

EUROPE AND CENTRAL ASIA OVERVIEW

Human Rights Developments

MASSIVE HUMAN RIGHTS ABUSES IN KOSOVO AND THE NATO BOMBING THAT ENSUED, RENEWAL OF RUSSIA'S MILITARY CAMPAIGN AGAINST CHECHNYA, AND THE RAPIDLY DETERIORATING HUMAN RIGHTS SITUATION IN CENTRAL ASIA WERE THE DOMINANT THEMES IN THE REGION DURING 1999. IN A LONG-AWAITED MOVE, THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY) INDICTED SLOBODAN MILOSEVIC, ALONG WITH THREE SENIOR SERBIAN OFFICIALS AND A YUGOSLAV ARMY OFFICER, FOR CRIMES AGAINST HUMANITY IN KOSOVO. SIX OTHERS INDICTED FOR WAR CRIMES WERE ARRESTED, FIVE IN BOSNIA BY THE NATO-LED STABILIZATION FORCE AND ONE BY AUSTRIAN POLICE IN AUSTRIA.

AFTER MONTHS OF INTERNAL ARMED CONFLICT IN KOSOVO THAT HAD ALREADY LEFT OVER 2,000 CIVILIANS DEAD AND HUNDREDS OF THOUSANDS DISPLACED, IN SEPTEMBER 1998 AND EARLY 1999, THE YUGOSLAV AND SERBIAN FORCES COMMITTED SEVERAL PARTICULARLY BRUTAL CRIMES AGAINST ETHNIC ALBANIAN CIVILIANS THAT ULTIMATELY FORCED THE INTERNATIONAL COMMUNITY TO ACT. THE MEDIA IMAGES OF MUTILATED AND EXECUTED ETHNIC ALBANIAN CIVILIANS THAT FLASHED AROUND THE WORLD SENT A SHOCK WAVE OF RECOGNITION AND GENERATED INTENSE PRESSURE ON THE GOVERNMENTS OF WESTERN EUROPE AND THE UNITED STATES TO RESPOND IN A MORE EFFECTIVE AND TIMELY MANNER THAN HAD BEEN THE CASE IN BOSNIA.

ON MARCH 24, 1999, AFTER THE COLLAPSE OF PEACE NEGOTIATIONS IN FEBRUARY IN RAMBOUILLET, FRANCE, NATO BEGAN ITS BOMBING CAMPAIGN AGAINST SERBIA. POLITICAL LEADERS, IF NOT NATO COMMANDERS, SEEMED INITIALLY TO BELIEVE THAT IT WOULD ONLY TAKE A FEW DAYS OF AIR STRIKES TO BRING MILOSEVIC BACK TO THE NEGOTIATING TABLE. INSTEAD, MILOSEVIC DEFIED NATO, INTENSIFIED HIS MILITARY CAMPAIGN IN THE PROVINCE, AND BEGAN THE SYSTEMATIC "ETHNIC CLEANSING" OF THE PROVINCE. OVER THE COURSE OF THE NEXT SEVENTY-EIGHT DAYS, SERBIAN AND YUGOSLAV FORCES COMMITTED WIDESPREAD ATROCITIES, INCLUDING SUMMARY EXECUTIONS AND MASSACRES OF CIVILIANS, BEATINGS, RAPE, DESTRUCTION OF CIVILIAN PROPERTY, AND MASSIVE DISPLACEMENT. OVER 900,000 PEOPLE WERE EXPELLED FROM THE PROVINCE AND AS MANY AS 10,000 PEOPLE WERE BELIEVED TO HAVE BEEN ARBITRARILY EXECUTED, ALTHOUGH THE PRECISE NUMBER WAS STILL UNKNOWN.

MILOSEVIC APPARENTLY EXPECTED THAT THE MEMBERS OF NATO WOULD NOT BE ABLE TO MAINTAIN A UNITED FRONT OVER AN EXTENDED PERIOD OF TIME AND THAT PRESSURE WOULD BUILD TO STOP THE BOMBING. BUT THIS TIME, MILOSEVIC MISCALCULATED. ALTHOUGH THERE WERE SEVERE TENSIONS AMONG NATO MEMBER STATES REGARDING THE BOMBING OF YUGOSLAVIA, AS WELL AS GROWING DISCOMFORT AT THE STRAINED RELATIONS WITH RUSSIA AND CHINA CAUSED BY NATO'S CAMPAIGN, THE NATO LEADERSHIP REMAINED REMARKABLY STEADFAST OVER THE COURSE OF THE THREE-MONTH BOMBING CAMPAIGN. ULTIMATELY, NATO BOMBING, COMBINED WITH DIPLOMATIC EFFORTS, BROUGHT AN END TO THE "ETHNIC CLEANSING" IN KOSOVO AND A WITHDRAWAL OF YUGOSLAV AND SERBIAN TROOPS THERE. THE NATO-LED KOSOVO FORCE (KFOR) ENTERED KOSOVO ON JUNE 12, ALMOST ONE MILLION REFUGEES BEGAN RETURNING TO THEIR HOMES, AND THE UNITED NATIONS ASSUMED GOVERNANCE OF THE PROVINCE UNTIL A FUTURE KOSOVO GOVERNMENT COULD BE ELECTED.

WHILE THE NATO STRATEGY ULTIMATELY SUCCEEDED IN BRINGING AN END TO ATROCITIES AGAINST ETHNIC ALBANIANS IN KOSOVO, FOUTING THE NATO RESPONSE AS THE PARADIGM FOR DEALING WITH FUTURE HUMAN RIGHTS CRISES WAS CONTROVERSIAL AMONG MANY IN THE HUMAN RIGHTS COMMUNITY AND WAS LIKELY TO BE A SOURCE OF DEBATE FOR YEARS TO COME.

THOSE LOOKING TO THE HANDLING OF THE KOSOVO CRISIS AS A BLUEPRINT FOR A FUTURE HUMAN RIGHTS-ORIENTED FOREIGN POLICY WOULD DO WELL TO START WITH A STUDY OF WHAT THE U.S. AND ITS ALLIES FAILED TO DO OVER THE PRECEDING TEN YEARS THAT MIGHT HAVE PREVENTED THE NEED FOR MILITARY INTERVENTION. NOT ONLY DID THE INTERNATIONAL COMMUNITY UTTERLY FAIL TO DEVISE ANY STRATEGY TO END THE REPRESSION IN KOSOVO OVER THE YEARS LEADING UP TO THE OUTBREAK OF ARMED CONFLICT IN KOSOVO, BUT, IN DEFERENCE TO MILOSEVIC, IT AGREED NOT TO PLACE ISSUES RELATED TO KOSOVO ON THE AGENDA DURING THE DAYTON PEACE NEGOTIATIONS.

INSTEAD, THE INTERNATIONAL COMMUNITY OPTED TO TREAT MILOSEVIC AS A PEACEMAKER AND ITS LEGITIMATE INTERLOCUTOR IN THE REGION AND FAILED TO ARREST MILOSEVIC'S COHORTS IN BOSNIA—BOSNIAN SERB LEADERS RADOVAN KARADZIC AND RATKO MLADIC—CREATING AN UNMISTAKABLE ENVIRONMENT OF IMPUNITY. (SEE THE ROLE OF THE INTERNATIONAL COMMUNITY — UNITED STATES, BELOW). ONCE THE ARMED CONFLICT ERUPTED IN KOSOVO, THE UNITED STATES AND WEST EUROPEAN GOVERNMENTS REPEATEDLY THREATENED ECONOMIC AND OTHER SANCTIONS AGAINST YUGOSLAVIA, AND NATO THREATENED MILITARY ACTION FOR MONTHS. BUT THESE

THREATS WERE RARELY CREDIBLE AND WERE QUICKLY WITHDRAWN OR FORGOTTEN AT THE SLIGHTEST PROMISE OF RESTRAINT BY THE YUGOSLAV LEADERS.

WHILE THE WEST PROCRASTINATED, MILOSEVIC PREPARED FOR THE MASSIVE "ETHNIC CLEANSING" CAMPAIGN LAUNCHED BY THE YUGOSLAV ARMY AND SERBIAN POLICE ON MARCH 19. IT WAS ONLY THEN THAT NATO FINALLY REACTED IN EARNEST. GIVEN THE INTERNATIONAL COMMUNITY'S FAILURE TO TAKE EARLY STEPS TO PREVENT THE CRISIS IN KOSOVO, SOME INTERNATIONAL HUMAN RIGHTS ACTIVISTS FELT GREAT DISCOMFORT THAT THE NATO BOMBING WAS THEN CARRIED OUT IN THE NAME OF HUMAN RIGHTS. FOR SOME IN THE HUMAN RIGHTS COMMUNITY, THE DEBATE CENTERED AROUND WHETHER MILITARY FORCE COULD EVER BE AN APPROPRIATE MEANS TO ADDRESS HUMAN RIGHTS ABUSES AND, IF SO, UNDER WHAT CIRCUMSTANCES. THERE WAS A CONSENSUS THAT STATES HAVE AN OBLIGATION TO PREVENT OR STOP GENOCIDE, BUT THERE WAS SERIOUS DISAGREEMENT ABOUT WHETHER MILITARY INTERVENTION—WHICH MAY PRODUCE ITS OWN HUMAN RIGHTS VICTIMS—WAS AN APPROPRIATE RESPONSE AND EVEN MORE DISAGREEMENT ABOUT WHETHER HUMAN RIGHTS GROUPS SHOULD EVER ADVOCATE SUCH A RESPONSE.

THIS DEBATE ONLY INTENSIFIED AS NATO BOMBS KILLED A GROWING NUMBER OF CIVILIANS IN SERBIA PROPER. AN ESTIMATED 600 SERB CIVILIANS WERE KILLED DURING THE WAR, AND TOTAL RECONSTRUCTION COSTS COULD WELL REACH U.S. \$34 BILLION. IN ADDITION, THE CONFLICT PRODUCED OTHER NEGATIVE SIDE EFFECTS THAT WERE ANTI-THETICAL TO HUMAN RIGHT PROGRESS: THE SEVENTY-EIGHT-DAY BOMBING CAMPAIGN REVIVED COLD WAR TENSIONS AND INCREASED ANTI-WESTERN SENTIMENT IN RUSSIA AND ELSEWHERE, TESTED THE COMMITMENT OF THE RECENTLY ADMITTED NATO MEMBER STATES, THREATENED TO UNDERMINE THE FRAGILE PEACE IN BOSNIA, AS WELL AS IN NEIGHBORING ALBANIA AND MACEDONIA (ALTHOUGH IT ULTIMATELY DID NOT DO SO), JEOPARDIZED NASCENT DEMOCRATIC OPPOSITION IN SERBIA ITSELF, AND CREATED DIVISIONS AMONG HUMAN RIGHTS ACTIVISTS AROUND THE WORLD ABOUT THE UNIVERSAL APPLICABILITY OF HUMAN RIGHTS STANDARDS.

HUMAN RIGHTS WATCH'S POLICY IS TO CALL FOR THE USE OF MILITARY FORCE IF IT CONSIDERED IT THE ONLY REASONABLE MEASURE THAT COULD PREVENT OR STOP GENOCIDE OR GENOCIDE-LIKE MASS KILLINGS. BUT THE ORGANIZATION ALSO INSISTS THAT ALL MILITARY ACTION, REGARDLESS OF ITS STATED HUMANITARIAN PURPOSE, HAS TO BE CARRIED OUT IN COMPLIANCE WITH INTERNATIONAL HUMANITARIAN STANDARDS, AND THAT THOSE WHO VIOLATE SUCH STANDARDS MUST BE HELD ACCOUNTABLE.

NATO'S STRATEGIC DECISION TO RELY ALMOST EXCLUSIVELY UPON MASSIVE AERIAL BOMBARDMENT TO FORCE SERBIA TO WITHDRAW FROM KOSOVO WAS ALSO TROUBLING. BY DECIDING TO FLY ONLY AT HIGH ALTITUDES, AT LEAST IN PART TO PROTECT NATO PILOTS, WHILE OFFERING NO IMMEDIATE PROTECTION TO THE ETHNIC ALBANIAN POPULATION IN KOSOVO, NATO APPEARED, AT LEAST IN THE SHORT TERM, TO BE TURNING THE PRIORITIES OF HUMANITARIAN LAW—THE PROTECTION OF CIVILIANS—ON ITS HEAD.

MOREOVER, THERE APPEARED TO BE NO CONSENSUS AMONG INTERNATIONAL ACTORS AS TO WHAT HUMANITARIAN INTERVENTION ACTUALLY MEANT AND NO CLEAR PARAMETERS AS TO WHICH CIRCUMSTANCES WARRANTED OR REQUIRED A MILITARY RESPONSE. THE KOSOVO CONFLICT PRESENTED A DOUBLE CHALLENGE TO THE INTERNATIONAL HUMAN RIGHTS COMMUNITY: TO PRESERVE HUMANITARIAN INTERVENTION AS A POSSIBLE RESPONSE TO PREVENT OR END THE WORST HUMAN RIGHTS CRISES, WHILE ENSURING THAT SUCH INTERVENTIONS, NO MATTER HOW APPROPRIATE OR NECESSARY, WERE CARRIED OUT IN A RESPONSIBLE AND ACCOUNTABLE MANNER. IF HUMANITARIAN INTERVENTION WAS TO BE A RESPONSE GROUNDED IN HUMAN RIGHTS PROTECTION, IT SHOULD BE APPLIED IN A CONSISTENT MANNER WORLDWIDE AND NOT ONLY IN THOSE PLACES OF GEOPOLITICAL INTEREST TO THE U.S. AND ITS ALLIES. WHAT IS MORE, CLEAR PARAMETERS WERE NECESSARY IN ORDER TO PREVENT HUMAN RIGHTS VIOLATIONS FROM BECOMING A PRETEXT, OR BEING PERCEIVED AS A PRETEXT, FOR INTERVENTIONS MOTIVATED FIRSTLY BY GEOPOLITICAL OR OTHER INTERESTS.

