May I ask, when you met Lemkin, was the Genocide Convention one topic among many others?

**Neier**

Yes. The issue was, the Genocide Convention had been adopted by the United Nations originally in 1948. It was adopted by voice vote, the day before the Universal Declaration of Human Rights. But then there was the question of ratification of the Genocide Convention. And Lemkin in those days was mainly focused on ratification, and particularly the question of ratification by the United States. And the United States didn't ratify the Genocide Convention until many years later, 1988. But in his last years, the issue he was most focused on was United States ratification. And that was the issue we asked him to talk about at Stuyvesant.

**Stahl**

And your Jewish identity, was that an issue during this time?

**Neier**

Not very significantly. I was not religious. My parents were... Jewish identity meant a great deal for them, although they were not religious. But it didn't mean as much to me as it meant to my parents.

**Stahl**

So, you weren't involved in the Jewish community here in New York?

**Neier**

No.

**Stahl**

What did you hope to do after school? Even though you are a human rights lawyer, you never studied law.

**Neier**

I'm not a lawyer. We didn't have any money. That is ultimately why my parents came here, they had no money. My father had a job teaching languages, but he didn't earn a significant amount of money. Going to college was a financial issue. I worked things out, essentially, so that I could go to college without it costing anything, that is, I attended Cornell University. It's a leading university, but it's unusual in the sense that it has a private component and a public component. And in those days, the public component did not have any tuition cost. So, I applied to a school at Cornell that was part of the public component. They had an industrial and labor relations school. A small school, in which one was basically able to take a liberal arts curriculum and a few additional courses. There was also a competitive state scholarship, and I got a state scholarship. I also worked after class at the university, and I worked during the summers. The combination of what I could earn, the state scholarship and the free tuition meant that I could pay my own way to college. It was no cost to my family. That determined what I did. If I had gone to a private component of the university, I could not have afforded it.

**Stahl**

What plans did you have for the future? What career did you hope to pursue?

**Neier**

At that moment I really didn't have great plans with respect to the future. I was unsure of what I wanted to do. Really, a number of the experiences that I had in college ended up determining what I did. I mean, I tell you: There were three major sort of political matters that took place during the years that I was in college, which helped shape what I did. I graduated from Stuyvesant High School in 1954. In 1955, we had the Montgomery bus boycott. This was the first occasion in which Martin Luther King became known in the United States. He led the Montgomery bus boycott; that is, after a woman named Rosa Parks had not been able to be seated in the front portion of the bus. The blacks in Montgomery, Alabama, had boycotted the buses and had walked instead of taking buses. Martin Luther King became the leader of that movement. That was what sort of triggered or initiated the civil rights movement in the United States. I was very much engaged by the Montgomery bus boycott. The first time I wrote an article for the university newspaper at Cornell, it was about the Montgomery bus boycott, which, as I said, was in my first year at college.

The following year, 1956, the great political event was the Hungarian revolution. I was again very caught up by that. There was a particular connection to that at Cornell. There had been a speaker at Cornell, a man named Norman Thomas.<sup>[2]</sup> He was a social democrat,

a socialist in the United States. He ran for president six times. When the Hungarian revolution took place, Imre Nagy<sup>[3]</sup> was the prime minister of Hungary at the time that Hungary rebelled against the Soviet Union. Imre Nagy sent a woman named Anna Kéthly<sup>[4]</sup> to the United Nations as the foreign minister of Hungary. When Anna Kéthly came to the United States in 1956, she went directly from the airport to the office of Norman Thomas. He was her social democrat friend. The next day he spoke at Cornell. After his speech we went to one of the houses on the campus, and he talked about the Hungarian revolution and about Anna Kéthly and his conversation with her. I was very much caught up by that.

Another thing that was going on during the same period, which was left over from McCarthyism, is that communists were not allowed to speak on many college campuses. I organized a group at Cornell to invite someone to speak to test that rule. Cornell had no objection to having a communist or former communist speak. What happened is, after the Hungarian revolution, there had been a leading communist in the United States, the editor of the Daily Worker, a man named John Gates.<sup>[5]</sup> He had in response to the Hungarian revolution said that American communists should break free from the Soviet Union and should favor communism in the United States, but not controlled by the Soviet Union. In effect, he was sympathizing with the Hungarian revolution. I thought that was interesting, and I invited him to speak at Cornell. He came and he did speak at Cornell. I formed an organization to sponsor this. Norman Thomas had been associated with an organization that sponsored student organizations, so I affiliated the group with that organization. And then I became a member of it. It was a small organization that had branches on a few college campuses. I became the national president of that organization. Then, when I left college I went to work for the parent organization.

**Stahl**

It was the SDS?

**Neier**

I renamed it SDS. It had been the Student League for Industrial Democracy. That sounded 1930ish, so I wanted a more up-to-date name and I chose Students for a Democratic Society. Anyway, but those three events, or those three matters when I was in college, the Montgomery bus boycott, the Hungarian revolution, and the speaker ban on communists, were the political issues that moved me most while I was in college, and determined which way I was going to go.

**Stahl**

Your relationship to Norman Thomas seems to have played an important role for you. What was so fascinating about this man and his political views?

**Neier**

He was supposedly a socialist, but he really cared more about civil liberties than he did about, you know, any economic issues. He had been a founder of the American Civil Liberties Union (ACLU)<sup>[6]</sup> here. He had always been somebody who had led the effort to defend civil liberties in the United States. That's what attracted me. He was also probably the best public speaker I ever heard in my life.

**Stahl**

This speech he gave at Cornell University, was that the first time you met him?

**Neier**

That was the first time I met him. I think, he gave the speech in a huge hall. There must have been 3,000 people attending the speech.

**Stahl**

Was he well known in this time?

**Neier**

He was very well known. He had run for president six times. He never got more than a million votes, but everybody in that era knew Norman Thomas. There is a high school in New York today called the Norman Thomas High School. I doubt that anybody who goes to that school knows who he was. People pass it today, they have no idea what it is. But once he was a well-known figure.

**Stahl**

Were you attracted more by his speeches or by his writings?

**Neier**

It was his speaking and his activism that attracted me. He was a person with a very sharp sense of humor, very quick, a wonderful debater and always a champion of civil liberties.

I never wanted to be identified with a political party or anything of that sort.

**Stahl**

How would you describe your own political views during this time at high school?

**Neier**

I was mainly concerned, then and now, with rights. I haven't changed a great deal. Now, those are the issues that moved me in those days. Those are the issues that have moved me ever since.

**Stahl**

There were also parties that supported these issues.

**Neier**

I never wanted to be identified with a political party or anything of that sort. I was more concerned with questions of rights, regardless of party. I mean, today I find, the way in which the Republicans have moved far to the right, that most of them have become so crazy in the United States. But once upon the time they were Republicans who I admired in the United States.

**Stahl**

During this time were there any other people, politicians such as Norman Thomas, whom



you voted for, or whom you admired?

**Neier**

Sure, there were certain people who I had a higher regard for than others, you know, particular members of the Congress who I admired, but I was not really identified or very focused politically except with respect to rights issues.

**Stahl**

Was there a reason for this? Did you ever have an experience when you said: »I don't want to have anything to do with politics?«

**Neier**

No, I would say that very often, I found that those with whom I might agree politically on other issues were not necessarily great defenders of rights. And those with whom I might disagree on other issues sometimes were defenders of rights. The rights issues were more important to me than other issues.

**Kreß**

Were you reading a lot of political theory? Was there perhaps one line of thought, of ideas, one author who shaped your approach to these issues?

**Neier**

I wouldn't say necessarily one author. There were different authors whose work I liked, whose work I respected a great deal. I've been very involved in freedom of speech issues. And there were particular authors on freedom of speech. There were particular authors on legal issues generally. I admired a John Rawls<sup>[7]</sup> or a Ronald Dworkin,<sup>[8]</sup> legal philosophers of that sort, a great deal. Those have been people who have influenced my own thinking about various issues. But I wouldn't say that there was one person who really shaped my views.

**Stahl**

When did you come in contact with the American Civil Liberties Union for the first time?

**Neier**

Well, I knew the American Civil Liberties Union when I was a student. I knew it when I was in high school. I knew it when I was in college. And I admired certain individuals within the American Civil Liberties Union during that period. But I wasn't really involved.

**Stahl**

Who, for example?

**Neier**

There was a lawyer named Arthur Garfield Hays<sup>[9]</sup> and I admired his work quite a lot. I got to know the man who founded the American Civil Liberties Union, Roger Baldwin, in 1960. I had graduated from college in 1958, I had gone to work for the League for Industrial Democracy, Norman Thomas' old organization. I became the director very early, because my predecessor who hired me got into a fight with the board of directors and resigned. And

even though I was the youngest person on the staff, the board asked me to be the interim director, and then made me the director. Then in connection with that, I'd gotten to be involved in some matters involving human rights in Latin America. In 1960 I was asked to take part in an international human rights meeting in Venezuela. I went to that meeting in April 1960. Roger Baldwin, who had founded the ACLU in 1920 and retired in 1950 from the post of executive director, was one of the American delegation who went to that. So, I spent time with him during the course of that meeting in Venezuela. That was how I initially got to know him. But it was three years later, in 1963, that I went to work for the American Civil Liberties Union.

**Stahl**

Why did you decide to work for them?

**Neier**

They had a job opening. I applied for the job opening. The idea of working for the American Civil Liberties Union was very attractive to me. And I was hired for that job. So, I was 26 when I went to work for the American Civil Liberties Union.

**Stahl**

What issues did you deal with during this time, in the first years?

**Neier**

The initial job they wanted me to do was to work with their state affiliates, state branches in different states, to help advance those affiliates, to increase their membership, to increase their funding, to step up their program. I started working, particularly with the branches in Michigan and Pennsylvania, but I also traveled elsewhere in the country and worked on other matters. There were places where they did not have state affiliates. I organized affiliates for them in Texas and Oklahoma. I went all over the country as part of that job. I was only in that particular post for a year and a half, and then the man who had been the director of the New York Civil Liberties Union was retiring. He was 68. I was more than 40 years younger than him. But he told me, he wanted me to succeed him, and he arranged my appointment. So, I became the director of the New York Civil Liberties Union and then for the next five years worked in New York State.

**Stahl**

On which topics?

**Neier**

A lot of different topics. We were deeply involved, in that period, in the question of police abuses. My predecessor had initiated the effort to have civilian review of complaints against the police, and that became a huge issue during the period that I was the director of the New York Civil Liberties Union. And there was a referendum campaign in New York City during that period, which we lost, on that issue. I got involved in the question of commitment of the mentally ill, or those alleged to be mentally ill, to institutions for the insane. And that was a period when there were giant institutions for those who are considered mentally ill. And we started dealing with the civil liberties of those people considered to be mentally ill. We started dealing with prisoner's rights during that period,

we started dealing with abortion as a rights issue, with capital punishment. A great range of issues.

As Civil Liberties Union we never referred to the Universal Declaration of Human Rights.

**Stahl**

Did you sometimes refer to the Universal Declaration of Human Rights, or was it more about the American constitution?

**Neier**

This was domestic civil liberties. We almost never or virtually never referred to the Universal Declaration or international law. It was all focused on the American constitution, and the constitutional protection of rights in the United States.

**Stahl**

When groups arose like Amnesty International during the sixties, did you take any notice of them?

**Neier**

Initially, no. Amnesty was founded in 1961. And it barely established a presence in the United States. There was really nothing here. The key figure in establishing Amnesty had been a man named Peter Benenson.<sup>[10]</sup> And Peter Benenson had a distant relative in the United States named Mark Benenson,<sup>[11]</sup> and his distant relative tried to establish a branch of Amnesty in the United States. I had no interest in him. He was simultaneously engaged in trying to promote the establishment of Amnesty in the United States and also being an advocate for guns or the right of gun ownership in the United States. That struck me as somewhat ridiculous. So, I was not interested in him at all.

There was a separate organization, which had a little bit more of an impact in that period. There is a French organization, the French League for Human Rights, founded in 1898. And in 1922 that gave birth to the Fédération Internationale des Droits de l'Homme. It was wiped out during World War II, reconstituted after World War II. It's known today as FIDH. But when it was wiped out during World War II, some of the French who were associated with it came to the United States, or sought refuge in the United States, and came in contact with Roger Baldwin, who had been the founder of the American Civil Liberties Union. They persuaded him to create, in effect, a group called the International League for Human Rights, which was to be a continuation of the organization that had existed in France. That was done during World War II. To the degree that anybody was active in human rights internationally in the United States, it was more that organization in the fifties and the sixties than Amnesty, and especially because it was connected to the man who had founded the American Civil Liberties Union, who maintained strong contact with the organization. I had contact with that. And in the period that I was director of the American Civil Liberties Union, we gave office space to that organization. To the degree that I was in contact on international human rights, it was primarily through that organization.

And then also through the organization that had worked on Latin America, where I had attended the conference in Venezuela in 1960. That was called the Inter-American Association for Democracy and Freedom. So, my international human rights work involved those groups, rather than Amnesty. Amnesty didn't become significant in the United States until the seventies. And then it began to be noticed in the United States. But before the seventies, it essentially didn't exist here.

**Stahl**

What was your work for these international organizations like? How were you involved?

**Neier**

Minimally involved. You know, I would occasionally sign a statement about something taking place internationally, but most of the time in that period, I was focused on the United States rather than focused internationally. I had had this involvement in Latin America, and maintained a few contacts among Latin Americans concerned with human rights.

One matter brought me into contact with Soviet dissidents in that period, after I became the director of the American Civil Liberties Union, in 1970, when I became the national executive director. Some time after that, in 1972, an incident took place in New York City. There was a Soviet scientist who was visiting New York, a man named Valery Chalidze,<sup>[12]</sup> a prominent physicist. While he was in New York, two officials of the Russian consulate, or the Soviet consulate, asked to see him. And they asked to see his passport. And when he showed them his passport, they took it away. And this attracted a great deal of attention when I was the director of the American Civil Liberties Union. This had happened right here, in New York City, near our office for the American Civil Liberties Union. I invited Mr. Chalidze to come into our office, to talk to us about what had taken place. He came in. I remember he came with his wife, and his wife was named Vera Litvinov. She was the granddaughter of the Maxim Litvinov who had been foreign minister of the Soviet Union under Stalin. I got very interested in the case of Valery Chalidze and Vera Litvinov. I subsequently learned that Vera Litvinov had a brother, Pavel Litvinov, and that he had organized a demonstration in Moscow at the time of the Russian occupation of Prague to put down the Czech revolution. Pavel Litvinov had migrated to the United States and was teaching physics at a secondary school outside New York City. I got a little bit interested in Chalidze and the Litvinovs and Soviet dissidents generally. Chalidze had been a close associate of Andre Sakharov. So, the Chalidze episode helped to inform me about Soviet dissidents.

**Stahl**

What about US American foreign policy, for example the Kissinger<sup>[13]</sup> era with détente? How did you judge this? I'm not talking about Vietnam and the atrocities committed there, but specifically about détente.

**Neier**

I was less focused on the détente issue. I was very much focused on the Vietnam War. At the American Civil Liberties Union we defended, we represented many, many thousands of opponents of the Vietnam War. That was a major part of what we were doing during that period. And then I had been interested in Latin America. At that conference in Venezuela in

1960, one of the people who attended was Salvador Allende<sup>[14]</sup> from Chile. I didn't like Allende at that conference. I thought of him as a communist, as very much pro-Fidel Castro, and I was antagonistic to Castro. At the same conference, the man who preceded him as president of Chile, Eduardo Frei,<sup>[15]</sup> a Christian democrat, was present, and I liked Frei much better. But then, when the episode took place with the overthrow of the Allende government, and Kissinger's involvement in that, I got somewhat caught up in what had taken place in Chile at that time. And that episode, more than anything else, launched the contemporary human rights movement in the United States. I was interested in all of that. I got involved to a degree in international affairs but I was mainly focused on domestic matters.

At one point, there had been an episode in Canada in which the Canadian Prime Minister Pierre Trudeau had suspended civil liberties because of a separatist threat in Quebec.<sup>[16]</sup> Canada was right next door, and there was a Canadian Civil Liberties Association. I had brought the director of the Canadian Civil Liberties Association to the United States, to meet with the board of directors of the American Civil Liberties Union. I had suggested that we should assist the Canadian Civil Liberties Association. The board was not very eager to do this. They wanted to keep the focus on the United States, rather than get involved internationally. The pressure within the organization was to keep things focused on the United States.