AS KOSOVO SO DRAMATICALLY UNDERSCORED, WHEN HUMAN RIGHTS ABUSES ARE ALLOWED TO FESTER FOR YEARS, PEACE, STABILITY, AND REGIONAL SECURITY ARE INEVITABLY THREATENED. THE INTERNATIONAL COMMUNITY'S APPEASEMENT OF ABUSIVE LEADERS AND WILLINGNESS TO TURN A BLIND EYE TO DETERIORATING HUMAN RIGHTS CONCERNS IN THE BALKANS GUARANTEED THAT OVER TIME SUCH ABUSES WOULD INCREASE AND BECOME MORE SEVERE. IT ALSO ENSURED THAT THE INTERNATIONAL COMMUNITY WOULD ULTIMATELY BE REQUIRED TO INVEST MUCH GREATER FINANCIAL, MILITARY, AND OTHER RESOURCES IN THE REGION TO END THE FIGHTING AND FACILITATE RECONSTRUCTION. FURTHERMORE, AT THIS POINT, THE IMPORTANCE OF ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES AS AN ESSENTIAL COMPONENT OF ANY SECURITY PLAN SHOULD BE BEYOND DISPUTE. YET THE FAILURE TO ARREST RADOVAN KARADZIC AND RATKO MLADIC, OR TO INDICT MILOSEVIC YEARS AGO FOR ABUSES COMMITTED BY FORCES UNDER HIS COMMAND IN CROATIA AND BOSNIA, ONLY PERPETUATED THE ENVIRONMENT OF IMPUNITY THAT LED ULTIMATELY TO THE ATROCITIES IN KOSOVO.

THE BALKANS COULD HAVE TAUGHT MANY IMPORTANT HUMAN RIGHTS LESSONS, IF ONLY THE INTERNATIONAL COMMUNITY WERE PREPARED TO LEARN. HOWEVER, AS 1999 CAME TO AN END, THE INTERNATIONAL COMMUNITY APPEARED POISED TO REPEAT ITS MISTAKES IN OTHER

AREAS OF THE REGION SUCH AS CENTRAL ASIA AND THE NORTHERN CAUCASUS, WHERE HUMAN RIGHTS VIOLATIONS HAD REACHED CRISIS PROPORTIONS, BUT AN INTERNATIONAL RESPONSE GROUNDED IN STRONG HUMAN RIGHTS PROTECTIONS REMAINED LACKING.

THROUGHOUT CENTRAL ASIA AND THE CAUCASUS, GOVERNMENTS JOINED FORCES DURING THE YEAR IN WHAT THEY PORTRAYED AS A FIGHT AGAINST ISLAMIC FUNDAMENTALISM. FOLLOWING THE FEBRUARY BOMBINGS OF GOVERNMENT BUILDINGS IN TASHKENT, THE UZBEK GOVERNMENT ACCELERATED ITS CRACKDOWN ON INDEPENDENT POLITICAL AND RELIGIOUS GROUPS. THOUSANDS OF MEN WERE BELIEVED TO HAVE BEEN DETAINED, ALTHOUGH NO INDEPENDENT MONITORS WERE GRANTED ACCESS TO DETENTION CENTERS. DURING THE YEAR, THE GOVERNMENT TORTURED DETAINEES TO COERCE CONFESSIONS; DENIED DETAINEES ACCESS TO LEGAL COUNSEL AND A FAIR TRIAL; PROSECUTED CRIMINAL DEFENDANTS IN WHAT WERE CLEARLY SHOW TRIALS; THREATENED, BEAT, AND ARRESTED HUMAN RIGHTS DEFENDERS; AND DISCRIMINATED AGAINST "INDEPENDENT" MUSLIMS, OR THOSE WHO PRACTICE ISLAM BEYOND THE PARAMETERS OF GOVERNMENT-CONTROLLED MOSQUES. IN AUGUST, THE KYRGYZ ARMY, BACKED BY UZBEK WARPLANES, BEGAN AN ATTACK ON ARMED MILITANTS—REPORTEDLY MEMBERS OF THE ISLAMIC MOVEMENT OF UZBEKISTAN—in SOUTHERN KYRGYZSTAN. THE CONFLICT, WHICH AS OF THIS WRITING HAD PRODUCED A NUMBER OF CIVILIAN CASUALTIES AND OVER 5,000 DISPLACED PERSONS, THREATENED TO DESTABILIZE THE ENTIRE REGION AS BOTH UZBEK AND KYRGYZ MILITARY CONDUCTED AIR STRIKES IN NEIGHBORING TAJIKISTAN.

WHILE THE GOVERNMENTS OF THE REGION HAD LEGITIMATE SECURITY CONCERNS, THEIR RESPONSE WAS THOROUGHLY DISPROPORTIONATE TO ANY THREAT THAT HAD BEEN PRESENTED, AND THE CONDUCT OF THE AUTHORITIES—THE WIDESPREAD PLANTING OF EVIDENCE, TORTURE OF SUSPECTS, THE ABSENCE OF FAIR TRIALS, AND THE DENIAL OF DEFENDANTS' BASIC DUE PROCESS RIGHTS—DID NOT SEEM INTENDED TO IDENTIFY TRUE CRIMINAL SUSPECTS. THE FACT THAT THE GOVERNMENTS OF THE REGION TARGETED PEACEFUL POLITICAL, RELIGIOUS, AND ETHNIC GROUPS AND PERSECUTED INDEPENDENT HUMAN RIGHTS MONITORS RAISED SUSPICION THAT THE "THREAT OF TERRORISM" WAS PRIMARILY A PRETEXT FOR SILENCING POTENTIAL GOVERNMENT OPPOSITION.

YET DESPITE THE BACKTRACKING ON HUMAN RIGHTS PROTECTIONS THROUGHOUT THE REGION, THE U.S. GOVERNMENT AND THE EUROPEAN UNION SQUANDERED ECONOMIC AND DIPLOMATIC LEVERAGE, GRANTING LUCRATIVE TRADE BENEFITS TO THE COUNTRIES OF THE REGION. THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE—THE REGIONAL BODY MOST ACTIVE IN CENTRAL ASIA—PAID LIP SERVICE TO HUMAN RIGHTS, BUT INCREASINGLY PURSUED A POLICY LARGELY DEVOID OF A HUMAN RIGHTS STRATEGY, SEEKING INSTEAD TO FOCUS ITS EFFORTS ON ECONOMIC DEVELOPMENT, THE ENVIRONMENT, AND SECURITY—UNCONTROVERSIAL ISSUES THAT WERE OF INTEREST TO THE GOVERNMENTS OF CENTRAL ASIA. IN A SIMILAR VEIN, WHEN RUSSIA RENEWED ITS WAR IN CHECHNYA, THE PAST FAILURES OF WESTERN POLICY TOWARD THAT COUNTRY AGAIN CAME INTO FOCUS. DURING THE 1994-1996 WAR IN CHECHNYA, WESTERN GOVERNMENTS AND INTERGOVERNMENTAL INSTITUTIONS, EAGER TO SUPPORT PRESIDENT BORIS YELTSIN IN HIS 1996 REELECTION CAMPAIGN, GRANTED RUSSIA KEY FINANCIAL AND DIPLOMATIC BENEFITS WITHOUT REQUIRING A CORRESPONDING COMMITMENT FROM RUSSIA TO HOLD ITS MILITARY AND POLITICAL LEADERS ACCOUNTABLE FOR THE ABUSES COMMITTED DURING THE WAR; JUSTICE AND ACCOUNTABILITY SIMPLY WERE NOT ON THE AGENDA. WHEN RUSSIA BEGAN AIR STRIKES OVER CHECHNYA IN SEPTEMBER, THE INTERNATIONAL COMMUNITY, HAVING BEEN COMPLICIT IN CREATING A CLIMATE OF IMPUNITY FOR RUSSIAN MILITARY ABUSES FOLLOWING THE PREVIOUS CHECHEN WAR, COULD FAINT BE HEARD.

NOT SURPRISINGLY, CIVILIANS QUICKLY BECAME THIS NEW WAR'S WORST CASUALTIES. WITHIN WEEKS, HUNDREDS WERE REPORTED DEAD, THE VICTIMS OF INDISCRIMINATE BOMBINGS. ABOUT 180,000 PEOPLE FLED THEIR HOMES TO INGUSHETIA AND DAGESTAN, FEARING A REPEAT OF THE DEVASTATION THAT TOOK BETWEEN 80,000 AND 100,000 CIVILIAN LIVES IN 1994-1996. FLOUTING INTERNATIONAL AND DOMESTIC LAW PROTECTING FREEDOM OF MOVEMENT FOR RUSSIAN CITIZENS, RUSSIAN AUTHORITIES BANNED INTERNALLY DISPLACED PERSONS IN INGUSHETIA, ONE OF RUSSIA'S MOST IMPOVERISHED REGIONS, FROM TRAVELING TO OTHER CITIES IN RUSSIA FOR WHICH THEY DID NOT HAVE INTERNAL RESIDENCE PERMITS.

PRIOR TO THE START OF THE WAR IN CHECHNYA, A SERIES OF EXPLOSIONS THAT THE RUSSIAN GOVERNMENT BLAMED ON CHECHENS HAD CLAIMED AT LEAST 300 LIVES IN RUSSIA. IN RESPONSE, THE MOSCOW CITY GOVERNMENT ROUNDED UP OVER 20,000 PEOPLE WITH THE DARKER SKIN TYPICAL OF NATIVES OF THE CAUCASUS REGION. ALTHOUGH THE GOVERNMENT JUSTIFIED THESE AS EXTRAORDINARY SECURITY MEASURES, THE HARASSMENT, DETENTION, EXTORTION, AND MISTREATMENT OF "BLACKS" HAD LONG BEEN STANDARD PRACTICE IN MOSCOW. ETHNIC MINORITIES WERE ALSO DETAINED AND MISTREATED IN KYRGYZSTAN WHERE, IN RESPONSE TO THE CRISIS BREWING IN SOUTHERN KYRGYZSTAN, POLICE IN BISHKEK AND JALA-ABAD ROUNDED UP HUNDREDS OF ETHNIC UZBEKS, TAJIKS, AND AFGHANS.

IN ADDITION TO THE DIFFICULTIES FACED BY THE 180,000 CHECHENS WHO WERE DISPLACED BY THE FIGHTING IN CHECHNYA, OTHER CONFLICTS PRODUCED SIGNIFICANT DISPLACEMENT AND THREATS TO INTERNATIONAL REFUGEE PROTECTION STANDARDS. BY MID-MARCH, WHEN NATO AIR STRIKES BEGAN AGAINST SERBIA, MORE THAN 450,000 HAD ALREADY BEEN DISPLACED BY THE FIGHTING IN KOSOVO. THE WORLD WAS STUNNED BY THE SPEED AND BRUTALITY WITH WHICH YUGOSLAV FORCES CARRIED OUT THEIR "ETHNIC CLEANSING" CAMPAIGN IN

APRIL AND MAY, DURING WHICH OVER 900,000 PEOPLE WERE SYSTEMATICALLY FORCED INTO NEIGHBORING ALBANIA, MACEDONIA, AND THE YUGOSLAV REPUBLIC OF MONTENEGRO.

THE INTERNATIONAL COMMUNITY WAS NOT PREPARED FOR THE LARGE NUMBERS OF REFUGEES WHO FLOODED ACROSS THE BORDERS, AND ITS INITIAL RESPONSE WAS SLOW AND INADEQUATE. RESOURCES IN NEIGHBORING COUNTRIES WERE ALSO SEVERELY STRAINED BY THE CRISIS.

DESPITE POVERTY AND ONLY MINIMAL INFRASTRUCTURE IN THE NORTH OF ALBANIA, THE ALBANIAN GOVERNMENT AND PEOPLE VALIANTLY RESPONDED TO THE KOSOVAR ALBANIANS WHO SOUGHT REFUGE IN THE COUNTRY. IN MACEDONIA, HOWEVER, ETHNIC ALBANIANS WERE NOT SO WELCOME. THE GOVERNMENT REPEATEDLY CLOSED ITS BORDER TO FLEEING KOSOVAR ALBANIANS, LEAVING THEM STRANDED IN THE NO-MAN'S LAND BETWEEN BORDERS OR PUSHING THEM BACK INTO AREAS OF KOSOVO WHERE THEY WERE AT GREAT RISK. ONCE THEY ARRIVED IN MACEDONIA, REFUGEES FACED HOSTILITY, DISCRIMINATION, AND POLICE ABUSE. THOUSANDS OF REFUGEES WERE INVOLUNTARILY DEPORTED FROM MACEDONIA TO THIRD COUNTRIES, IN MANY CASES SEPARATED FROM THEIR FAMILIES, DEPRIVED OF INFORMATION ABOUT THEIR DESTINATION OR RIGHTS, AND DENIED THE BENEFIT OF REGISTRATION OR MONITORING BY UNHCR OR OTHER REFUGEE ASSISTANCE ORGANIZATIONS. ALTHOUGH WESTERN GOVERNMENTS WERE INITIALLY RELUCTANT TO OFFER PROTECTION TO KOSOVO REFUGEES, HOPING INSTEAD THAT THEY WOULD BE CARED FOR IN THE REGION, THEY ULTIMATELY AGREED TO ACCEPT QUOTAS OF REFUGEES IN ORDER TO REDUCE THE POTENTIALLY DESTABILIZING STRAIN ON MACEDONIA.

THE CRISIS IN KYRGYZSTAN ALSO PRODUCED AN ESTIMATED 5,000-7,500 DISPLACED PERSONS WHO, AS OF THIS WRITING, REMAINED IN GOVERNMENT-ESTABLISHED CAMPS. IN KAZAKHSTAN AND TAJIKISTAN, GOVERNMENTS ALSO FAILED TO PROVIDE THE PROTECTION FOR REFUGEES REQUIRED BY INTERNATIONAL LAW.

THROUGHOUT THE FORMER YUGOSLAVIA, MANY WAR REFUGEES AND DISPLACED PERSONS CONTINUED TO LIVE IN LIMBO, UNABLE TO RETURN TO THEIR PRE-WAR HOMES OR FACING DIFFICULT OBSTACLES TO REBUILDING THEIR LIVES IF THEY DID RETURN. FOR THE SECOND YEAR IN A ROW, THE OFFICE OF THE HIGH REPRESENTATIVE IN BOSNIA AND HERCEGOVINA (OHR) DESIGNATED 1999 AS THE "YEAR OF RETURN," BUT THE NUMBER OF MINORITY RETURNS WAS FAR LESS THAN FORESEEN BY OHR. ETHNICALLY MOTIVATED VIOLENCE CONTINUED AGAINST THOSE WHO TRIED TO GO BACK TO THEIR PRE-WAR HOMES, AS DID ECONOMIC AND HOUSING DISCRIMINATION. THE PROCESS WAS FURTHER COMPLICATED

WHEN MORE THAN 50,000 REFUGEES FLED FROM YUGOSLAVIA TO BOSNIA DURING THE NATO BOMBING CAMPAIGN. MOST INTERNATIONAL STAFF WERE ALSO PULLED OUT OF REPUBLIKA SRPSKA (RS) DURING THIS PERIOD BECAUSE OF AN INCREASE IN ANTI-WESTERN SENTIMENT, FURTHER UNDERMINING THE SECURITY SITUATION FOR RETURNEES. UNDER INTENSE PRESSURE FROM THE INTERNATIONAL COMMUNITY, THE RS FINALLY ADOPTED HOUSING LEGISLATION THAT REMOVED SOME OF THE MOST EGREGIOUS IMPEDIMENTS TO THE RETURN OF REFUGEES AND DISPLACED PERSONS.