**Stahl**

When did you think for the first time about becoming involved in human rights internationally?

**Neier**

Well, in 1978, the year that I left the American Civil Liberties Union. I was thinking about what I would do next. I was tired. I wanted to take a break, but I also wanted to think a little bit about the future. The international human rights issue was becoming more important in that period than it had been previously. When I was asked by a friend to join in creating what was then the Helsinki Watch, I readily agreed to that, and I began turning my attention to international matters. You know, I was sort of aware of what was going on in different parts of the world, and always had a personal interest, but at the American Civil Liberties Union, I was never really able to get professionally engaged in international matters.

**Stahl**

Did you also start teaching at the university in 1978?

**Neier**

Yes, New York University.

**Stahl**

Did human rights law play a role, or was it more about civil rights?

**Neier**

It was about civil rights. I taught different courses, but the main course that I taught was

one called litigation and public policy, and it focused on the degree to which litigation can be a mechanism for affecting public policy, and also the limits of litigation in affecting public policy. I wrote a book on that subject in that period. That was the main course. I also, one semester, taught a course on freedom of speech issues, First Amendment issues. And one semester I taught a course on privacy issues. But litigation and public policy was the main course that I taught, and that I repeated. I taught that course, I think, for 13 years.

When Ronald Reagan was elected, he turned his back on what had been the human rights policy of the United States under Jimmy Carter. That suggested there was much more to be done.

**Stahl**

Why was it necessary to start another human rights organization? There were already a few.

**Neier**

Right. Initially, the idea was very limited. There had been the 1975 Helsinki Accords. And afterward, a group had formed in Moscow, called the Moscow Helsinki Group, which wanted to implement the human rights provisions of the Helsinki Accords. Essentially, what happened was that the Soviet Union had abstained on the Universal Declaration of Human Rights. They never ratified the international covenant on civil and political rights, in effect, except by adopting the 1975 Helsinki Accords, which also included a provision that each individual has a right to know and act upon his rights. And so this Moscow Helsinki Group had formed to promote implementation. They had only eleven members of the group. But within a year of forming, almost all of the eleven were in prison. I think two of them had emigrated, and two women had not been sent to prison. One was the wife of Andre Sakharov, and one was a woman who was a lawyer who was already quite old. But the other seven members of the eleven had been imprisoned and as I said, two had emigrated. The initial idea was basically to try to get those people freed from prison. We formed a US Helsinki group, mainly to bring pressure to free those people, and then gradually began taking on more issues. Then in 1981, when Ronald Reagan<sup>[17]</sup> was elected, Reagan turned his back on what had been the human rights policy of the United States under Jimmy Carter<sup>[18]</sup>. That suggested there was much more to be done. That really made it seem to me that I could use that vehicle to establish a very significant human rights organization.

**Stahl**

The Helsinki Charter was criticized by some Conservatives for placing détente before human rights. What was your opinion in 1975?

**Neier**

When the Helsinki Charter was signed, there was very little attention paid to it in the United States. Nobody really noticed it in the United States. Ford<sup>[19]</sup> was criticized, Kissinger was criticized, and it became a series of accords rather than a treaty, because Ford knew that he could not get Senate ratification of a treaty. It only began to acquire significance when that small group in Moscow focused on the human rights provisions, and began to rely on those to document violations by the Soviet Union. That's what made everybody pay

attention to it. So, in August 1975, when the Accords were signed, I, like almost everybody else, hardly paid attention to it. It was only later when the group in Moscow made an issue out of it.

### **Stahl**

Human Rights Watch started first with this issue, then later moved on to Latin America.

### **Neier**

Reagan was elected in November 1980. He made clear, right from the beginning, that he was not going to go along with the human rights policy of the Carter administration. The most significant step that he took was in appointing somebody to be the assistant secretary of state for human rights. In the Carter administration, they had the first person to hold that post, and it happened that the woman who was appointed to that post was a good friend of mine, a woman named Patricia Derian.<sup>[20]</sup> She was a Mississippi woman. She was a former nurse who had married a surgeon associated with the university hospital in Mississippi and then had simply been a housewife. And when courts ordered the schools to be desegregated in Jackson, Mississippi, the town of Jackson closed the schools rather than desegregate them. There were no public schools anymore. There were only going to be private schools, so they could be segregated. And she, as a housewife, led the effort to keep the schools open.

When I was at the American Civil Liberties Union I got to know her. I was very impressed by her, and got her involved in the ACLU, and got her onto the national board of directors of the ACLU and on to the executive committee of the ACLU. She also became prominent in a variety of civil rights activities in that period. Mississippi had had an all-white Democratic Party. She was part of the group that challenged the all-white Democratic Party. Her group was recognized. She was white. She was the national committee woman. The man who was the candidate for national committee was black. They were recognized by the Democratic Party as the Democratic Party of Mississippi. When Jimmy Carter ran for president, he needed support from people like national committee people. He got to know her and Jimmy Carter became her friend as well. He appointed her as the assistant secretary of state for human rights.

And I can remember when she became assistant secretary in 1977, she called me at the American Civil Liberties Union. She said with her southern accent, which I can't imitate: »I hear there is a problem in Argentina. Do you know anybody who knows anything about Argentina?« She couldn't get help within the State Department, because the State Department professionals at that point weren't interested in this new human rights matter. It happened, I did know somebody who knew about Argentina, somebody who had travelled with me to Venezuela many years earlier and was a professor of political science at Rutgers University who did know about Argentina. I said: »Yes, I do know somebody who knows about Argentina.« I put her in contact. She worked a lot on Argentina during that period, and she became sort of a hero to the human rights people in Argentina, and to human rights people everywhere.

When Reagan came in, he was going to find a successor to her, and he chose somebody who nobody had heard of, except to the degree that he periodically testified in Congress against

all efforts to promote human rights internationally.<sup>[21]</sup> Reagan appointed that person to be the assistant secretary. We had just formed this little Helsinki Watch group. I had known Patricia Derian. We decided we would engage in an effort to block this person from becoming the assistant secretary for human rights. Amnesty wouldn't get involved. Amnesty had by then become somewhat significant. Amnesty wouldn't get involved because, Amnesty said, they didn't take positions on candidates for office, elective or appointed. Amazingly we defeated Reagan's appointee. It was quite a dramatic series of events. I've gone into this in things that I've written,<sup>[22]</sup> but it was quite an extraordinary thing. So, that plunged me much more deeply into the whole international human rights effort than I'd ever been involved previously. It had a big role in making me feel that we could create a major human rights organization out of what had been this little Helsinki Watch.

**Stahl**

What other violations of human rights were of concern to your work during the first years?

**Neier**

Well, Argentina turned out to be very important. Pat Derian was credited with saving the lives of many Argentina human rights activists. The two best known people involved in human rights in Argentina were a man named Emilio Mignone.<sup>[23]</sup> He had been a rector of a college, and then his daughter was one of the disappeared, and he gave up his post as rector and devoted himself to the human rights issue. Then a newspaper editor and publisher, Jacobo Timerman,<sup>[24]</sup> the father of the current foreign minister of Argentina. Timerman himself became a disappeared person. Both of them played significant parts in this. Timerman because he published an autobiographical book at this period.<sup>[25]</sup> One of my associates in creating Helsinki Watch was the publisher of his book. The publisher brought him to Washington to talk about his book, and that attracted a lot of attention. Then Mignone had gone to Geneva on behalf of the Argentine Human Rights Organization. After he had gone to the UN Human Rights Commission in Geneva he was arrested when he got back to Buenos Aires. We made a big issue out of his arrest, to the point where it was a front page story in the New York Times and the Washington Post. Through using the cases of Timerman and Mignone, we defeated Reagan's appointee to be the assistant secretary of state for human rights. Argentina, where the disappearances were taking place, got to be in the forefront of what we were doing.

On the one hand we were concerned with left-wing abuses by the Soviet Union against the Helsinki monitors, on the other hand we were concerned with right-wing abuses against the human rights activists in Argentina. And that shaped the political character, that is we were going to deal with whichever abuse it was, whether it was on the right or whether it was on the left.

**Stahl**

Human Rights Watch decided to deal only with what they call »basic human rights«. How did you decide what rights should be included?

**Neier**



No. We generally dealt with civil and political rights. I had never, in my American Civil Liberties Union period, wanted to be involved in economic rights. I had difficulty thinking of economic issues in terms of rights. But a full range of civil and political rights. Basically, I wanted to deal with the same issues I had dealt with at the American Civil Liberties Union, but on an international scale.

**Stahl**

Were there discussions about this among the members?

**Neier**

Oh, yes, there were many discussions.

**Stahl**

Can you tell us a little bit about how you dealt with this problem?

**Neier**

We dealt with issues beyond those that Amnesty had been dealing with, or that other human rights organizations had dealt with. Amnesty focused only on politically motivated abuses, whereas we wanted to deal with abuses regardless of whether they were politically motivated. So, ordinary police abuses, treatment of prisoners in ordinary prisons, and not only politically motivated abuses. Another major question in that period was what to do about abuses in armed conflict. Amnesty had an approach of only dealing with rights abuses when they were violations of UN treaties. The laws of war had developed outside the UN context, but there were wars under way in Latin America in El Salvador, Nicaragua, Guatemala. In 1979 the Soviet Union had invaded Afghanistan. We wanted to deal with armed conflict abuses, as well as the kinds of things Amnesty dealt with. And so we earlier on decided also to deal with violations of the laws of armed conflict of the Geneva Conventions, and other laws of armed conflict. At the same time, there were some in the human rights field who wanted to deal with economic and social rights, and I resisted dealing with those issues, and I prevailed in resisting that.

**Stahl**

Were there conferences or meetings where you discussed this issue?

**Neier**

There were meetings where these things were discussed. I tried to persuade Amnesty to get involved in the armed conflict issues, and it took them ten years. Eventually, they changed their view. But I attended conferences they organized on that question, and eventually they changed their view.

**Stahl**

What kind of support was there in the human rights field for an approach that also focused on social rights? Can you name a few?

**Neier**

Probably the person I ended up debating more often than anyone else was a man names Philip Alston.<sup>[26]</sup> Philip and I have debated time and time again on these issues. But there

were a lot of people who took that economic and social rights field. The person who taught human rights law at Harvard, Henry Steiner, was another great advocate of economic and social rights and I always disagreed with him.

Social and economic questions are to be resolved through a democratic process, rather than questions to be resolved as a matter of rights.

**Stahl**

Would Norman Thomas have supported economic rights?

**Neier**

He was long dead by this point. I'm not sure because I think he would have regarded them as I do, as questions to be resolved through a democratic process, rather than questions to be resolved as a matter of rights.

**Kreß**

May I return for a second to the question of abuses in armed conflict? At what point did the position emerge, while looking at abuses in armed conflict, not to take a position about the outbreak of armed conflict as such?

**Neier**

Yes. It's a question of *jus ad bellum* or *jus in bello*. Our focus was *jus in bello*, rather than *jus ad bellum*. We talked about those issues, and my own position had been that in a great many cases, you can only resolve the question of who was the aggressor or who started the war by taking a political position. But you can't ultimately take a neutral human rights position. If you take, let's say, the conflict in Gaza. Do you say that Hamas launched rockets and that started the conflict, or do you say, Israel invaded Gaza and that started the conflict? It seems to me, you can argue both sides of that. Ultimately, you make a political decision as to who the aggressor was in a circumstance of that sort. Once you have decided that one party is the aggressor, it makes it seem as though abuses that may be committed by the other side during conflict are somehow forgivable or somehow tolerable. I wanted a position where, regardless of who started the conflict, you condemn certain practices during conflict, whoever engages in them.

I thought it would be ultimately destructive. I mean, you mentioned that Hans-Peter Kaul<sup>[27]</sup> died – he was a great advocate of the position that aggression should be part of the jurisprudence of the International Criminal Court. And I disagreed with him on that issue. I mean, Germany has been more committed to that. At Nuremberg, Germans were prosecuted and convicted for aggressive war. Germany today is the greatest advocate of making it a crime to engage in aggressive war. My own view is that in many situations it's very difficult to say who was the aggressor, because you have to look into the supposed provocations by the other side. You have to make judgements as to whether those were acts of war, or whether the country really was engaged in aggressive war. I think those end up being political judgements. Obviously, there are clearer cases. But I think many cases are not clear cases.

**Stahl**

Can you tell us something about the special circumstances that led you to include law of war in your work?

**Neier**

When we started dealing with Latin America, Americas Watch, there were these wars under way in El Salvador and Guatemala, and then the Nicaraguan war started shortly thereafter.<sup>[28]</sup> There were immense abuses of human rights that were taking place. There were hundreds and thousands of people being killed in those conflicts who were civilian noncombatants. And it seemed to me essential to be able to deal with those matters, if one was focusing on human rights in Latin America. The other element that was important was that human rights generally are limits on governments. The laws of armed conflict are different. They apply equally to all sides in an armed conflict. So, if guerrillas engage in abuses, those are matters one criticizes, as well as the governmental abuses. It seemed to me important not to appear to take sides in armed conflicts, but to be able to criticize both sides. The laws of armed conflict gave one a basis for doing that, whereas regular human rights did not provide a basis for that.

**Stahl**

Today you work for a huge foundation. How did the relationship between Human Rights Watch and the foundations develop in the seventies and eighties?

**Neier**

Well, when we initially created the Helsinki Watch, it was very much with the encouragement and the support of the Ford Foundation. They gave us the initial grant to get started. Then, as we expanded the effort, we started looking for other foundation funds and were successful in that. Early on we particularly obtained support from the MacArthur Foundation. But we also began seeking support from wealthy individuals. George Soros<sup>[29]</sup> was one of the people I had gotten to know a little bit before this. I brought him in as a donor. We also had a practice of holding meetings every Wednesday morning, here in New York City, at which people who had been to various places we were concerned with reported on their findings. Those got to be interesting meetings. A certain number of people began asking their friends to attend those meetings. Sometimes the friends were wealthy persons, and some of them started contributing. So, one woman began attending the meetings, and first she gave 1,000 dollars, and then she gave 25,000 dollars, and then she committed 2,000,000 dollars a year for 15 years. She paid the 2,000,000 dollars a year for 15 years. Then she died at the age of 92. But we began to get significant contributions.

**Stahl**

Did the work of these foundations somehow influence the work of Human Rights Watch ?

**Neier**

You always have to be sure, when you have a non-governmental organization or an organization dealing with issues, that you have enough of a diversity of support. So that if any one donor withdraws, it may create a problem, but it won't injure you, it won't do significant damage. You can always say no to any donor. But you have to be able to determine your own policies, without allowing the donors to have too much say. We were

always very concerned about that, not allowing ourselves to be controlled by the donors. Most of the donors didn't try to exercise control, but once in a while you had a donor who tried to exercise too much influence, and we had to say no.

**Stahl**

Can you give an example?

**Neier**

There was a point when the Ford Foundation was unhappy about a couple of things that we wanted to do. They were not happy with our decision to deal with abuses of armed conflict. The key people involved in funding at the Ford Foundation came out of Amnesty International, and that was not part of the approach of Amnesty International, and they wanted to maintain that approach. We said no, and they reduced their funding. We said: »Okay, you reduced your funding.« But we had enough diversity of support, so we could say to any donor: »If you don't agree that's too bad.« It was very important to us to be able to do that.

**Stahl**

Was there a foundation that stopped financing your projects?

**Neier**

Later on, after I left Human Rights Watch, there were a couple of donors who left because they didn't like the criticism of Israeli human rights abuses. But again, the organization was able to say: »No, sorry, we don't change our practices.«

**Stahl**

Could you give us a short description of the milieu that supported activism on behalf of international human rights?

**Neier**

Yes. The constituency for international human rights has grown greatly in the United States. Years ago it was relatively small, and then during the seventies, especially the second half of the seventies, Amnesty began to grow in the United States, and began to get a significant number of small donors. And again, the biggest impact in the United States in increasing the number of people who supported Amnesty and supported human rights generally was what happened in Chile in 1973, that is, the involvement of Nixon and Kissinger in overthrowing Allende and in the killings and torture in Chile that followed after. That had more of an impact than anything else in establishing a human rights constituency in the United States. I think also that's true in other parts of the world, but more in the United States than any place else. The human rights legislation of the mid-seventies came about in reaction to what happened in Chile, as there were more revelations of the role that Nixon and Kissinger had played, there was increasing anger in the United States about that. And then in the early eighties, when Reagan came in, he turned his back on the Carter human rights policy, and the wars under way in Central America. That also increased the human rights constituency in the United States.