SIMILARLY, IN CROATIA, ETHNIC SERBS WHO WERE DISPLACED BY THE WAR CONTINUED TO FACE SEVERE OBSTACLES TO RETURN. DESPITE GOVERNMENT PROMISES TO FACILITATE THE PROCESS, SERBS FOUND IT DIFFICULT TO OBTAIN THE IDENTITY DOCUMENTS NECESSARY FOR THEM TO RETURN TO THEIR HOMES AND RECLAIM THEIR PROPERTY. ALTHOUGH COURTS CONTINUED TO EVICT DISPLACED SERBS WHO HAD BEEN OCCUPYING CROAT HOMES, THERE WAS NO PARALLEL EFFORT TO REMOVE CROAT OCCUPANTS FROM THE HOMES OF ETHNIC SERBS AND NO EFFORT TO PROVIDE HOMELESS SERBS WITH ALTERNATIVE ACCOMMODATIONS. DISCRIMINATION WITHOUT HOPE OF REDRESS IN HOUSING AND EMPLOYMENT, AS WELL AS AN INCREASE IN VIOLENCE AGAINST ETHNIC SERBS IN SOME PARTS OF THE COUNTRY, WERE FURTHER IMPEDIMENTS TO RETURN.

THERE WAS MUCH UNFINISHED BUSINESS RELATED TO STRENGTHENING HUMAN RIGHTS PROTECTION IN POST-CONFLICT AREAS. IN TAJIKISTAN, THE PEACE PROCESS MOVED FORWARD DURING 1999, BUT THERE WAS NO CORRESPONDING REDUCTION IN THE LEVEL OF POLITICAL OR CRIMINAL VIOLENCE, OR A HOST OF ABUSES RELATED TO ABUSIVE OR CORRUPT LAW ENFORCEMENT AND JUDICIAL OFFICERS. SIMILARLY, IN THE PERIOD LEADING UP TO PRESIDENTIAL ELECTIONS IN LATE 1999 AND PARLIAMENTARY ELECTIONS SCHEDULED FOR EARLY 2000, THE TAJIK GOVERNMENT TOOK NUMEROUS STEPS TO IMPEDE THE ACTIVITIES OF POLITICAL PARTIES AND THE MEDIA. IN AN EFFORT TO OBSTRUCT THE REGISTRATION OF OPPOSITION PRESIDENTIAL CANDIDATES, THE SUPREME COURT GRANTED REGISTRATION TO ONE OF THE CANDIDATES JUST TWO WEEKS BEFORE THE PLANNED ELECTIONS.

OPTIMISM FADED IN NORTHERN IRELAND AS IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT WAS STALLED BY DISAGREEMENT OVER THE DISARMAMENT OF PARAMILITARY GROUPS. AN INDEPENDENT COMMISSION ESTABLISHED TO ADDRESS ISSUES OF POLICE REFORM—A KEY ELEMENT OF BUILDING CONFIDENCE IN ANY PEACE-TIME POLICE BODY—FAILED TO RECOMMEND A SCREENING PROCESS FOR POLICE OR OTHER STEPS THAT WOULD GUARANTEE ACCOUNTABILITY FOR PAST ABUSES.

JUSTICE FOR PAST ABUSES IS CLEARLY AN ESSENTIAL REQUIREMENT FOR A SECURE AND LASTING PEACE IN ANY POST-CONFLICT AREA, BUT THE REGION PRESENTED A MIXED RECORD IN HOLDING PERPETRATORS ACCOUNTABLE. THE INDICTMENT OF SLOBODAN MILOSEVIC ON MAY 26—THE FIRST SITTING HEAD OF STATE TO BE INDICTED FOR CRIMES AGAINST HUMANITY—ALONG WITH THREE SENIOR SERBIAN OFFICIALS

and a Yugoslav Army official, was a welcome and long awaited development. Similarly, the arrest by SFOR of six persons indicted for war crimes, five in Bosnia and one in Austria, and the extradition of another indictee by the Croatia government were positive steps forward. Nevertheless, as of this writing, thirty-two publicly indicted persons remained at large, most notably Radovan Karadzic and Ratko Mladic.

The capture and trial of Abdullah Ocalan, leader of the Kurdish Workers Party (PKK), and the PKK's announcement that it intended to institute a unilateral ceasefire in southeastern Turkey raised hope that the fifteen-year conflict might finally be brought to an end. However, while the Turkish authorities pursued the prosecution of Ocalan, it took no steps to initiate an equally thorough and impartial investigation into abuses by its own troops during the war in the southeast.

Despite the Turkish army's recent military victories over the PKK and the capture of Ocalan, there was no indication that the Turkish government would seize this opportunity to lessen the conflict by guaranteeing Kurds' basic cultural or political rights, the denial of which had fueled the conflict. In practice and in law, there were still severe limitations on the use of the Kurdish language, while political parties with a large Kurdish membership were subjected to police raids and closed down, Kurdish voters and candidates were harassed prior to the April elections, and numerous Kurdish politicians were sitting in prison for their peaceful expression and political activity.

Turkey also continued to persecute Islamists, refusing in April to allow a newly elected deputy of the Islamic Virtue Party to take her parliamentary oath while wearing her head scarf, taking legal steps to ban the party, broadening regulations that prohibit students, civil servants, and others from wearing head scarves on government premises, and punishing those who protested against these regulations.

Torture and police abuse were routine in the region, especially during security crises. Torture was endemic to much of the region's criminal justice systems and was used in the investigation of crimes ranging from petty theft to murder. Torture methods included sustained and repeated beatings, painful suspension of body parts, asphyxiation, sexual abuse, and electric shock. Several factors facilitated torture: impunity for torturers, poor protection for defendants' rights in national legal systems, the lack of an independent judiciary, and corrupt law enforcement agencies. Deaths in custody due to torture were reported in Federal Republic of Yugoslavia, Georgia, Turkey, Turkmenistan, and Uzbekistan during 1999.

While torture was most frequent during the first hours of detention in police custody, there were also numerous reports of physical and psychological ill-treatment in the region's prisons. Repeated beatings and other forms of ill-treatment by prison guards were reported in Kazakhstan and Tajikistan, and an inhumane isolation regime continued to be used in Turkey. In Turkey, ten inmates were killed and many others injured when Turkish gendarmes apparently used excessive force to put down unrest in the Ankara Closed Prison on September 26. In Azerbaijan, a prison revolt in Gobestan ended in the deaths of eleven prisoners who were reportedly shot by officials of the Ministry of Interior.

States' practices related to the death penalty varied widely in the region. As of September, twenty-nine people were known to have been executed during the year in Belarus. Kyrgyzstan and Turkmenistan announced a moratorium on the death penalty in 1999, and capital punishment was abolished in Bulgaria and the Federation of Bosnia and Herzegovina. Although Turkey had not executed a prisoner since 1984, in June, PKK leader Abdullah Ocalan was convicted of treason and sentenced to death.

Although there were numerous elections in the region during 1999, a number of governments used the lead-up to elections to impose highly restrictive measures on anyone perceived as a potential political opponent. In Kazakhstan, suddenly called presidential elections in January were a gross perversion of a democratic political process, with the government obstructing the formation, registration, and activities of groups intending to support opposition candidates or to participate as monitors. In Georgia, Kazakhstan, Tajikistan, and Uzbekistan, restrictions on the press, assembly, and association increased dramatically in the pre-electoral period. In Belarus, "alternative" elections to protest President Lukashenko's extension of his term in office were dealt with brutally. Turkmenistan's parliamentary elections scheduled for December are expected to be an empty exercise because the Turkmen government had comprehensively deprived its citizens of all basic political freedoms, incarcerated its political opponents, banned nascent nongovernmental organizations (NGOs), and permitted no media activity that did not support the government. In the lead-up to presidential elections in 1999 and parliamentary elections scheduled for early 2000, the government of Tajikistan tried to obstruct the legitimate activities of political parties and attempted further to restrict the independent media.

Throughout the region, journalists were threatened, beaten, detained, and even killed during the year. Those reporting on corruption and other government misconduct were particularly at risk. In Russia, the Glasnost Foundation reported that it had documented fifty-four attacks, threats, or robberies of journalists between January and August, including the murder of eight journalists. In Serbia, an editor who had been critical of the Milosevic government was assassinated in April.

Writers and journalists throughout the region faced criminal prosecution for the peaceful expression of their views. For example, Nadire Mater, who wrote *Mehmet's Book—Soldiers who have fought in the Southeast tell their stories* was charged with "insulting the armed forces." Her trial in the Istanbul State Security Court started on September 29. Others were subjected to a variety of financial measures such as fines and tax audits aimed at forcing their closure. There was no independent local media whatsoever in Turkmenistan and Uzbekistan.

Journalists also continued to be prosecuted under criminal libel statutes in many countries in the region, including in Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Greece, Kazakhstan, Kyrgyzstan, Romania, Russia, Turkey, and Uzbekistan. The international community suspended the criminal libel statute in Bosnia. Governments in Russia, Tajikistan, and Uzbekistan took steps during the year to restrict access to the internet.

Roma continued to face systematic discrimination and mistreatment throughout the region. In Albania, Bulgaria, the Czech Republic, Greece, Hungary, Macedonia, Romania, and Slovakia, reports of police brutality, including excessive force leading to injury and death, and racist verbal abuse against Roma were disturbingly common. Roma also were the targets of neo-Nazi and skinhead violence that was frequently fatal. Whether the perpetrators were police or private citizens, Roma faced enormous obstacles in obtaining redress for crimes against them. In Kosovo, dozens of Roma suspected of siding with the Serbs were robbed, beaten, abducted, detained, and as many as thirty-five were killed or "disappeared" after Serbian and Yugoslav forces withdrew from the province.

Religious groups, especially "non-traditional" groups that operated outside the confines of government control, continued to face discrimination and harassment in a number of countries in the region, including Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Russia, Turkmenistan, and Uzbekistan. Such groups were often denied legal registration, making them vulnerable to police harassment, extortion, and other abuses. Members of religious groups were detained, their prayer services disrupted by police, their homes searched without warrant, their religious publications and pamphlets confiscated, and some were threatened with dismissal from their jobs. In August, a Baptist minister in Turkmenistan was sentenced to four years of imprisonment allegedly for financial misconduct; his sentence was believed to have been motivated by his religious activities. Anti-Semitic violence and attacks on synagogues increased in Russia during the year. In Uzbekistan, the release of five imprisoned Christians was clearly timed to occur prior to the publication of the U.S. government's first annual report on religious freedom. Conscientious objectors, often members of persecuted religious groups such as the Jehovah's Witnesses, sometimes faced severe beatings and lengthy prison terms when they refused military service, particularly in Armenia, and even in countries such as Azerbaijan and Bulgaria where the law provided for alternative service.

Discrimination and police abuse against gay men and lesbians was reported in Romania, where an unknown number of people remained in prison for private, consensual sex with someone of the same sex.

Throughout the region, women faced rampant discrimination and violence. During the conflict in Kosovo, women suffered rape and other sexual abuse, and some also reported being forcibly taken from refugee camps in Albania and trafficked into prostitution. Trafficking of women into prostitution was widespread and often possible because of government complicity, if not direct involvement. The criminal justice system often provided little support or protection, but instead created obstacles, for any woman trying to report rape or domestic violence; sometimes these bodies were blatantly hostile toward the victim.

To date, thirty-nine of the fifty-three countries of Europe and Central Asia have signed the 1997 Mine Ban Treaty and twenty-nine have ratified. FRY and Russia continued to produce landmines. There were also allegations that Turkey still produced landmines, but these were denied by the government. None in the region are believed to export landmines. Anti-personnel mines were used by both the Yugoslav military and the KLA during the Kosovo conflict, and in southeastern Turkey by the government and the PKK. Georgian partisans used landmines in Abkhazia, and there were unconfirmed reports that rebels in Tajikistan used landmines during 1999.

Defending Human Rights

THE DEVELOPMENT OF CIVIL SOCIETY DEPENDS ON TRANSPARENCY AND ADHERENCE TO THE RULE OF LAW. LOCAL HUMAN RIGHTS DEFENDERS PLAY A CRUCIAL ROLE IN THIS PROCESS BY EXPOSING THE ABUSIVE CONDUCT OF GOVERNMENTS AND PROMOTING ACCOUNTABILITY. THEY OFTEN PROVIDE A CRITICAL LIFELINE BETWEEN VICTIMS OF GOVERNMENT ABUSE AND THE REST OF SOCIETY, WHERE OFFERING ASSISTANCE AND SUPPORT FOR THOSE WHO ARE MOST VULNERABLE. BECAUSE OF THE IMPORTANT ROLE THEY PLAYED, BECAUSE THEY OFTEN THREATEN TO EXPOSE ABUSIVE GOVERNMENTS, AND BECAUSE THEY CHALLENGE THE NOTION THAT STATES' SOVEREIGNTY WAS ABSOLUTE, A GROWING NUMBER OF HUMAN RIGHTS DEFENDERS WERE THEMSELVES VICTIMS OF ABUSE DURING 1999. THREE PROMINENT HUMAN RIGHTS ACTIVISTS WERE KILLED IN EUROPE DURING THE YEAR. OTHERS WERE BEATEN OR IMPRISONED. MOST WERE VICTIMS OF DIRECT GOVERNMENT HARASSMENT, BUT SOME WERE TARGETED BY PARAMILITARY GROUPS.

HUMAN RIGHTS ACTIVISTS WERE A TARGET OF VIOLENCE AND INTIMIDATION DURING THE CONFLICT IN KOSOVO. HUMAN RIGHTS LAWYER BAJRAM KELMENDI, ALONG WITH HIS TWO SONS, WAS KILLED BY SERBIAN POLICE ON MAY 6. OTHER ACTIVISTS IN KOSOVO WERE DETAINED OR IMPRISONED DURING THE YEAR, AND MANY WERE ULTIMATELY FORCED TO FLEE THE PROVINCE. HUMAN RIGHTS ACTIVISTS IN SERBIA AND MONTENEGRO WERE ALSO UNDER EXTREME PRESSURE AND SUBJECT TO POLICE HARASSMENT DURING 1999: GROUPS SUCH AS THE HUMANITARIAN LAW CENTER AND THE HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA TOOK GREAT RISKS IN REPORTING ON THE ATROCITIES BEING COMMITTED IN KOSOVO.