And at the same time, there was a constituency concerned with Soviet abuses, starting in

the seventies. That had been among Jews in the United States, they were concerned with the Soviet Jews and the refuseniks. That also became part of the human rights picture, and then a greater concern with dissent generally in the Soviet Union. And different events of that era all tended to have an influence in enlarging the human rights constituency. For example when martial law was declared in Poland in December of 1981,<sup>[30]</sup> that also added to the human rights constituency. And so gradually it became more and more an accepted activity. There were a number of human rights organizations created. There were groups that grew out of particular professions, so there got to be a committee to protect journalists, physicians for human rights, and other groups. Scientific groups created their own human rights committees. There was really a proliferation of activity. The universities began to establish human rights programs and human rights teaching. But as I say, all of that started in the seventies in the United States.

**Stahl**

How can I imagine the typical private donor to human rights activities? Is there one?

**Neier**

To a certain point it even became fashionable to support human rights activities. So, Human Rights Watch today gets a very large amount of financial support from well-to-do people. There are over a 100 persons in the United States and elsewhere who give a 100,000 dollars a year or more to Human Rights Watch. That's a lot of money.

**Stahl**

How did Human Rights Watch cooperate with other human rights institutions?

**Neier**

Essentially, today, the two big organizations promoting human rights internationally are Amnesty International and Human Rights Watch. And Amnesty actually had gone into a period of decline for a period, and I would say now has reversed that. Now Amnesty is starting to do rather well again. I think its current secretary general is doing very well, and he recently succeeded in hiring some outstanding people for the Amnesty staff. I think the organization is going to recapture the standing it once had. Amnesty had its sort of greatest period, I would say, during the late seventies and during the eighties, and then went into decline in the nineties and in the first decade of the twenty-first century, and is now on the way up again. And only, you know, in recent weeks I've heard of some additional top-notch people going to work for Amnesty International. I learned the other day that one of the very best Human Rights Watch researchers was leaving Human Rights Watch and going to work for Amnesty. And there have been a couple of cases of that sort recently. So, it's interesting to see Amnesty on the rise again. But Amnesty and Human Rights Watch are the major organizations.

**Stahl**

How did they cooperate?

**Neier**

They actually cooperate quite well. There's always been a friendly relationship.

**Stahl**

I mean, during your time in charge, how exactly did they cooperate?

**Neier**

When I was first involved in really building Human Rights Watch, one of the people I went to see was Thomas Hammarberg<sup>[31]</sup> who was then the secretary general of Amnesty, based in London. And he could not have been friendlier and more cooperative and more helpful. And his principal associate was a man named José Zalaquett,<sup>[32]</sup> from Chile. And again, Zalaquett was immensely helpful and immensely cooperative. So, we had the friendliest possible relationship. There were once in a while differences with particular persons at Amnesty. But at the central level, they were extremely generous and helpful.

**Stahl**

Did you cooperate on specific campaigns?

**Neier**

Yes, one occasion for example: I traveled to Guatemala during a particularly difficult period there, quite a dangerous period, but I travelled with the general counsel of Amnesty. And we did everything together during that period.

**Stahl**

I thought Amnesty International didn't get involved in that kind of conflict?

**Neier**

In Guatemala it wasn't only the conflict. There were also disappearances and torture and the issues in which Amnesty does get involved. And later on Amnesty did get involved. As I said, it took about ten years for them to decide to move into the conflict situation. But today Amnesty has, if anything, a broader agenda than Human Rights Watch.

**Stahl**

You mentioned José Zalaquett. How specifically did you work with him?

**Neier**

He became a good friend on a personal level. I thought of him as one of the most effective people in the human rights field. He's a very charismatic person, and quite a few people of a certain generation will tell you that it was encountering him that really inspired them to engage in human rights work. He's a person of broad interests. When I see him, his first question to me is always: »What good art have you seen lately?« And he continues to write an art column for a newspaper in Chile. So, he's a person who has a love of the arts, as well as a deep involvement in human rights. There is a house near where I live in Greenwich Village that belonged to a man who has now died, who was an expert on the Soviet Union, but was also a fairly wealthy man. His house became a kind of stopping place in New York for a sort of literary, artistic and human rights crowd. The Russian poet Joseph Brodsky, who won the Nobel Prize for literature, had an apartment in that house. And then Joseph Brodsky became friendly with the West Indian poet who also won the Nobel Prize for literature, Derek Walcott. And Derek Walcott also acquired an apartment in that building. And José Zalaquett would stay in that house when he came to New York. That sort of

literature, art, human rights crowd was always associated with each other.

**Stahl**

And how was the cooperation with intergovernmental organizations like the United Nations?

**Neier**

It varies depending upon who is in those positions at given times. Right now for example, the United Nations ...

**Stahl**

During your time at Human Rights Watch.

**Neier**

During my time, not always the best cooperation. The first United Nations High Commissioner for Human Rights was of little value. His name was Ayala Lasso.<sup>[33]</sup> He was an Ecuadorian. The second person to hold that position was Mary Robinson,<sup>[34]</sup> the former president of Ireland; somewhat more valuable. She is a nice person, I like her. She cares deeply about human rights, but she didn't manage the post well. She didn't have any background at the UN or in international human rights when she was appointed to the post. And she brought with her, to her job at the UN, the woman who had been her principal assistant when she was president of Ireland. She should have compensated for her own shortcomings by getting a top assistant, who knew about the matters she didn't know about. She never got control over the human rights bureaucracy at the UN. She mismanaged the world conference against racism in Durban, and it's still considered as sort of an embarrassment at the UN. She was succeeded by Louise Arbour,<sup>[35]</sup> who did much better. She was succeeded by the woman from South Africa, Navi Pillay,<sup>[36]</sup> who did still better, did very well. Now there is Prince Zeid,<sup>[37]</sup> and I think he will do extremely well. But it's been varied at the UN. Some of the people have been effective in promoting human rights, some have not been effective. The relations tended to vary, depending upon who was in the position. I had a very good relationship with Kofi Annan when he was secretary general of the UN.<sup>[38]</sup>

**Stahl**

Were there circumstances under which you cooperated very well, or can you give us some examples of how you worked together?

**Neier**

I can think of cooperation with Kofi Annan after he was secretary general. He became the mediator in Kenya after the 1997 elections. I'm sorry, it was 2007. He basically prevented Kenya from falling apart in a Rwanda-like situation. We cooperated a great deal with him with respect to that. We provided him with a monitoring staff with which to determine what was going on, in terms of compliance with the peace agreement he negotiated, and things of that sort. So, there were times when one cooperated. But for example when Boutros Boutros-Ghali was secretary general of the United Nations, there was no cooperation.<sup>[39]</sup>

**Stahl**

One of the topics you worked on was accountability. Why did you become a critic of amnesty?

**Neier**

You know, usually what happens in those circumstances is it's a kind of self-amnesty. That is, the person who commits the crime amnesties themselves. So, Pinochet<sup>[40]</sup> commits certain crimes, and then he declares an amnesty to forgive himself for his own crimes. Or the Argentine generals, before they left power, declared an amnesty for themselves, so they would not be prosecuted criminally. That's very different from the historic idea of amnesty. The historic idea of amnesty was, somebody rebels against the king and the king is trying to end the rebellion, and as part of ending the rebellion provides an amnesty, so that those who engaged in the rebellion will end it, and will not suffer for having engaged in the rebellion. It's not a question of forgiving yourself for your own crimes. That kind of idea of forgiving oneself would be as if Hitler, before leaving power, said: »I declare an amnesty. Everybody who committed these crimes is forgiven.« That is essentially what the Argentines did or what Pinochet did. And that's something you can't tolerate.

The Argentinian case launched the whole focus on accountability.

**Stahl**

How did you become involved in this question? When was the first time that you had to deal with it?

**Neier**

It involved Argentina. What happened was that the Argentine military had seized power in 1976 and then the disappearances followed that. Eventually the commission that investigated the disappearances documented 8,960 disappearances. But it was generally estimated that there were two or three times as many as were actually documented. Then the Argentine economy was doing badly, and the generals tried to distract attention from the economic failures by launching a war over the Falkland Islands. The Argentines call them the Malvinas. They didn't expect the British to resist as strenuously as they did, and they didn't expect the United States to align itself with Britain. The Argentine military thought they had done favors for the United States on various matters, and the United States would at least be neutral. But the United States had a closer ally in the United Kingdom. They weren't going to be neutral. Margaret Thatcher was the prime minister, and she reacted strenuously. The British defeated the Argentines. Some of the Argentine military behaved in cowardly fashion during their defeat.

After they lost that war in 1982, the Argentine military had to give up power and they had to allow elections for a civilian government. They had lost the war, they hadn't been able to manage the economy. But before they left power, they declared an amnesty for themselves. At that point an election was under way, and the candidate who was leading<sup>[41]</sup> said that he didn't support the amnesty, but he would go along with it. The candidate who was not doing that well said if he became president, he would reject the amnesty.<sup>[42]</sup> And then the latter won the election. As soon as he won the election, he announced that he was forming a



commission to investigate the disappearances. That became the origin of truth commissions.<sup>[43]</sup> He was also starting prosecutions of the military men who were principally responsible for the disappearances, and so prosecutions started. Argentines divided the accountability into what they call the truth phase, which was the commission, and the justice phase, which were the prosecutions. That's really what launched the whole focus on accountability.

In that period there were transitions in several Latin American countries, and the issue of accountability became a crucial issue in every country where there was a transition. Then it spread from there to South Africa, then to other African countries, so now there have been more than 40 of these truth commissions in different parts of the world. Then we've also had international tribunals, national prosecutions. Accountability has become a major issue worldwide.

### **Kreß**

It seems as if you were prepared to draw a distinction depending on the nature of the amnesty. You've been very clear on self-imposed blanket amnesties. But would you come to the same conclusion, say in the case of peace talks in Colombia, if they end in a compromise?

### **Neier**

This is a very difficult question, because you don't want to have to have a choice between peace and accountability. A country where this became a major factor was South Africa. The transition in South Africa took place in 1994. Before that the government of de Klerk<sup>[44]</sup> had indicated that it would not go along with a peaceful transition if its members were going to be prosecuted for crimes that had been committed during the Apartheid era. And so Mandela<sup>[45]</sup> had to choose between the possibility of a war, in which perhaps a million people would have died, or going along with the amnesty. Mandela chose to go along with the amnesty. An amnesty provision was written into the temporary constitution under which South Africa was governed. Eventually, South Africans made probably the best of the situation. The South African justice minister<sup>[46]</sup> advocated that amnesty should be individual, rather than collective, and that amnesty would only be available for those who acknowledged their crimes and fully disclosed their crimes. That's what produced the situation in South Africa in which the people who had actually committed the crimes testified before the truth commission and acknowledged their crimes.

Some refused to testify. There were a very small number of prosecutions that took place of those who refused to testify and acknowledge effectively. Those who did acknowledge and disclose did receive amnesty. If I had been in Mandela's shoes, I probably would have decided it the same way. I probably would have said that the cost in bloodshed is too great to insist upon accountability. I don't like being in a situation like that. There have been many times other than that when it has been argued that, if you insist upon accountability, that it won't allow a peace settlement to take place. In the other circumstances it actually turned out to be mistaken. In the Bosnian war, Richard Holbrooke,<sup>[47]</sup> who brokered the end of the Bosnian war, was very unhappy about the International Criminal Tribunal for the former Yugoslavia,<sup>[48]</sup> and ultimately thought that would prevent him from negotiating a settlement for the war. It turned out to be exactly wrong. It made it much easier to

negotiate a settlement, to sign the Dayton accords. Milošević<sup>[49]</sup> agreed to the end of the conflict, and the war was ended. There are other examples that one could cite of that sort.

I would like to see accountability and peace as two separate issues, while one tries to achieve both. In practical terms it may often be difficult. But I think one needs to examine it on a sort of case by case basis. Colombia may be a situation. You know, the war has been underway for 40 years or whatever.<sup>[50]</sup> It may be a situation where one has to go along with an amnesty. But I'm unhappy about going along with an amnesty. But the least supportable amnesty is the sort of self-amnesty where a repressive regime forgives itself for its own crimes.

**Stahl**

Not everyone in the human rights networks agreed with you on this issue, for example, Zalaquett.

**Neier**

I understand. And I think he was absolutely wrong on this issue in terms of Chile.<sup>[51]</sup> In fact, you know what has happened in Chile and that is, they went along with the amnesty, with Pinochet's amnesty for a while. And then after the Pinochet proceedings in London, and when Pinochet was returned to Chile, the Chilean judges began deciding matters in the following way: That when a disappearance had taken place it was a continuing crime, that is the person had been kidnapped, you did not have the body. Until the body was discovered, the crime is still underway. Therefore the amnesty, which was declared by Pinochet in 1978, doesn't apply to that crime. They began convicting Chilean military officers on that basis. Some Chilean military officers then identified where they had disposed of the bodies, in order to avoid a conviction. But then you also had the Inter-American Court invalidating the amnesty.<sup>[52]</sup> Today there are a very large number of Chilean military officers in prison in Chile, and the democracy is stronger than it has ever been in Chile. So, actually, on that issue Zalaquett turned out to be wrong. He thought they were in conflict, and they were not in conflict. I would say that if you had him in the room today, he would acknowledge that.

**Stahl**

But back in the eighties you didn't know.

**Neier**

Look, this came up for us in Argentina, where president Alfonsín had ordered the trials. Five of the nine members of the military who had ruled Argentina during the military dictatorship were convicted and imprisoned. That was okay in Argentina. Then the Argentine courts began prosecuting lower-level military offices. The lower level military officers rebelled. They said, they were only following orders, and they shouldn't be prosecuted for those crimes. There were about three small-scale military rebellions in Argentina during that period,<sup>[53]</sup> and Alfonsín passed laws including a full-stop law to try to end the trials. And then his successor, Menem, pardoned the people who had already been convicted.<sup>[54]</sup>

In Argentina, they began prosecuting again on a different basis. When the Argentine

military had committed the disappearances, if they took a pregnant woman, their practice had been to wait until the woman gave birth, then execute the woman as soon as she gave birth and then take the child and give the child for adoption to a military family that wanted to adopt a child. Eventually the Argentine courts said that particular crime of stealing the babies had not been covered by the amnesty. Military men started to be convicted of that crime. And then because the Inter-American Court invalidated amnesties generally, the Argentine courts began to convict in other cases. So, today in Chile there are a lot of military officers in prison. In Argentina there are many more. There are hundreds in prison in Argentina for the crimes of the seventies and the eighties. A former military dictator of Argentina, Videla,<sup>[55]</sup> died about a year and a half ago in prison in his 80s. Another former military dictator of Argentina, Bignone,<sup>[56]</sup> is serving a life sentence, and he's in prison and he's also well into his 80s and he will also die in prison. And a lot of other Argentine military officers are in prison today. Throughout Latin America today, I mean, Chile, Argentina, Guatemala, Uruguay, Peru, there are former military officers in prison for human rights crimes. And democratic government is not endangered by any of that.

**Stahl**

What convinced you during the eighties to take a stand on accountability? Because it at the time it was far from certain what the outcome would be.

**Neier**

It wasn't sure, but you couldn't allow the idea of impunity. If an ordinary murderer kills one person, you don't let that person continue to walk the streets and nothing happens. And then if a person commits a hundred murders or a thousand murders, the person should simply be able to walk the streets without any consequences? I mean, that seems incredible to me. If you're going to commit crimes of that sort, there has to be a consequence. How can you protect people against those crimes, if they can commit those crimes and nothing ever happens to them?

**Stahl**

Many of human rights activists also demanded to try Henry Kissinger for what he has done. What was your point of view during the eighties, or the early nineties?