DUMA DEPUTY GALINA STAROVOITOVA, A PROMINENT HUMAN RIGHTS ACTIVIST AND OUTSPOKEN CRITIC OF GOVERNMENT CORRUPTION IN RUSSIA, WAS BRUTALLY MURDERED IN LATE 1999. AS OF THIS WRITING, HER MURDERER HAD NOT BEEN IDENTIFIED AND THE MOTIVE FOR HER DEATH REMAINED UNKNOWN. OTHER HUMAN RIGHTS ACTIVISTS IN THE COUNTRY ALSO FACED ADMINISTRATIVE HARASSMENT, SUCH AS CUMBERSOME RE-REGISTRATION REQUIREMENTS, THAT WERE CLEARLY INTENDED TO IMPEDE THEIR WORK.

ROSEMARY NELSON, A HIGHLY RESPECTED HUMAN RIGHTS LAWYER IN NORTHERN IRELAND, DIED FROM A CAR BOMB ON MARCH 15. THE RED HAND DEFENDERS, A LOYALIST PARAMILITARY GROUP, CLAIMED RESPONSIBILITY. MS. NELSON HAD LONG BEEN HARASSED AND THREATENED WITH DEATH OR PHYSICAL HARM BY OFFICERS OF THE ROYAL ULSTER CONSTABULARY (RUC).

THE GOVERNMENT OF UZBEKISTAN LAUNCHED A WHOLESALE ATTACK AGAINST HUMAN RIGHTS DEFENDERS IN 1999, SEEKING TO INTIMIDATE ACTIVISTS AND PREVENT INTERNATIONAL SCRUTINY OF ITS DISASTROUS HUMAN RIGHTS RECORD. ACTIVISTS WERE BRUTALLY BEATEN, DETAINED, SENTENCED TO LONG PRISON TERMS ON SPURIOUS CHARGES, AND IMPEDED IN THEIR ACTIVITIES. MIKHAIL ARDZINOV, CHAIRMAN OF THE INDEPENDENT HUMAN RIGHTS ORGANIZATION OF UZBEKISTAN (IHRU) SUFFERED BROKEN RIBS, BRUISED KIDNEYS, AND A CONCUSSION FROM A BRUTAL BEATING ON JUNE 25 BY OFFICERS OF THE MINISTRY OF INTERNAL AFFAIRS. ISMOIL ADYLOV AND MAHBUBA KASYMOVA, BOTH MEMBERS OF IHRU, WERE SENTENCED TO PRISON TERMS OF SIX AND FIVE YEARS RESPECTIVELY FOLLOWING SHAM TRIALS ON POLITICALLY MOTIVATED CHARGES. AKHMAKHON TURAKHONOV, ALSO A MEMBER OF IHRU, DIED IN PRISON IN JUNE AFTER BEING DEPRIVED OF ADEQUATE MEDICAL CARE.

HUMAN RIGHTS ACTIVISTS IN TURKEY WERE ALSO THE TARGET OF WIDESPREAD GOVERNMENT HARASSMENT, ILL-TREATMENT, AND CRIMINAL PROSECUTION DURING THE YEAR. THE REGIONAL OFFICES OF SEVERAL ORGANIZATIONS WERE CLOSED INDEFINITELY. AKIN BIRDAL, PRESIDENT OF THE HUMAN RIGHTS ASSOCIATION (HRA), BEGAN SERVING HIS ONE-YEAR PRISON TERM ON JUNE 3 FOR HAVING REFERRED TO "THE KURDISH PEOPLE" IN A SPEECH HE GAVE IN 1996. HIS SENTENCE WAS SUSPENDED ON HEALTH GROUNDS IN SEPTEMBER, SHORTLY BEFORE TURKISH PRIME MINISTER BULENT ECEVIT MET WITH PRESIDENT CLINTON IN WASHINGTON, D.C. ON SEPTEMBER 28, HOWEVER, AS ECEVIT MET WITH PRESIDENT CLINTON, HRA MEMBERS WERE AMONG ONE HUNDRED PEOPLE DETAINED AND MISTREATED AT A PUBLIC MEETING IN ISTANBUL, FOLLOWED THE NEXT DAY BY A RAID ON HRA'S ISTANBUL OFFICE AND THE VIOLENT ARREST OF ONE OF ITS BOARD MEMBERS, SABAN DAYANAN.

TURKMENISTAN REMAINED SO REPRESSIVE THAT NO LOCAL HUMAN RIGHTS ORGANIZATION WAS ABLE TO OPERATE IN THE COUNTRY, AND EVEN INTERNATIONAL MONITORS WERE OBSTRUCTED IN THEIR EFFORTS TO DOCUMENT ABUSE. DURING A FACT-FINDING MISSION TO TURKMENISTAN IN FEBRUARY, A HUMAN RIGHTS WATCH REPRESENTATIVE WAS TAKEN FROM HIS HOTEL ROOM IN THE MIDDLE OF THE NIGHT AND DEPORTED FROM THE COUNTRY, ALLEGEDLY FOR DISTRIBUTING A HUMAN RIGHTS PUBLICATION. THE GOVERNMENT TOOK STEPS TO INTIMIDATE PERSONS IT BELIEVED WOULD BE CONTACTED BY HUMAN RIGHTS WATCH DURING THE MISSION AND THREATENED THEM NOT TO SPEAK TO THE DELEGATION. THOSE WHO DID MEET WITH THE ORGANIZATION WERE SUMMONED FOR INTERROGATION BY THE SECURITY FORCES.

HUMAN RIGHTS DEFENDERS IN ARMENIA, BELARUS, GEORGIA, AND KYRGYZSTAN ALSO FACED HARASSMENT AND A VARIETY OF GOVERNMENT-CREATED IMPEDIMENTS TO THEIR LEGITIMATE ACTIVITIES DURING THE YEAR.

The Role of the International Community

United Nations

In June 1999, the United Nations (U.N.) took on its unprecedented peace implementation mission in Kosovo where, pending a final political settlement of the status of the province, the U.N. is tasked with all aspects of civilian administration: developing provisional local government institutions; conducting elections; overseeing reconstruction of infrastructure and the economy; maintaining civil law and order by deploying an international police force as well as establishing a replacement local force; protecting and promoting human rights; and ensuring the safe return of refugees. Delayed deployment of U.N. police throughout the summer months left a security vacuum that facilitated a continued cycle of violence, with Kosovo Albanians committing revenge attacks that forced over 200,000 Serbs and Roma to flee Kosovo.

The UNHCR's response to the mass influx of Kosovar Albanian refugees into Macedonia was initially slow and poorly coordinated since the organization was unprepared for such a large and sudden exodus. The emergency response improved greatly within a few weeks, but was difficult to coordinate due to the participation of NATO and the rapid proliferation of nongovernmental organizations. As of October, UNHCR was conducting an independent review of its emergency response in both Macedonia and Albania.

Although it devoted insufficient attention to war crimes being committed in Kosovo throughout most of 1999, the International Criminal Tribunal for the former Yugoslavia (ICTY) finally committed to a full-scale investigation in early 1999, leading to the May indictment of Yugoslav President Slobodan Milosevic. The indictment, though welcome, might have had a greater deterrent effect had it come earlier. Moreover, because its timing coincided with the NATO bombing campaign, it created the inaccurate impression that the tribunal was politically motivated, especially because the Milosevic indictment was based only on abuses committed in Kosovo, neglecting Milosevic's alleged responsibility for humanitarian law violations committed in Bosnia and Croatia between 1991 and 1995. Also welcome in 1999 was the tribunal's long awaited public outreach campaign aimed at fulfilling its mandate of promoting peace and stability by educating the citizens of the countries that make up the former Yugoslavia about its work.

Organization for Security and Cooperation in Europe (OSCE)

Expectations of the role of the OSCE in promoting human rights were raised in early 1999, with Norway promising to put human rights at the top of the agenda during its yearlong chairmanship of the organization. In January, the OSCE made the principled decision to signal its disapproval of Kazakhstan's flawed electoral process by sending only a scaled-back assessment mission to observe presidential elections. The OSCE's Kosovo Verification Mission conducted an immediate and thorough investigation of the January 15 massacre of innocent civilians in Racak, publicly reported its findings, and stood firm in the face of intense criticism from the Yugoslav government in response. In addition, the OSCE mission to Croatia notably improved its work by issuing more critical external reporting and streamlining its internal reporting procedures.

These high points were unfortunately overshadowed by the OSCE's poor handling of the worsening human rights situation in Central Asia. Following on the December 1999 Ministerial Council Decision on Central Asia, the chairman-in-office appointed Wilhelm Hoynck as his special representative to develop a plan for strengthened and coordinated OSCE engagement in Central Asia, but Ambassador Hoynck's July report was a disappointment. The report was issued at a time when Uzbek human rights activists were facing increased harassment and abuse, when the Turkmen government was refusing to agree to any OSCE human dimension activities in the country, and when Turkmenistan, Kazakhstan, Tajikistan, and Uzbekistan were all preparing for what appeared would be seriously flawed elections in late 1999 and early 2000. Yet the Hoynck report made only scant reference to these conditions and completely omitted discussion of a strategy for the OSCE to address them. OSCE officials defended the report, claiming that it was not intended to be a public accounting of human rights problems in the region, but rather to outline a comprehensive strategy to demonstrate OSCE commitment to the region. To undertake such a communication, without addressing the serious human rights situation in the region, risks signaling that these countries can benefit from OSCE membership and enhanced engagement and integration, without being held accountable for their failure to implement their OSCE human dimension commitments.

Council of Europe

IN THE FIRST YEAR SINCE ITS RESTRUCTURING, THE EUROPEAN COURT OF HUMAN RIGHTS STRUGGLED UNDER THE PRESSURE OF A GROWING CASELOAD, WITH MORE NEW CASES FILED IN THE FIRST HALF OF 1999 THAN IN ALL OF 1998. THE YEAR ALSO SAW AN INDICATION OF A WORRISOME INCREASE IN STATE DEFIANCE OF THE COURT'S BINDING JUDGMENTS.

THE STRAIN ON THE COURT AND ITS AUTHORITY WAS TROUBLING AS ITS JURISDICTION EXTENDED TO NEW SIGNATORY STATES WITH SERIOUSLY DEFECTIVE HUMAN RIGHTS RECORDS AND NEITHER THE POLITICAL WILL NOR THE RULE OF LAW CULTURE NECESSARY TO IMPLEMENT THE COURT'S DECISIONS. THIS INCLUDED GEORGIA, WHICH GAINED ADMITTANCE IN APRIL, BUT REPEALED IMPORTANT LEGAL REFORMS ONLY ONE MONTH AFTER GAINING MEMBERSHIP. THIS THREAT TO COUNCIL OF EUROPE STANDARDS WAS COMPOUNDED BY PRESSURE FOR PREMATURE ADMISSION OF APPLICANT STATES, ESPECIALLY BOSNIA AND HERCEGOVINA, ARMENIA, AND AZERBAIJAN. IN MAY, THE PARLIAMENTARY ASSEMBLY, IN CONSULTATION WITH THE OFFICE OF THE HIGH REPRESENTATIVE, IDENTIFIED EIGHT CONDITIONS FOR ADMISSION TO THE COUNCIL OF EUROPE THAT BOSNIA COULD AND SHOULD MEET BY SEPTEMBER. IN SEPTEMBER, ONE OF THE PARLIAMENTARY ASSEMBLY'S RAPPORTEURS, SWISS PARLIAMENTARIAN PETER BLOETZER, REPORTED THAT THE EIGHT CONDITIONS HAD NOT BEEN MET BUT RECOMMENDED NONETHELESS THAT THE COUNCIL OF EUROPE PRIORITIZE ONLY FOUR OF THOSE CONDITIONS. ARGUING THAT COUNCIL OF EUROPE ADMISSION WOULD HELP SOLIDIFY THE SERB, MUSLIM, AND CROAT CONFEDERATION, BLOETZER PRESSED FOR ADMISSION OF BOSNIA AS EARLY AS JANUARY 2000, NOTWITHSTANDING THE FACT THAT THE BOSNIAN AUTHORITIES HAD PERSISTENTLY DEMONSTRATED LIMITED POLITICAL WILL TO LIVE BY COUNCIL OF EUROPE NORMS. MEANWHILE, APPLICATIONS FOR ADMISSION REMAINED PENDING FOR ARMENIA AND AZERBAIJAN, WITH COUNCIL OF EUROPE OFFICIALS SUGGESTING THEY MIGHT BE ADMITTED IN 2000 BECAUSE THE TWO COUNTRIES COULD NOT BE MADE TO WAIT FOREVER, NOT BECAUSE THEY HAD DEMONSTRATED ANY PARTICULAR COMMITMENT TO IMPLEMENTING COUNCIL OF EUROPE PRINCIPLES.

IN A POTENTIALLY VALUABLE CONTRIBUTION TO THE PROMOTION OF HUMAN RIGHTS THROUGHOUT THE COUNCIL OF EUROPE REGION, IN MAY THE COMMITTEE OF MINISTERS ESTABLISHED THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS, MANDATED TO PROMOTE EDUCATION AND AWARENESS OF HUMAN RIGHTS, FACILITATE THE ACTIVITIES OF NATIONAL OMBUDSMEN OR SIMILAR INSTITUTIONS, IDENTIFY POSSIBLE SHORTCOMINGS IN LAW AND PRACTICE OF MEMBER STATES, AND PROVIDE ASSISTANCE TO REMEDY THOSE SHORTCOMINGS. IN SEPTEMBER, PROFESSOR ALVARO GIL-ROBLES OF SPAIN WAS ELECTED TO FILL THE POST. AT THIS WRITING, IT WAS TOO EARLY TO TELL WHETHER THE COMMISSIONER WOULD REACH THE FULL POTENTIAL OF HIS MANDATE.

IN MAY, THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE ADOPTED RECOMMENDATION 1408 CALLING ON MEMBER STATES, INTER ALIA, TO RATIFY AS SOON AS POSSIBLE THE STATUTE OF THE ICC ADOPTED IN ROME ON JULY 17, 1998 AND TO ADOPT DOMESTIC LEGISLATION ENABLING THEM TO COOPERATE WITH THE COURT.