**Neier**

You can't get me to say anything good about Kissinger. How clear it is that he is responsible for war crimes is... You know, it's a complicated issue. When he was involved in Vietnam, the additional protocols of the Geneva conventions did not yet exist. They were adopted in 1977. The clearest war crimes with respect to Kissinger in Vietnam are the war crimes that relate to Protocol One, additional to the Geneva conventions, the indiscriminate bombing. That was adopted after the war in Vietnam. So, I'm not certain that you can convict Kissinger on that. Then you have Kissinger's involvement in what happened in Chile, and the question was, was he involved to the degree where he would be directly responsible for war crimes? I actually hadn't known very much about Kissinger's involvement in Bangladesh, but there is a historian at Princeton named Gary Bass who published a book recently, dealing with the Nixon-Kissinger policy with respect to the 1971 war of Bangladeshi independence from Pakistan.<sup>[57]</sup> And Bass is correct. Bass is a very responsible historian. If Bass is correct, there is probably a stronger case for Kissinger's responsibility

for war crimes in the Bangladesh case than in anything else that I'm aware of. But I didn't know much about that, until Gary Bass published his book.

**Stahl**

In 1993 you became president of the Open Society Institute.<sup>[58]</sup> Since then you had the opportunity to promote specific ways of dealing with past wrongs. What projects have you supported?

**Neier**

Well, I supported a lot of efforts. I was very involved in the creation of the International Criminal Tribunal for the former Yugoslavia and also involved in the creation of the International Criminal Court. And I supported organizations that were promoting accountability. One of them is an organization called the International Center for Transitional Justice. Another is an organization here in the United States called the Center for Justice and Accountability. They bring civil suits in American courts against people who have committed war crimes in other countries, who have migrated to the United States. It turns out there are quite a lot of people of that sort. We have a class of litigation in the United States that involves those cases. We have something in the United States, which people refer to as Filártiga cases. A Filártiga case is named because a woman named Joelle Filártiga who was in the United States, she was from Paraguay, was on the street here in New York City, in Brooklyn. She recognized on the street the man who in Paraguay had tortured her brother to death. She was able to get a lawyer, and to identify who he was, and brought a suit against him. A court said that a law enacted in the United States in the 1790s, called the Alien Tort Claims Act allows suit for violations of international law that may have been committed in another country. Since then there have been many court cases on that basis under the Alien Tort Claims Act, like the Filártiga case.

So, we don't have universal jurisdiction prosecutions in the United States, but we do have those civil suits. Most of the time it's impossible to collect damages. But, for example, the former dictator of the Philippines, Marcos,<sup>[59]</sup> was eventually given refuge in the United States by Reagan. Victims of torture in the Philippines in the United States sued Marcos. After Marcos' death the suit continued against the state, and a large amount of money was distributed to victims of torture in the Philippines as a result of that litigation.

**Stahl**

Can you name a specific project about dealing with past wrongs that you supported and that especially appealed to you?

**Neier**

A lot of these matters appealed to me. I was very involved in matters involving Bosnia. During the war in Bosnia I travelled there quite a lot, spent quite a lot of time in Bosnia during the war, and tried to be as helpful as possible with respect to prosecutions dealing with the crimes that took place there.

One case that I was particularly involved, it actually involved crimes committed in Croatia. The war in Croatia started in 1991. The war in Bosnia started in 1992. In Croatia in November of 1991, the Serbs besieged a town called Vukovar, and they eventually overran

Vukovar. There was a hospital in Vukovar, and some of those in the hospital were men who had been wounded, probably in fighting against the Serbs. More than 200 men from the hospital in Vukovar were then taken by the Serbs to a place in the woods a few miles away, and they were executed at that spot. A researcher who worked for me at Human Rights Watch had been the person who had initially discovered that episode. Thereafter another person active in the human rights field went with a forensic anthropologist to look for that place in the woods. They found a place in the woods where they saw trees with a lot of bullet holes. So they thought an execution had probably taken place at that spot, and they began digging and they found one corpse a skeleton with a blindfold still around the skull and a tiny gold chain around the neck of the skeleton with a tiny gold cross, but a Catholic cross, not an Orthodox cross. So, they knew it was a Croatian, not a Serb at that particular spot. They were able to persuade UN troops to guard the spot. Eventually a larger team came, and did an exhumation there. They found the other bodies. We had earlier on identified the Serbian commander who was in charge, who took the people out of the hospital and brought them to that place to execute them. And so, following that particular case and the prosecution of that particular Serbian officer – he's in prison today – was something that I focused on quite a lot, and tried to make sure that all that happened.

**Stahl**

Open Society financed all these investigations?

**Neier**

Yes.

Soros' money is a big part of our ability to exercise influence – but we operate transparently.

**Stahl**

The biographer of George Soros wrote that Soros has his own foreign policy. You wrote the same thing in your autobiography. That would make you his secretary of state. But this »government« never has to face democratic elections. So how do you deal with the problem that big foundations like Soros have the financial power to shape international politics?

**Neier**

Look, there is no question. I mean, we're not subject to democratic accountability. We're able to exercise influence, and obviously his money is a big part of our ability to exercise influence. I can say that probably the main thing one can say is that we operate transparently. People can know what we're doing. They can criticize what we do, and they often do criticize what we do.

**Stahl**

But they can't stop you.

**Neier**

Well, if they are strongly enough critical, they can stop us.

**Stahl**

Do you talk about this problem here in the foundation?

**Neier**

It's not a big topic of discussion but it's raised. If I go and speak some place, the students will ask questions about that, and ultimately for a foundation there is no democratic accountability.

**Stahl**

When deciding what direction to take, what kind of projects to promote, do you take into account what is happening in the scientific debates – social sciences, political sciences, what they produce in knowledge and concepts and theories?

**Neier**

In different degree and different areas. Certainly one pays attention, but not always to the same degree on every subject.

**Stahl**

Is there a certain cooperation with people from political sciences or social sciences?

**Neier**

Yes, we have, for example, early childhood education programs. And there is a great deal of debate about the value of those programs and the value of particular kinds of programs. We try to make sure that we are open to thinking and criticism about whether we're engaged in the right kind of program, or whether we should be engaged in programs of that sort. So, that is a scenario where there would be that kind of debate.

**Stahl**

How did you discuss the question of humanitarian intervention in the nineties?

**Neier**

On the one hand, you want to stop certain kinds of human rights abuses. On the other hand, you know that when there is military activity, inevitably there are additional abuses that will be created and there is a question as to whether a human rights organization ever ought to go so far as to call for military intervention. It's not something that has been resolved. It's an ongoing debate. I mean, it may be that in certain extreme circumstances, there is no alternative to military intervention to try to deal with terrible things taking place.

**Stahl**

Do you recall the first time when you had to deal with this question?

**Neier**

No, it really arose in connection with the war in Bosnia. That was a significant debate.

**Stahl**

In your autobiography you wrote also about a conference some time around 1988?

**Neier**

There was a conference. Bernard Kouchner, who was ultimately foreign minister of France, had been the principal founder of Médecins Sans Frontières. And in 1980 or so, he broke away from Médecins Sans Frontières and created another group, Médecins du Monde. I think it was in 1986, Bernard organized a conference in Paris at which I spoke on the Le Devoir d'Ingerence, the duty of intervention. And the issue was debated at that time, and he in particular argued in favor of a duty to intervene to prevent certain terrible things from taking place. Bernard's initial involvement in these issues came about because he had been a young French doctor, volunteering for the International Committee of the Red Cross at the time of the Biafran War in Nigeria in the late sixties.<sup>[60]</sup> He was always preoccupied by this question of the duty to intervene. When I spoke at the conference, I didn't take a position one way or another on that issue. I think it's a very, very difficult issue. I can imagine on a personal level that I would support military action at certain points, but whether I should do so in the name of the human rights organization is a very different matter. I've been close to it, but I've never quite felt that it was appropriate on behalf of the human rights organization. Samantha Power criticizes me for that in her book on genocide.<sup>[61]</sup>

**Stahl**

Thank you very much for your time.

**Neier**

You're welcome.

**Kreß**

Extremely enlightening!