North Atlantic Treaty Organization

FAILED DIPLOMATIC EFFORTS TO BRING AN END TO THE "ETHNIC CLEANSING" OF KOSOVO FORCED A U.S.-LED NATO RESPONSE THAT ULTIMATELY BROUGHT PEACE TO THE REGION. NATO'S CONDUCT, HOWEVER, VIOLATED INTERNATIONAL HUMANITARIAN LAW IN SEVERAL INSTANCES. (SEE SECTION ON THE U.S. GOVERNMENT, BELOW) AFTER THE CONFLICT ENDED, THE NATO-LED KFOR FORCE HAD RESPONSIBILITY FOR MILITARY ASPECTS OF THE PEACE IMPLEMENTATION. IN THE EARLY WEEKS OF THE PEACEKEEPING MISSION, KFOR FAILED TO ADJUST EFFECTIVELY TO ITS QUASI-POLICING ROLE IN ORDER TO PROTECT ETHNIC SERB AND ROMA MINORITIES FROM REPRISAL ATTACKS AND PREVENT THEIR MASS EXODUS FROM THE PROVINCE.

THE KOSOVO INTERVENTION OCCURRED AGAINST THE BACKDROP OF NATO'S CONTINUED EFFORT TO REINVENT ITSELF AS A POST-COLD WAR INSTITUTION. MARCH WITNESSED THE FIRST ROUND OF ITS EXPANSION, WITH POLAND, HUNGARY, AND THE CZECH REPUBLIC JOINING THE ALLIANCE. IN APRIL, THE HEADS OF STATE OF NATO MEMBERS CONVENED IN WASHINGTON TO CELEBRATE THE ORGANIZATION'S FIFTIETH ANNIVERSARY, ADOPT A MEMBERSHIP ACTION PLAN FOR COUNTRIES WISHING TO JOIN, APPROVE AN ENHANCED RELATIONSHIP WITH COUNTRIES OF EASTERN EUROPE AND THE FORMER SOVIET UNION PARTICIPATING IN THE PARTNERSHIP FOR PEACE, AND LAUNCH A NEW "DEFENCE CAPABILITIES INITIATIVE," AIMED AT IMPROVING ALLIANCE PREPAREDNESS FOR KOSOVO-TYPE SITUATIONS IN THE FUTURE. THE SUMMIT DECLARATION COMMITTED MEMBER STATES AND THE ALLIANCE "TO DEFEND OUR PEOPLE, OUR TERRITORY AND OUR LIBERTY, FOUNDED ON DEMOCRACY, HUMAN RIGHTS AND THE RULE OF LAW."

European Union

THE HUMAN RIGHTS COMPONENT OF THE EUROPEAN UNION'S (E.U.) RELATIONS WITH THE COUNTRIES OF EASTERN EUROPE, THE BALKANS, AND THE NEWLY INDEPENDENT STATES REPEATEDLY GAVE WAY IN 1999 TO COMPETING POLITICAL AND ECONOMIC INTERESTS. FIRST, IN EXCHANGE FOR THEIR SUPPORT OF THE NATO ATTACKS ON SERBIA, THE E.U. DEVELOPED FOR THE COUNTRIES OF SOUTHEASTERN EUROPE A NEW "STABILIZATION AND ASSOCIATION PROCESS," AS PART OF THE E.U.-LED INTERNATIONAL STABILITY PACT FOR SOUTH EASTERN EUROPE.

Particularly for Croatia, Bosnia and Herzegovina, Albania, and Macedonia, the new process held out the promise of substantially enhanced trade and assistance benefits, while seeming to downplay the political criteria contained in the E.U.'s prior "regional approach" to relations with those countries. The Federal Republic of Yugoslavia was excluded from the Stability Pact and the E.U.'s Stabilization and Association Process pending its fulfillment of the international community's conditions on Kosovo, as well as progress on democratization and treatment of minorities. In addition, the European Union imposed strict sanctions on Yugoslavia, including an oil embargo, a visa ban on Milošević, his family and associates, an asset freeze on overseas funds of the Yugoslav and Serb governments as well as Milošević, his family and allies, and an investment ban. Efforts were made to exclude Kosovo and Montenegro from the impact of these sanctions and to ensure that they benefit from the Stability Pact.

In a similar vein, at this writing it seemed likely that by the end of the year the E.U. would extend its expansion process to include up to twelve Eastern European applicant states in active negotiation for accession, and also extend official candidate status to Turkey. Particularly in the cases of Slovakia and Turkey, this possibility represented a significant shift away from a previous policy barring such negotiations for, at least in part, human rights reasons. At this writing, it was too early to tell whether the E.U. would effectively use the advancing accession process with these countries to engage them on human rights issues.

Finally, the E.U. and its member states ratified Partnership and Cooperation Agreements with Georgia, Armenia, Azerbaijan, Uzbekistan, Kazakhstan, and Kyrgyzstan, opening the way for substantially enhanced trade and assistance benefits for these countries. E.U. officials vowed to address human rights in the context of the new relationships created under the agreements, which specify respect for human rights as a binding condition. While human rights concerns were reportedly discussed in the first Cooperation Council ministerial meetings convened to implement the agreements, these concerns did not appear to have any significant impact on the nature and level of E.U. assistance to these countries.

The European Union took the leading role in promoting ratification of the treaty for the International Criminal Court (ICC).

United States

The U.S.-led forceful NATO response to the "ethnic cleansing" of Kosovo by Yugoslav and Serb security forces came only after years of appeasement of the destructive and abusive Milošević regime. Repeated missteps in U.S. policy in the Balkans led to the standoff in March. In 1995, the U.S. chose Milošević to act as its trusted negotiating partner and guarantor of the Bosnian peace, ignoring allegations of his role as the mastermind behind Bosnia's "ethnic cleansing." Further, U.S. negotiators accommodated Milošević by leaving problems in Kosovo off the table during the Bosnia peace negotiations. Moreover, as the violence in Kosovo escalated throughout 1998, the U.S. government continued to negotiate with Milošević, repeatedly threatening sanctions and other penalties only to withdraw the threats at the slightest Serb concession. This approach—together with the international community's failure to arrest indicted Bosnian Serb leaders, Radovan Karadžić and Ratko Mladić—could only be interpreted by Milošević to mean that he would face no repercussions for his escalating campaign of repression in Kosovo. While the West dithered, Milošević prepared for the thorough "ethnic cleansing" of Kosovo carried out from March to June 1999; and conditions for the Kosovo Albanians deteriorated to the point that the U.S. and its allies felt compelled to respond with military force, which itself brought considerable destruction and, in some instances, civilian casualties in violation of the laws of war.

Promotion of the trans-Caspian and Baku-Ceyhan pipelines (avoiding transit through either Russia or Iran) dominated U.S. policy toward the Caucasus and Central Asia, at the expense of any meaningful action on human rights. The nature of U.S. policy toward the region was illustrated in August when a court in Turkmenistan sentenced opposition figure Pirguli Tangrikuliev to eight years of imprisonment on trumped-up charges during the same week that U.S. Energy Secretary Bill Richardson visited the country. In Washington, the U.S. government issued a public condemnation of the sentencing, but in Ashgabat, Richardson's high-profile visit and his release of the final tranche of U.S. financing for a feasibility study of the trans-Caspian pipeline spoke louder than words.

U.S. government officials continued to call for much needed reform in Turkey, but at critical times they appeared to lack conviction in this policy. Too often US officials seemed still ready to accept short-term half-measures and assurances of future reform, notwithstanding a long history of empty promises from the Turkish government. During his

JULY VISIT TO TURKEY, ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR HAROLD KOH SPOKE OUT FORTHRIGHTLY ON THE MOST SERIOUS PROBLEMS, PROMPTING CONSIDERABLE CONTROVERSY AND INTROSPECTION REGARDING HUMAN RIGHTS CONDITIONS IN THE COUNTRY. UNFORTUNATELY, PRESIDENT CLINTON FAILED TO DRIVE HOME THE MESSAGE WHEN HE MET WITH PRIME MINISTER BULENT ECEVIT IN SEPTEMBER, AND THE ADMINISTRATION APPEARED TO BACK AWAY FROM CONDITIONALITY ON ARMS TRANSFERS TO TURKEY, INCLUDING CONDITIONS ON THE PENDING SALE OF 145 ATTACK HELICOPTERS TO WHICH THEN-PRIME MINISTER MESUT YILMAZ AND PRESIDENT CLINTON AGREED IN DECEMBER 1997. IN ADDITION, HAVING SUPPORTED TURKEY IN ITS APPREHENSION AND TRIAL OF THE LEADER OF THE KURDISH WORKERS' PARTY, ABDULLAH OCALAN, THE ADMINISTRATION THEN FAILED TO PRESS AGGRESSIVELY FOR FAIR TRIAL SAFEGUARDS. AS OF THIS WRITING, IT WAS AS YET UNCLEAR WHETHER THE U.S. GOVERNMENT WOULD MAKE EFFECTIVE USE OF THE NOVEMBER ISTANBUL SUMMIT OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE AS A FORUM FOR PROMOTING MEANINGFUL CHANGE IN TURKEY.

The Work of Human Rights Watch

DURING THE KOSOVO CONFLICT IN 1999, THE EUROPE AND CENTRAL ASIA (ECA) DIVISION MOUNTED OUR LARGEST EVER EMERGENCY RESPONSE TO A CRISIS. WE ALSO WORKED PERSISTENTLY TO RAISE THE PROFILE OF ABUSES IN CENTRAL ASIA AND THE CAUCASUS, INTENSIFIED OUR ADVOCACY EFFORTS IN THE COUNCIL OF EUROPE AND THE OSCE, AND FOCUSED SUBSTANTIAL RESOURCES TO EXPOSE THE CHRONIC PROBLEMS OF POLICE BRUTALITY AND TORTURE IN SEVERAL COUNTRIES IN THE REGION. IN BOSNIA, NORTHERN IRELAND, AND TAJIKISTAN, AS WELL AS IN KOSOVO DURING THE LATTER HALF OF THE YEAR, WE ALSO FOCUSED ON THE MYRIAD PROBLEMS—PROTECTING VULNERABLE POPULATIONS IN TIMES OF TRANSITION, REBUILDING CIVIL SOCIETY INSTITUTIONS, FORMING ACCOUNTABLE CRIMINAL JUSTICE AND ORDER-KEEPING BODIES, AND CREATING THE CONDITIONS FOR FREE AND FAIR ELECTIONS—THAT CONFRONT MANY POST-CONFLICT SOCIETIES.

THE CRISIS IN KOSOVO WAS A TOP PRIORITY FOR HUMAN RIGHTS WATCH DURING THE YEAR. WE DEVOTED SIGNIFICANT RESOURCES DURING LATE 1998 AND EARLY 1999 TO OUR ONGOING EFFORTS TO DOCUMENT AND EXPOSE WAR CRIMES IN THE PROVINCE COMMITTED BY YUGOSLAV AND SERBIAN FORCES, AS WELL AS BY THE KOSOVO LIBERATION ARMY. IN EARLY 1999, WE RELEASED TWO REPORTS DEMONSTRATING THAT THE FORCIBLE DISPLACEMENT OF HUNDREDS OF THOUSANDS OF ETHNIC ALBANIANS WAS NOT AN UNINTENTIONAL CONSEQUENCE OF WAR, BUT A DELIBERATE AND DEADLY STRATEGY PURSUED BY SERBIAN POLICE AND YUGOSLAV ARMY TROOPS. *A WEEK OF TERROR IN DRENICA*, RELEASED IN FEBRUARY, DOCUMENTED GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, INCLUDING SUMMARY EXECUTIONS, MASSACRES, AND THE DESTRUCTION OF CIVILIAN PROPERTY BY SERBIAN AND YUGOSLAV FORCES IN KOSOVO'S DRENICA REGION DURING SEPTEMBER 1998. *REPORT ON THE MASSACRE IN RACAK*, RELEASED IN JANUARY, PRESENTED EVIDENCE OF KILLINGS AND OTHER ATROCITIES IN THAT KOSOVAR VILLAGE THAT HAD TAKEN PLACE EARLIER THAT MONTH. DURING THE UNSUCCESSFUL RAMBOUILLET NEGOTIATIONS IN FEBRUARY OUR STAFF USED BOTH REPORTS, IN ENGLISH AND IN FRENCH TRANSLATION, TO URGE THAT HUMAN RIGHTS BE AT THE CENTER OF THE PROPOSED PEACE AGREEMENT.

WHEN THE NEGOTIATIONS AT RAMBOUILLET FOUNDERED AND THE NATO BOMBING CAMPAIGN BEGAN IN YUGOSLAVIA AT THE END OF MARCH, THE ECA DIVISION DEPLOYED RESEARCHERS TO BOTH THE ALBANIAN AND MACEDONIAN BORDERS WITH KOSOVO, WHERE HUNDREDS OF THOUSANDS OF REFUGEES WERE FLEEING. FOR THE DURATION OF THE CRISIS, ECA STAFF CARRIED OUT HUNDREDS OF INTERVIEWS WITH VICTIMS OF AND EYEWITNESSES TO SUMMARY EXECUTIONS, MASSACRES, BEATINGS, FORCED EXPULSIONS, AND OTHER ATROCITIES, SUMMARIZING THEIR FINDINGS IN REGULAR "KOSOVO HUMAN RIGHTS FLASHES." WE WORKED CLOSELY WITH REPRESENTATIVES OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, PRESENTING OUR DOCUMENTATION IN FIVE OF THE SIX INCIDENTS THAT ULTIMATELY FORMED THE BASIS FOR THE INDICTMENT OF MILOSEVIC. SPECIAL ATTENTION WAS ALSO PAID TO THE MACEDONIAN GOVERNMENT'S TREATMENT OF KOSOVAR ALBANIAN REFUGEES, AND A NUMBER OF STATEMENTS AND A LETTER TO THE GOVERNMENT WERE ISSUED IN THIS REGARD.

WE ALSO CLOSELY MONITORED NATO'S ACTIONS DURING THE CAMPAIGN AND SENT LETTERS TO NATO SECRETARY GENERAL JAVIER SOLANA AND TO THE MEMBERS OF THE U.N. SECURITY COUNCIL, URGING THE ALLIANCE TO COMPLY WITH INTERNATIONAL HUMANITARIAN LAW.

IN JUNE, WE ISSUED *NATO'S USE OF CLUSTER MUNITIONS*, CONDEMNING THE USE OF CLUSTER BOMBS BY NATO FORCES IN KOSOVO, AND WE SENT A THREE-PERSON DELEGATION TO SERBIA IN SEPTEMBER TO CONDUCT AN ON-SITE INVESTIGATION INTO POSSIBLE NATO HUMANITARIAN LAW VIOLATIONS. IT WAS OUR SECOND MISSION TO SERBIA IN 1999: IN JANUARY, A RESEARCHER INVESTIGATED THE SERBIAN GOVERNMENT'S RESTRICTIONS OF ACADEMIC FREEDOM.

AFTER THE NATO BOMBING ENDED AND THE KOSOVAR REFUGEES BEGAN TO RETURN HOME, WE SHIFTED OUR EFFORTS TO EXPOSING REVENGE VIOLENCE BY ETHNIC ALBANIANS AGAINST THE REMAINING KOSOVAR SERBS AND ROMA. OUR RESEARCHERS ON THE GROUND ALSO CONTINUED TO GATHER EVIDENCE TO CORROBORATE ACCOUNTS OF WAR CRIMES AND CRIMES AGAINST HUMANITY THAT REFUGEES HAD REPORTED WHEN THEY WERE FIRST INTERVIEWED IN ALBANIA AND MACEDONIA. IN JULY, WE RELEASED "ETHNIC CLEANSING" IN GLOGOVAC MUNICIPALITY, DOCUMENTING WAR CRIMES THAT WERE PERPETRATED BY SERBIAN AND YUGOSLAV FORCES DURING THE PERIOD BETWEEN MARCH 19, WHEN THE KOSOVO VERIFICATION MISSION WITHDREW FROM KOSOVO IN THE LEAD-UP TO THE NATO BOMBING CAMPAIGN, AND JUNE 15, WHEN SERBIAN AND YUGOSLAV FORCES WITHDREW FROM THE REGION.

WE PUBLISHED *ABUSES AGAINST SERBS AND ROMA IN KOSOVO* IN AUGUST, EXPOSING THE GROWING LEVEL OF REVENGE KILLINGS, BEATINGS, AND OTHER ABUSES AGAINST ETHNIC SERBS, ROMA, AND OTHERS PERCEIVED AS HAVING SUPPORTED THE SERBIAN REGIME IN THE PROVINCE, AND WE MADE A SERIES OF RECOMMENDATIONS TO INTERNATIONAL BODIES. WE ALSO URGED THE INTERNATIONAL ACTORS IN KOSOVO, INCLUDING THE U.N. AND THE OSCE, TO PAY ATTENTION TO OUR HUMAN RIGHTS CONCERNS IN POST-CONFLICT KOSOVO.

IN BOSNIA, WE CONCENTRATED OUR EFFORTS ON ASSESSING THAT COUNTRY'S COMPLIANCE WITH THE CONDITIONS SET FOR MEMBERSHIP BY THE COUNCIL OF EUROPE. IN A BRIEFING PAPER FOR COUNCIL OF EUROPE OFFICIALS WE OUTLINED SERIOUS DEFICIENCIES IN THE APPLICATION OF INTERNATIONAL HUMAN RIGHTS STANDARDS AND THE RULE OF LAW THROUGHOUT THE COUNTRY THAT FELL FAR SHORT OF THE COUNCIL'S STANDARDS FOR MEMBER STATES. WE CONDUCTED ADVOCACY IN STRASBOURG DURING THE JANUARY, JUNE, AND SEPTEMBER PARLIAMENTARY ASSEMBLY SESSIONS TO DELIVER THE SAME MESSAGE TO COUNCIL OF EUROPE RAPPORTEURS, PARLIAMENTARY ASSEMBLY COMMITTEE MEMBERS, AND OTHER COUNCIL STAFF.

IN CROATIA, WE FOCUSED ON THE TREATMENT OF ETHNIC SERBS, AS WELL AS THE WORK OF INTERNATIONAL BODIES THAT HAVE PARTICULAR LEVERAGE IN THE COUNTRY. IN MARCH, WE RELEASED *SECOND CLASS CITIZENS: THE SERBS OF CROATIA* AT A PRESS CONFERENCE IN ZAGREB AND PRESENTED THE FINDINGS OF THE REPORT TO THE CROATIAN GOVERNMENT REPRESENTATIVES, AS WELL AS TO REPRESENTATIVES OF THE INTERNATIONAL COMMUNITY. WE ALSO CONDUCTED AN OCTOBER MISSION TO EXAMINE POLITICAL RIGHTS IN THE CONTEXT OF FORTHCOMING PARLIAMENTARY ELECTIONS. WE CONTINUED AN ONGOING DIALOGUE WITH THE OSCE REGARDING THE WORK OF ITS MISSION AND WITH THE COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY MONITORING COMMITTEE REGARDING CROATIA'S LACK OF PROGRESS TOWARD MEETING ITS COMMITMENTS AS A MEMBER OF THAT INSTITUTION.

IN OUR WORK ON RUSSIA, WE ESTABLISHED THREE PRIORITIES: EXPOSING THE WIDESPREAD USE OF TORTURE AND WORKING WITH THE MOSCOW HELSINKI GROUP TO TRAIN GROUPS THROUGHOUT RUSSIA'S REGIONS TO DOCUMENT CASES OF TORTURE; ONGOING ADVOCACY WORK TO EXPOSE AND ADDRESS THE HORRIFIC CONDITIONS AND ILL-TREATMENT OF CHILDREN IN RUSSIA'S ORPHANAGES; AND DOCUMENTING ABUSES RELATED TO THE RENEWED CONFLICT IN CHECHNYA. IN ADDITION TO COMPLETING A TWO-YEAR PROJECT DOCUMENTING TORTURE IN RUSSIA'S CRIMINAL JUSTICE SYSTEM, OUR STAFF BRIEFED THE COUNCIL OF EUROPE'S COMMITTEE FOR THE PREVENTION OF TORTURE ON OUR FINDINGS AND RAISED TORTURE CONCERNS DURING INTERVENTIONS AT THE OSCE REVIEW CONFERENCE MEETINGS IN VIENNA IN SEPTEMBER AND ISTANBUL IN OCTOBER.

IN EARLY 1999 WE LIAISED WITH U.S. GOVERNMENT OFFICIALS TO HIGHLIGHT THE NEED FOR SUPPORT TO PROGRAMS THAT PROVIDED ABANDONED OR DISABLED CHILDREN WITH VIABLE ALTERNATIVES TO INSTITUTIONALIZATION IN ORPHANAGES. IN MAY, WE PUBLISHED THE RUSSIAN-LANGUAGE VERSION OF THE *ABANDONED TO THE STATE* ORPHANAGES REPORT. OUR MOSCOW STAFF RAISED OUR CONCERNS ABOUT ORPHANAGES, TORTURE, AND POLICE HARASSMENT AND BRUTALITY AGAINST ETHNIC MINORITIES DURING A MEETING WITH U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON DURING HER TRIP TO RUSSIA IN JUNE.

WE QUICKLY MADE CHECHNYA A NEW PRIORITY WHEN RUSSIAN FORCES BEGAN AERIAL BOMBARDMENTS OF THE REGION IN SEPTEMBER. IN A VARIETY OF FORA—a statement to UNHCR'S EXECUTIVE COMMITTEE, a letter to PRIME MINISTER PUTIN, a letter to THE E.U. PRESIDENCY, AND IN SEVERAL PRESS RELEASES—WE CRITICIZED RUSSIAN CONDUCT OF THE MILITARY CAMPAIGN AND THE GOVERNMENT'S ABHORRENT RESPONSE TO THE NEW REFUGEE CRISIS. WE ALSO SOUGHT TO PROVIDE SOME HISTORICAL CONTEXT TO THE CONFLICT, REMINDING THE PUBLIC AND GOVERNMENT OFFICIALS THAT DURING THE 1994–1996 WAR IN CHECHNYA, THE INTERNATIONAL COMMUNITY ESSENTIALLY SHOWERED BENEFITS ON THE YELTSIN GOVERNMENT BUT FAILED TO MAKE GOOD USE OF ITS LEVERAGE WITH THE GOVERNMENT TO SEEK MORE RESPONSIBLE CONDUCT IN THE CONFLICT.

SIMILARLY, WHEN MOSCOW POLICE BEGAN ROUNDING UP AND EXPELLING THOUSANDS OF NON-MUSCOVITES PRESUMED TO BE FROM THE CAUCASUS, WE IMMEDIATELY BEGAN INTERVIEWING THOSE WHO HAD BEEN ARRESTED. WE ISSUED THREE PRESS FLASHES ON THE ARRESTS, AND ADDRESSED MANY PUBLIC FORA ON THE ISSUE, AGAIN POINTING OUT THE HISTORICAL CONTEXT AND PAST HUMAN RIGHTS WATCH REPORTS THAT HAD DOCUMENTED, SINCE 1993, MOSCOW'S RACIST POLICING.

THROUGHOUT THE YEAR, WE CONTINUED TO CONCENTRATE OUR EFFORTS ON EXPOSING THE GOVERNMENT OF BELARUS'S HARASSMENT AND INTIMIDATION OF ALL FORMS OF OPPOSITION. AT A JULY 15 PRESS CONFERENCE IN MINSK, WE RELEASED A REPORT ON VIOLATIONS OF ACADEMIC FREEDOM IN BELARUS, WHICH DOCUMENTED A SYSTEMATIC CAMPAIGN BY THE GOVERNMENT TO CHILL ACADEMIC ENQUIRY THROUGH OVERLY RESTRICTIVE INSTITUTIONAL CONTROLS, DE FACTO CENSORSHIP OF POLITICALLY SENSITIVE HISTORICAL RESEARCH, OBSTRUCTION OF THE PRIVATE EDUCATIONAL INITIATIVES, AND HARASSMENT, DISMISSALS, AND EXPULSIONS OF POLITICALLY ACTIVE FACULTY AND STUDENTS. OUR STAFF ALSO PRESENTED THE FINDINGS OF THE REPORT TO MINISTRY OF EDUCATION REPRESENTATIVES, UNIVERSITY RECTORS, AND OTHERS. IN MARCH, THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE ADOPTED A RESOLUTION "ON THE SITUATION IN BELARUS," WHICH INCORPORATED A NUMBER OF OUR RECOMMENDATIONS, IN PARTICULAR ON FREEDOM OF THE MEDIA, ACCESS TO THE MEDIA BY OPPOSITION POLITICIANS, AND CONCERN THAT RESTRICTIONS ON FREEDOM OF THE MEDIA IN AND OF ITSELF PRECLUDE THE HOLDING OF FREE AND FAIR ELECTIONS. SIMILARLY, THE COUNCIL'S ADVISORY GROUP ON A NEW LAW ON HIGHER EDUCATION INCORPORATED A NUMBER OF OUR RECOMMENDATIONS ON THE DEEPLY FLAWED LAW, INCLUDING INSERTING SAFEGUARDS ON FREEDOM OF SPEECH, ASSOCIATION, AND ASSEMBLY.

IN SEPTEMBER, WE WROTE AN OPEN LETTER TO PRESIDENT LUKASHENKA URGING HIM TO INVESTIGATE THE DISAPPEARANCE OF LEADING OPPOSITION FIGURES VICTOR GONCHAR, TAMARA VINNIKOVA, YURY ZAKHARENKA, AND INDEPENDENT PUBLISHER ANATOLY KRASOVSKY AND TO GUARANTEE THE SAFETY OF ALL PERSONS IN BELARUS, REGARDLESS OF THEIR POLITICAL AFFILIATIONS.

WITH FIELD OFFICES BASED IN UZBEKISTAN AND TAJIKISTAN, AND NUMEROUS ADVOCACY AND FACT-FINDING MISSIONS TO THE REGION, THE COUNTRIES OF CENTRAL ASIA WERE A GROWING FOCUS OF OUR WORK IN 1999. THIS WAS IN RESPONSE TO THE DIRE HUMAN RIGHTS SITUATION, THE GROWING GEOPOLITICAL IMPORTANCE OF THE REGION, AND THE EXPANSION OF THE OSCE'S PRESENCE IN CENTRAL ASIA.

AS THE GOVERNMENT OF UZBEKISTAN CONTINUED ITS BRUTAL ASSAULT ON THE BASIC RIGHTS OF ITS CITIZENS, HUMAN RIGHTS WATCH INTENSIFIED BOTH ITS RESEARCH AND ADVOCACY WORK IN THE COUNTRY DURING 1999. WE SENT TWO FACT-FINDING MISSIONS TO INVESTIGATE CASES OF TORTURE IN LATE 1998 AND 1999, MONITORED DOZENS OF TRIALS, AND GATHERED TESTIMONY FROM SCORES OF WITNESSES ABOUT THE UNYIELDING GOVERNMENT CAMPAIGN AGAINST INDEPENDENT MUSLIMS AND PEOPLE AFFILIATED WITH THE POLITICAL OPPOSITION. OUR REPRESENTATIVES WERE ALSO ON HAND TO DOCUMENT THE GOVERNMENT'S VIGOROUS AND BRUTAL CAMPAIGN AGAINST LOCAL HUMAN RIGHTS DEFENDERS WHO WERE JAILED, BEATEN, AND OTHERWISE HARASSED. IN RESPONSE TO THE RAPID DETERIORATION IN RIGHTS PROTECTION, HUMAN RIGHTS WATCH ISSUED A SERIES OF PRESS RELEASES AND LETTERS TO THE GOVERNMENT DECRYING THE BRUTAL TREATMENT OF RIGHTS DEFENDERS AND PROVIDING HORRIFYING ACCOUNTS OF TORTURE AND DEATHS IN DETENTION AT THE HANDS OF SECURITY FORCES AND POLICE. WE REGULARLY BRIEFED INTERNATIONAL ORGANIZATIONS AND GOVERNMENTS ACTIVE IN UZBEKISTAN, INCLUDING THE CONGRESSIONAL COMMISSION ON SECURITY AND COOPERATION IN EUROPE IN AN OCTOBER HEARING ON UZBEKISTAN. IN OCTOBER, WE RELEASED *CLASS DISMISSED: DISCRIMINATORY EXPULSIONS OF MUSLIM STUDENTS* DOCUMENTING THE DISCRIMINATORY EXPULSION OF INDEPENDENT MUSLIM STUDENTS FROM UNIVERSITIES AND SCHOOLS FOR WEARING RELIGIOUS ATTIRE OR BEARDS.