## Fußnoten

1. Raphael Lemkin (1900-1959), a Polish legal scholar who emigrated to the United States in 1941, devoted himself to the institution of genocide as an international crime. He was a principal actor in the drafting of the Genocide Convention approved by the United Nations in 1948.
2. Norman Thomas (1884-1968) was the presidential candidate of the Socialist Party of America from 1928 to 1948, however without ever capturing a significant share of the popular vote. He distanced himself from the Russian Revolution already in the 1920s and thereafter maintained a strict anticommunist position.
3. Imre Nagy (1896-1958) represented a reform course as the prime minister of Hungary in 1953-1955 and 1956. He responded to countrywide protests in 1956 by forming a multiparty government and demanding the neutrality of Hungary. The Soviet army invaded the country and Nagy was deposed. In 1958 he was executed.
4. Anna Kéthly (1889-1976) belonged to the Social Democratic Party. On November 3, 1956 she received a ministerial post in Nagy's coalition government. The day after the invasion of the Soviet troops she was given the mission of flying to New York and representing Hungary's position before the United Nations.
5. John Gates (1913-1992) was a member of the Communist Party of the United States and belonged to a group within the party that was accused of advocating the overthrow of the U.S. government. In 1949 he was sentenced to five years imprisonment.
6. The ACLU was founded in 1920 in reaction to a series of raids against communists and socialists and has since worked to defend civil rights in the United States.
7. John Rawls (1921-2002), an American philosopher, taught at Cornell University for a brief time in the early 1970s. His works on moral philosophy concern the question of how to reconcile the seemingly contradictory demands for freedom and social justice
8. Ronald Dworkin (1931-2013) wrote works of moral philosophy on problems of jurisdiction.
9. Arthur Garfield Hays (1881-1954), co-founder of the ACLU, participated as an observer and lawyer in many trial proceedings concerning questions of freedom of speech and racial discrimination.
10. Peter Benenson (1921-2005), a British lawyer and Labour Party member, founded Amnesty International as an organization to protect political prisoners and directed it until 1964.
11. Mark Benenson (1929-2013) directed the American chapter of Amnesty International during the early 1970s.
12. Valery Chalidze (\*1938) became active in the Soviet human rights movement and published Samizdat periodicals starting in the mid-1960s. In 1970 he founded the Moscow Human Rights Committee together with Andrei Sakharov (1921-1989) und Andrei Tverdokhlebov (1940-2012).
13. Henry Kissinger (\*1923) was the U.S. secretary of state from 1969 to 1977.
14. Salvador Allende (1908-1973) held a seat in the Chilean Senate for the Socialist Party in the 1960s. After several failed campaigns he was elected president in 1970. On September 11, 1973



the Chilean military carried out a coup d'état against his government. Allende died during fighting inside the presidential palace.

15. Eduardo Frei (1911-1982) was president of Chile from 1964 to 1970 and led the Christian Democratic Party of Chile in the 1970s.
16. Following the kidnapping of two politicians by separatists, Pierre Trudeau in October 1970 enforced the War Measures Act, which allowed the Canadian government to arrest and detain persons without a trial.
17. Ronald Reagan (1911-2004) was president of the United States from 1981 to 1989.
18. Jimmy Carter (\*1924) was president of the United States from 1977 to 1981.
19. Gerald Ford (1913-2006) was president of the United States from 1974 to 1977.
20. Patricia Derian (\*1929) served as the U.S. assistant secretary of state for human rights and humanitarian interventions in 1977-1981.
21. Ernest Lefever (1919-2009) was the president of the Ethics and Public Policy Center, a conservative think tank, from 1976 to 1989.
22. Aryeh Neier: Taking Liberties. Four Decades in the Struggle for Rights. New York 2003, pp. 176-185.
23. Emilio Mignone (1922-1998) in 1979 founded the Centro de Estudios Legales y Sociales, which supported families in the search for disappeared relatives. He was arrested in 1981 and released after international protests.
24. Jacobo Timerman (1923-1999) was among the critics of the junta following the military putsch of 1976. He was arrested in 1977, released after international protests, and went into Israeli exile in 1979.
25. Jacobo Timerman: Prisoner without a Name, Cell without a Number. New York 1981.
26. The Australian human rights lawyer Philip Alston (\*1950) has held different posts in international bodies, for example in 1987-1991 as first rapporteur of the UN Committee on Economic, Social and Cultural Rights, of which he became chairman in 1991-1998.
27. Hans-Peter Kaul (1943-2014) led the German delegation in negotiations on the statute for the International Criminal Court in 1996-2003 and then served the ICC as a judge from 2003 to 2014.
28. Civil war in El Salvador, 1979-1992; civil war in Guatemala, 1960-1996; Contra war in Nicaragua, 1981-1990.
29. George Soros (\*1930) is an American investor and billionaire with Hungarian roots.
30. In reaction to workers' strikes, the Polish government instituted martial law in 1981 and pursued brutal measures against the strikers.
31. Thomas Hammarberg (\*1942) was a Swedish diplomat and served as the secretary general of Amnesty International in 1980-1986.

32. José Zalaquett (\*1942), a Chilean lawyer, chaired the international executive committee of Amnesty International in 1979-1982
33. José Ayala Lasso (\*1932) is an Ecuadoran lawyer and diplomat. He served as the first UN high commissioner for human rights in 1994-1998.
34. Mary Robinson (\*1944) was president of Ireland from 1990 to 1997 and served as the UN high commissioner for human rights in 1997-2002.
35. Louise Arbour (\*1947) is a Canadian lawyer who served as the UN high commissioner for human rights in 2004-2008.
36. Navanethem Pillay (\*1941) is a South African lawyer who served as the UN high commissioner for human rights in 2008-2012.
37. Prince Zeid (\*1964) is a Jordanian diplomat who has served as the UN high commissioner for human rights since 2014.
38. Kofi Annan (\*1938) is a Ghanaian diplomat. He served as secretary general of the United Nations in 1997-2006.
39. Boutros Boutros-Ghali (\*1922) is an Egyptian politician and diplomat who served as secretary general of the United Nations in 1992-1996.
40. Augusto Pinochet (1915-2006) was the president of Chile from 1973 to 1990.
41. Ítalo Argentino Luder (1916-2008) was the candidate of the leftist Justicialist Party during the Argentinian elections of October 30, 1983.
42. Raúl Alfonsín (1927-2009) was president of Argentina from 1983 to 1989.
43. The National Commission on the Disappearance of Persons was created in December 1983 to investigate the fate of persons who had disappeared under the dictatorship in Argentina between 1976 and 1983.
44. Frederik Willem de Klerk (\*1936) was the president of South Africa from 1989 to 1994.
45. Nelson Mandela (1918-2013) was president of the African National Congress in 1991-1997 and president of South Africa from 1994 to 1999.
46. Abdullah Mohamed Omar (1934-2004) served as minister of justice in South Africa in 1994-2004.
47. Richard Holbrooke (1941-2010) was an American diplomat who played a key role in the 1995 negotiations that led to the signing of the Dayton Agreement, which put an end to the war in Bosnia.
48. The International Criminal Tribunal for the Former Yugoslavia was established in May 1993 by the UN Security Council to prosecute crimes committed during the wars in the former Yugoslavia.
49. Slobodan Milošević (1941-2006) was president of Serbia from 1989 to 1997 and president of the Federal Republic of Yugoslavia in 1997-2000.

50. Since 1964 government troops in Colombia have fought against paramilitary groups, drug cartels and leftist guerillas.
51. Zalaquett held the opinion that amnesty must be considered as a means to assure the peace in post-dictatorial societies.
52. In a September 2006 ruling, the Inter-American Human Rights Court found that the failure to prosecute human rights violations after the Chilean amnesty declaration of 1978 constituted a violation of the Inter-American Human Rights Declaration.
53. The uprisings took place between 1987 and 1990.
54. The »Full Stop Law« (Ley de Punto Final) of 1985; the »Law of Due Obedience« (Ley de obediencia debida), 1987.
55. Jorge Rafael Videla (1925-2013), was the leader of the Argentinian military junta and president of Argentina from 1976 to 1981. He was first convicted in 1985, pardoned in 1990, and finally convicted to life imprisonment following 2010 und 2012 trials for kidnapping, murder, torture, and child stealing.
56. Reynaldo Bignone (\*1928) was the leader of the military junta and president of Argentina in 1982-1983. Like Videla he was convicted to life imprisonment following 2010 und 2012 trials for kidnapping, murder, torture, and child stealing.
57. Gary J. Bass: The Blood Telegram. Nixon, Kissinger, and a Forgotten Genocide. New York 2013.
58. Founded in 1994, Open Society Foundations coordinates the various projects financed by George Soros (see note 29).
59. Ferdinand Marcos (1917-1989) was president of the Philippines in 1965-1986. In 1986 he fled to the United States after mass protests.
60. The Nigerian province of Biafra fought an independence war from 1967 to 1970.
61. Samantha Power: A Problem from Hell. America and the Age of Genocide. New York 2002, p. 258.

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