DURING 1999, HUMAN RIGHTS WATCH'S DUSHANBE OFFICE MONITORED THE IMPLEMENTATION OF THE PEACE ACCORD IN TAJIKISTAN AND THE PRE-ELECTION AND ELECTIONS PERIOD. WE URGED GOVERNMENTS AND DONOR BODIES WITH AN INTEREST IN TAJIKISTAN TO CONDITION ECONOMIC AND NON-HUMANITARIAN AID ON IMPROVEMENTS IN HUMAN RIGHTS CONDITIONS AND TO SUPPORT THE DEVELOPMENT OF LOCAL HUMAN RIGHTS INITIATIVES. WE ISSUED A REPORT ON MEDIA RESTRICTIONS, RAISED VIOLATIONS OF FREEDOM OF ASSOCIATION AND EXPRESSION, AND DISCUSSED THE JUDICIARY, REFUGEE, AND SECURITY-RELATED CONCERNS WITH DIPLOMATIC MISSIONS IN DUSHANBE, TASHKENT, AND ALMATY, AND WITH THE GOVERNMENT AND INTERNATIONAL ORGANIZATIONS IN DUSHANBE, PARTICULARLY OSCE AND UNITED NATIONS MISSION ON TAJIKISTAN (UNMOG). WE MONITORED VIOLATIONS COMMITTED BY SECURITY FORCES; INTERVENED REGULARLY BEFORE THE GENERAL PROCURACY AND MINISTRIES OF INTERNAL AFFAIRS AND SECURITY ON BEHALF OF INDIVIDUALS WHO HAD EXPERIENCED HUMAN RIGHTS VIOLATIONS; AND BRIEFED MULTILATERAL ORGANIZATIONS, NONGOVERNMENTAL ORGANIZATIONS, AND JOURNALISTS ON THE CURRENT SITUATION IN THE COUNTRY. WE ALSO ACTIVELY SUPPORTED LOCAL HUMAN RIGHTS AND JOURNALISTS' ORGANIZATIONS.

OUR WORK ON TURKMENISTAN REMAINED FOCUSED ON SEVERAL KEY GOALS DURING 1999: TO MAKE THE GOVERNMENT'S APPALLING HUMAN RIGHTS RECORD PART OF THE MAINSTREAM AGENDA IN ALL FORA FOR INVESTMENT AND SECURITY ISSUES, TO USE LEVERAGE TO SECURE IMPROVEMENTS, TO ENSURE THAT THE GOVERNMENT DID NOT BENEFIT FROM INVESTMENT AND CREDIT FUNDS THAT HAVE HUMAN RIGHTS CONDITIONALITY WITHOUT MAKING HUMAN RIGHTS CONCESSIONS, AND TO ENGAGE THE GOVERNMENT DIRECTLY ON HUMAN RIGHTS.

A FEBRUARY 1999 MISSION BY OUR RESEARCH STAFF WAS TO HAVE BEEN OUR FIRST MISSION TO THE COUNTRY SINCE 1993. THROUGHOUT 1999, WE ATTEMPTED TO REESTABLISH CONTACT WITH TURKMEN GOVERNMENT OFFICIALS, WHO WERE PLAINLY IRRITATED BY OUR EFFORTS TO MAKE HUMAN RIGHTS PART OF THE OVERALL DEBATE ON TURKMENISTAN. IN FEBRUARY, THIS STANDOFF ENDED WHEN MEETINGS BETWEEN HUMAN RIGHTS WATCH REPRESENTATIVES AND SENIOR MEMBERS OF THE TURKMEN GOVERNMENT TOOK PLACE IN ASHGABAT, THE CAPITAL OF TURKMENISTAN. THE MEETING TOOK PLACE DURING OUR FIRST RESEARCH MISSION TO THE COUNTRY IN SIX YEARS. THE MISSION HAD A

broad agenda, including gathering information on torture; on the stifling of what little opportunity remained for local NGOs to exercise free association and expression; and on political prisoners. The mission, however, was interrupted when Turkmen security forces summarily deported one of the mission participants. Following the February trip to Ashgabat, a Human Rights Watch representative addressed a meeting of the heads of all OSCE field missions in Oslo, Norway, where she discussed developments in Central Asia with the relevant heads of OSCE missions and urged a strong condemnation of the Turkmen government's treatment of our staff. A short trip to Vienna followed, where she raised similar issues with OSCE delegations.

In December 1998, we launched our first-ever fact-finding mission to Kazakhstan to investigate violations of basic civic freedoms in the run-up to the presidential elections. We interviewed dozens of journalists, editors, publicists, political activists, and citizens pressured by the government to participate in the presidential nomination process. A report on our findings was released in October, on the eve of Kazakhstan's parliamentary elections. In July, as part of our effort to convey to policy makers the true state of human rights in Kazakhstan, our staff addressed the Congressional Human Rights Caucus.

Our concerns in Central Asia featured prominently in our international advocacy during the year, targeted toward the U.S. government and the OSCE, two of the most prominent political actors in the region. As the chairman-in-office and the head of the OSCE's Office for Democratic Institutions and Human Rights prepared for their respective trips to the region, we sent briefing papers about issues and specific urgent cases. We used the report to the OSCE Permanent Council by Ambassador Wilhelm Hoyneck—a document that was to have set out the OSCE's policy in the region—as an opportunity to analyze OSCE strategy. Our critique of the report was released prior to Hoyneck's presentation to the Permanent Council, and we liaised with key OSCE delegations to ensure that the human dimension would remain in the OSCE's strategy for the region.

Twice in 1999, we exhorted the OSCE to desist from sending full observer missions to Kazakhstan's elections. In December 1998, fresh from our mission to Kazakhstan investigating election conditions, we sent a letter on our preliminary findings to OSCE chairman-in-office Vollebæk urging the OSCE not to send an observer mission of any kind to the elections, which were clearly fraudulent. In August, we wrote to Ambassador Gerard Stoudmann, the head ODHR, urging the OSCE not to send a full observer mission to Kazakhstan's parliamentary elections. In this and other fora—notably the OSCE review conference—we sent a clear message that any observation of upcoming elections in Uzbekistan and Turkmenistan would merely serve to legitimize what were sure to be hollow exercises.

In all meetings with U.S. government officials regarding Turkmenistan, we pressed the need to condition export-import bank credits and other assistance on significant improvements in that country's human rights record.

In the Caucasus, our research was conducted from our field office in Tbilisi, and focused primarily on abuses by police and security forces and on the lack of adequate legal protections for detainees. Our primary advocacy target was the Council of Europe, to which both Armenia and Azerbaijan keenly sought admission, though we also regularly briefed representatives of the OSCE, E.U., and U.S. government, in advance of significant bilateral and multilateral meetings on the region. A European Parliament resolution adopted in February, drafted after consultation with our staff, emphasized the need for further improvements in the human rights practices of Armenia and Azerbaijan.

Human Rights Watch engaged in a dialogue with the government of Armenia regarding its human rights record and issued a number of lengthy letters, documenting our concerns on issues such as the abuse of conscripts; torture and beatings of detainees, including children; poor conditions in places of detention; and restrictions on freedom of religion and the media. The letters were timed to correspond with activities in the Council of Europe related to Armenia's membership application.

The letters, some published in their entirety in Yerevan newspapers, were widely read and sparked more open discussion of Armenia's poor human rights record. In January, we briefed key U.S. congressional staff on our concerns given the significant amount of economic assistance provided to Armenia by the U.S. despite the lack of any significant improvement in its respect for the rule of law.

Similarly, we focused attention on Azerbaijan's poor human rights record as part of its application for membership in the Council of Europe. Prior to the sessions of the Council of Europe's Parliamentary Assembly, letters were sent to rapporteurs on Armenia and Azerbaijan and other relevant policymakers outlining our concerns. Our staff attended the

Parliamentary Assembly sessions in January, June, and September and carried out a series of advocacy meetings with rapporteurs, committee members, and delegations involved in the decision-making on Armenia's and Azerbaijan's applications. In August, we issued *Impunity for Torture*, which documents how the Azerbaijani Ministry of Internal Affairs often keeps detainees in a state of isolation from the outside world, including from lawyers and relatives, allowing torture to take place in virtual secrecy. Advance copies of the report were distributed in June at the Council of Europe Parliamentary Assembly session in Strasbourg. The report was also distributed to the United Nations Committee Against Torture.

In January, we briefed congressional staff on the links between corruption, human rights violations, and oil investment in Azerbaijan, and we also distributed briefing papers to the World Bank, the European Bank for Reconstruction and Development (EBRD), the U.S. Government, European governments, and oil companies. The U.S. House of Representatives version of the legislation promoting increased U.S. engagement and investment in the Caucasus and Central Asia, adopted in August and known as the Silk Road Strategy Act, contained significant language emphasizing the need for respect for the rule of law and religious tolerance in the Caucasus and Central Asia.

In Georgia, we monitored numerous trials including that of those accused in the February 1998 assassination attempt on Georgian President Eduard Shevardnadze; many defendants claimed that they had not had access to lawyers since their detentions. As Georgia's already poor human rights practices deteriorated in advance of the October parliamentary elections, we monitored numerous other trials relating to physical abuse and to restrictions on non-traditional religious organizations.

In April, we sent a letter to President Shevardnadze of Georgia detailing police abuse, specifically the pattern of deaths involving detainees who had suspiciously fallen from windows while in the custody of the Ministry of Internal Affairs. We called on Shevardnadze to ensure thorough and impartial investigation into such deaths. A similar letter was also sent to U.S. Ambassador Yalowitz urging that human rights abuses—specifically widespread police abuse and impunity for that abuse—be featured prominently in the promotion of U.S. interests in Georgia. We urged Ambassador Yalowitz publicly to condemn police abuse in Georgia, to call for an independent investigation into the death of Ivane Kolbaya (who fell to his death from a fifth-floor window of Tbilisi Central Police Department), and to support the development of the criminal justice system's capacity to combat police abuse. Additional letters on the same theme were sent to the OSCE, the U.S. Congress, the Council of Europe, embassies, and international financial institutions. These concerns elicited no public condemnation from the U.S., but in September, USAID sent a team to identify and plan future work on Georgia's criminal justice system and other aspects of the legal system.

Throughout the year we sought opportunities to make contact with and brief representatives of multinational corporations, especially oil companies investing in the Caspian sea region. Our goal was to promote awareness of the serious human rights problems affecting their investments and to encourage them to take proactive steps—in their relations with governments, intergovernmental organizations, international financial institutions, and nongovernmental organizations—to address these conditions.

A significant focus of our work on Turkey during 1999 related to the capture and trial of Abdullah Ocalan, the leader of the Kurdish Workers Party (PKK). When Ocalan was first arrested in Italy in November 1998, we called on the Italian government not to extradite Ocalan to Turkey because of that country's well-documented record of torturing security suspects, but to ensure that Ocalan be held accountable for the abuses committed by PKK guerrillas under his command. When Ocalan fled Italy and was later captured and transported to Turkey, Human Rights Watch pressed the Turkish government to safeguard Ocalan's safety and take all steps to ensure that he received a fair trial. We also used the increased international attention to Turkey to highlight the need for an equally thorough investigation of abuses committed by the Turkish army in the southeast. Prior to the start of Ocalan's trial, we issued two background papers on the *Turkish State Security Courts and Repression of the Kurds in Turkey*. In May, our staff attended the trial.

We also continued to press for greater protection of the basic rights of expression and association, rights that are chronically violated in Turkey. On April 15, we released *Violation of Free Expression in Turkey* and did a round of follow-up letters to Congress and to the OSCE Special Representative on Media regarding the findings in our report. In June, we condemned the imprisonment of leading Turkish activist Akin Birdal, president of the Human Rights Association of Turkey, as a violation of his free speech. Throughout the year we pressed the U.S. government to use its special relationship with

TURKEY TO PROMOTE CHANGE, ESPECIALLY IN THE CONTEXT OF A POSSIBLE \$3.5 BILLION SALE OF U.S.-MANUFACTURED ATTACK HELICOPTERS TO TURKEY. WE ALSO TOOK ADVANTAGE OF TURKEY'S ROLE AS HOST OF THE NOVEMBER OSCE SUMMIT TO PRESS FOR SIGNIFICANT CHANGE.

IMMEDIATELY FOLLOWING THE MURDER OF HUMAN RIGHTS LAWYER ROSEMARY NELSON IN MARCH, HUMAN RIGHTS WATCH JOINED WITH OTHER HUMAN RIGHTS ORGANIZATIONS TO DRAW ATTENTION TO MS. NELSON'S DEATH AND THE BROADER ISSUES OF PROTECTION OF DEFENSE LAWYERS AND INTIMIDATION BY POLICE IN NORTHERN IRELAND. DURING THE U.N. HUMAN RIGHTS COMMISSION MEETING IN GENEVA IN MID-APRIL, HUMAN RIGHTS WATCH CO-HOSTED A TALK WITH PARAM CUMARASWAMY, THE U.N. SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS, WHO HAD BEEN A STRONG CRITIC OF THE U.K.'S LACK OF PROTECTION FOR MS. NELSON AND OTHER DEFENSE LAWYERS IN NORTHERN IRELAND. HUMAN RIGHTS WATCH WROTE A LETTER TO MO MOWLAM, SECRETARY OF STATE FOR NORTHERN IRELAND, AS PART OF A DIALOGUE THAT INCLUDED A NUMBER OF FACE-TO-FACE MEETINGS WITH HER ON THE SUBJECT. WE PUBLISHED A LIMITED-RUN SHORT REPORT ON MS. NELSON'S LIFE, URGING THE U.K. GOVERNMENT TO ESTABLISH AN INDEPENDENT MURDER INVESTIGATION, FREE OF PARTICIPATION BY THE NORTHERN IRELAND POLICE, WHOSE OFFICERS HAD SYSTEMATICALLY HARASSED NELSON IN RECENT YEARS. THE PROTECTION OF DEFENSE LAWYERS WAS BUT ONE ISSUE OF CONCERN WE RAISED WITH THE INDEPENDENT COMMISSION ON POLICING, ESTABLISHED BY THE GOOD FRIDAY AGREEMENT AND MANDATED TO MAKE SWEEPING RECOMMENDATIONS FOR THE REFORM OF THE ROYAL ULSTER CONSTABULARY (RUC), NORTHERN IRELAND'S POLICE FORCE. WE MADE A NUMBER OF WRITTEN SUBMISSIONS TO THE COMMISSION, INCLUDING A DETAILED BRIEFING PAPER ON VETTING THE RUC TO SCREEN OUT OFFICERS WITH RECORDS OF PAST HUMAN RIGHTS ABUSES FROM A PEACETIME POLICE FORCE. HUMAN RIGHTS WATCH ATTENDED MEETINGS WITH THE COMMISSION IN JANUARY AND SEPTEMBER TO EXPRESS OUR CONCERNS ABOUT POLICE ABUSE. IN JULY, WE SENT A RESEARCHER TO MONITOR THE SECURITY FORCE OPERATION DURING THE ANNUAL, OFTEN VIOLENT, MARCHING SEASON IN NORTHERN IRELAND. WE SENT NUMEROUS LETTERS TO U.K. SECRETARY FOR NORTHERN IRELAND MO MOWLAM AND BRITISH PRIME MINISTER TONY BLAIR THROUGHOUT THE YEAR URGING THEM TO IMPLEMENT THE HUMAN RIGHTS PROVISIONS OF THE GOOD FRIDAY AGREEMENT AND HIGHLIGHTING PARTICULARLY THE CONTINUING LACK OF ACCOUNTABILITY FOR POLICE OFFICERS INVOLVED IN THE TORTURE OF DETAINEES AND COLLUSION WITH LOYALIST PARAMILITARIES IN THE MURDER OF DEFENSE LAWYER PATRICK FINUCANE IN 1999.

ALBANIA

Human Rights Developments

THE RAPID INFUX OF ETHNIC ALBANIAN REFUGEES FROM THE NEIGHBORING PROVINCE OF KOSOVO WAS ALBANIA'S DOMINANT EVENT IN 1999. BY EARLY JUNE, MORE THAN 450,000 KOSOVAR ALBANIANS WERE IN THE COUNTRY, HAVING BEEN FORCIBLY DISPLACED BY SERBIAN AND YUGOSLAV FORCES DURING THE NATO AIR CAMPAIGN AGAINST YUGOSLAVIA.

DESPITE LIMITED RESOURCES, THE ALBANIAN GOVERNMENT MADE SINCERE EFFORTS TO ACCOMMODATE THE REFUGEES, MANY OF WHOM HAD SUFFERED SERIOUS HUMAN RIGHTS VIOLATIONS INSIDE KOSOVO. PROTECTION PROBLEMS FACED BY THE REFUGEES WERE MOSTLY RELATED TO THE UNSAFE LOCATION AND POOR SECURITY OF THE CAMPS IN THE NORTH OF THE COUNTRY; THE GENERAL STATE OF LAWLESSNESS IN ALBANIA; AND THE COUNTRY'S SEVERE ECONOMIC DEPRIVATION.

ONE POSITIVE CONSEQUENCE OF THE KOSOVO CRISIS WAS THE AMELIORATING EFFECT IT HAD ON ALBANIA'S HIGHLY POLARIZED POLITICAL SCENE. THE TWO MAIN PARTIES, THE DEMOCRATIC PARTY (DP) AND THE SOCIALIST PARTY (SP), WERE LESS ANTAGONISTIC IN 1999, AND POLITICALLY MOTIVATED ABUSES WERE LESS COMMON THAN IN PREVIOUS YEARS. DESPITE THIS, ALBANIAN CITIZENS CONTINUED TO EXPERIENCE MANY OF THE HUMAN RIGHTS VIOLATIONS THAT ACCOMPANY STATES IN TRANSITION FROM COMMUNISM, SUCH AS POLITICIZED COURTS, ABUSIVE POLICE, AND ABUSES AGAINST WOMEN. AS IN PREVIOUS YEARS, VICTIMS OF ABUSE RARELY OBTAINED REDRESS THROUGH THE LEGAL SYSTEM.

A HIGH LEVEL OF OFFICIAL CORRUPTION, PERVERSIVE AT ALL LEVELS OF GOVERNMENT, REMAINED A CRITICAL PROBLEM. CORRUPTION CONTINUED TO HAVE A NEGATIVE IMPACT ON CITIZENS' TRUST IN THE GOVERNMENT AND THE RULE OF LAW. IN SEPTEMBER, PRIME MINISTER PANDELI MAJKO ISSUED AN ADMINISTRATIVE ORDER OBLIGING ALL SENIOR ADMINISTRATION OFFICIALS TO DECLARE THEIR PERSONAL ASSETS AND STATE HOW THEY HAD BEEN ACQUIRED.

THE JUDICIAL SYSTEM WAS A PARTICULAR PROBLEM. WITH MEAGER STATE SALARIES, JUDGES AND PROSECUTORS WERE SUSCEPTIBLE TO BRIBES FROM WEALTHY AND POWERFUL CRIMINAL ELEMENTS.

Women's rights also remained a serious concern, including the ongoing practice of trafficking. While there is no evidence of direct government involvement, the government has clearly been unable to stop trafficking, including of Kosovar Albanian women who were taken, some forcibly, from refugee camps by criminals and trafficked into prostitution in Italy. The U.N. High Commissioner for Refugees (UNHCR) reported some cases of rape and sexual assault of Kosovar Albanian women in Albanian refugee camps. Domestic abuse also remained a serious but largely unmentioned issue in Albanian society. There were no state-run institutions to provide assistance for victims of domestic violence, who had to use Albania's small and underfunded nongovernmental organizations for shelter or counseling.

Despite the less belligerent political atmosphere, a remaining point of contention between Democrats and Socialists was the state's investigation into the September 1998 killing of Azem Hajdari, a former student activist and militant member of parliament for the opposition Democratic Party. Top DP officials, including former President Sali Berisha, refused to testify to investigators during 1999 because, they said, the investigation was politically motivated.

The government was also continuing to investigate the violent demonstrations that erupted two days later during Hajdari's funeral procession, when armed DP supporters ransacked government offices and, for a brief period, held the prime minister's office, the parliament building, and the Albanian state television and radio building, prompting the resignation of then-prime minister Fatos Nano. Parliament subsequently lifted Berisha's immunity due to his alleged role in what the government called a coup d'état, but no charges were leveled against him in 1999. The trial of twelve people who were arrested for their alleged involvement in the violence was ongoing during the year. In October the defendants, including the chairman of the Legality Movement Party, staged a brief hunger strike to protest what they considered procedural violations by the court.

Local human rights groups and the political opposition complained about procedural violations in the legal case against six former government officials. The six men, including the former minister of defense and minister of the interior, were charged in August 1998 with crimes against humanity for their role in suppressing the popular uprising following the collapse of the pyramid schemes in March 1997. They were released from house arrest in February 1999 but had still not been tried as of this writing.

Despite these problems, Albania's slow process of legal reform continued throughout 1999. On November 22, 1999, a national referendum approved Albania's first complete post-communist constitution which is in conformity with international human rights standards. Until that time the country had operated under a motley collection of new laws and constitutional provisions.

On September 30, 1999, parliament passed a new law on public and private radio and television, the first complete law regulating the electronic media since the fall of the communist government in 1992. The law largely meets international standards, although some media experts complained that the Albanian state radio and television still had ownership of the transmitter network, which, they feared, would allow the government to interfere in the transmission of programs. Throughout 1999, a host of private radio and television stations were broadcasting, some of them in opposition to the government.

In February 1999, the parliament ratified a new law to create Albania's first national human rights ombudsman. As of September, however, no one had been appointed to the post. According to the law, the parliamentary commissions on human rights and legal matters must propose candidates, who are then approved by three-fifths of the parliament.

By September 1999, the Albanian government had still not abolished capital punishment, despite continued pressure from the Council of Europe, which Albania joined in 1995. No one has been executed in Albania since 1993, although six people were on death row in 1999. Those on death row were reportedly kept in inhuman conditions that fell far short of international standards. International monitors observed the inmates wearing helmets and said they were in shackles twenty-four hours a day.

Public order was a serious problem throughout the year, as it has been since 1997, with violent incidents occurring frequently, usually between the police and criminal gangs. Much of the mountainous north and parts of the south were not under the government's control, and crime was endemic. The smuggling of drugs and illegal immigrants, mostly to Italy, was pervasive.

Political violence was less of a problem in 1999 than it had been in previous years. However, on February 21, unknown individuals attacked the former judge and well-known defense attorney Kleanthi Koci, although the reason for the attack is not known. He died a few days later on route to Rome for medical treatment.

Albania's Roma population continued to be a target of racism and discrimination by the general population, sometimes resulting in physical violence. In May, the parliament agreed to ratify the European Framework Convention for the Protection of Minorities, which the government had already signed.

Defending Human Rights

Albania's burgeoning nongovernmental sector continued to expand during 1999. Dozens of groups worked on issues related to human rights, ranging from labor rights to domestic violence against women. None of them reported restrictions on their work by the government.

Many Albanian human rights groups worked intensively to assist the ethnic Albanian refugees from Kosovo, including by taking testimony about war crimes, either for publication or to provide to the International Criminal Tribunal for the Former Yugoslavia. Others provided counseling for victims of abuse.

The Role of the International Community

Organization for Security and Cooperation in Europe (OSCE)

The OSCE maintained a large mission in Albania with field offices in various cities, engaged in monitoring human rights and media, provided technical assistance on draft legislation, and conducted other institution-building activities. Field offices near the border with Yugoslavia monitored refugee flows, as well as fighting between the Kosovo Liberation Army and Yugoslav forces.

Council of Europe

Albania came under fire from the Council of Europe (CoE) for maintaining the death penalty, despite a 1995 commitment to abolish it. The Parliamentary Assembly cautioned that any retreat from Albania's commitment to abolish the death penalty "would have serious consequences for Albania's membership in the Council of Europe." The Committee for the Prevention of Torture (CPT) visited Albania in December 1999, following up on its visit from the previous year. At this writing, Albania had not published either of the reports issued by the CPT.

European Union

Albania's handling of the refugee crisis and its cooperation with NATO garnered praise and economic assistance from the European Union (E.U.). In addition to its annual commitment of 100 million euros, the E.U. pledged 62 million euros in April to meet refugee related expenses, although only 40 million euros (U.S. \$42 million) were ultimately needed. In June, the E.U. took the lead in establishing the Stability Pact for South Eastern Europe, which provides a framework for economic development, democratization, and conflict prevention and resolution in the region. Participants in the pact, including Albania, reaffirmed their commitment to observe human rights in accordance with OSCE standards and the U.N. Charter. In 1999, the E.U. also informed the Albanian government that further E.U. support for legal reform in the country was preconditioned on the abolishment of the death penalty.

United States

The United States government had close relations with the Albanian government throughout the year with Kosovo as the centerpiece of discussion. During his June visit to the country, President Clinton promised Albania that its generosity to the refugees and cooperation with NATO provided "an opportunity to deepen [its] partnership with NATO and [its] integration with Europe and the future prosperity that will bring." The U.S. government allocated an estimated \$33 million in foreign aid to Albania in 1999, with the largest portions going to economic development and democracy building. In September, the State Department invited a group of moderate politicians from the political opposition to visit Washington

JUST BEFORE THE DEMOCRATIC PARTY WAS SCHEDULED TO HAVE ITS PARTY CONGRESS. FORMER PRESIDENT SALI BERISHA WAS NOT AMONG THE INVITEES.

North Atlantic Treaty Organization

THE NORTH ATLANTIC TREATY ORGANIZATION (NATO) AND ALBANIA MAINTAINED CLOSE RELATIONS THROUGHOUT 1999 DUE TO THE KOSOVO CRISIS. ALREADY A MEMBER OF THE PARTNERSHIP FOR PEACE, ALBANIA OPENED ITS AIRSPACE FOR NATO AND ALLOWED 9,000 NATO SOLDIERS TO BE DEPLOYED IN THE COUNTRY, BOTH FOR HUMANITARIAN AND MILITARY REASONS. IN APRIL, THE U.S. MILITARY DEPLOYED TWENTY-FOUR APACHE ATTACK HELICOPTERS IN ALBANIA FOR POTENTIAL USE IN KOSOVO, BUT THEY WERE NEVER PUT INTO MILITARY ACTION, AND ONE CRASHED WHILE CONDUCTING EXERCISES.

International Financial Institutions

THE WORLD BANK AND INTERNATIONAL MONETARY FUND PROVIDED SUPPLEMENTAL LOANS FOR THE GOVERNMENT TO DEAL BETTER WITH THE INFLUX OF REFUGEES, AND THE WORLD BANK AND THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT COMMITTED SUBSTANTIAL FUNDS TO ALBANIA AND NEIGHBORING COUNTRIES AS PART OF THE STABILITY PACT FOR SOUTH EASTERN EUROPE. IN THE FIRST SIX MONTHS ALONE, THE WORLD BANK PLEDGED U.S. \$125 MILLION IN NEW CREDITS TO ALBANIA.

ARMENIA

Human Rights Developments

ARMENIA'S HUMAN RIGHTS RECORD REMAINED POOR DESPITE OFFICIAL CLAIMS THAT THE COUNTRY WAS "IN TRANSITION TO DEMOCRACY" AND PROMISES FOR IMPROVEMENTS AS ITS APPLICATION UNDERWENT REVIEW FOR FULL MEMBERSHIP IN THE COUNCIL OF EUROPE.

ON OCTOBER 27, ARMED INDIVIDUALS ENTERED THE ARMENIAN PARLIAMENT DURING A LIVE NATION-WIDE RADIO BROADCAST AND ASSASSINATED ARMENIAN PRIME MINISTER VASGEN SARKISYAN, ALONG WITH PARLIAMENT SPEAKER KAREN DEMIRCHIAN AND SEVERAL OTHER SENIOR OFFICIALS. PARLIAMENTARY ELECTIONS ON MAY 30 HAD BROUGHT TO POWER THE MEASNUTSIUN (UNITY) BLOCK LED BY SARKISYAN. THE UNITY BLOCK INCLUDED THE COMMUNIST PARTY HEADED BY DEMIRCHIAN, SEVERAL SMALLER PARTIES, AND THE YERKRAPAH, A MILITIA ORGANIZATION OF NAGORNO KARABAKH WAR VETERANS LED BY SARKISYAN. THE YERKRAPAH ORGANIZATION WAS LINKED TO ORGANIZED VIOLENT ATTACKS ON MEMBERS OF TWELVE NON-APOSTOLIC RELIGIOUS GROUPS IN APRIL 1995.

THE ASSASSINATIONS FOLLOWED POLITICAL VIOLENCE DURING JULY LOCAL ELECTIONS. ARMED SUPPORTERS OF A CANDIDATE IN A LOCAL BY-ELECTION IN YEREVAN REPORTEDLY BEAT UP AND OPENED FIRE WITH AUTOMATIC WEAPONS ON THE PROXIES OF ANOTHER CANDIDATE ON JULY 11. AT LEAST EIGHT PEOPLE WERE HOSPITALIZED. BOTH CANDIDATES CONTENDING FOR THE AJAPNAIK DISTRICT COUNCIL SEAT WERE PRO-GOVERNMENT: ONE WAS A MEMBER OF THE YERKRAPAH, THE OTHER A MEMBER OF THE NATIONALIST REPUBLICAN PARTY.

OSCE ELECTION OBSERVERS NOTED THAT A NEW ELECTORAL CODE WITH SOME REFORM PROVISIONS WAS ADOPTED PRIOR TO THE MAY PARLIAMENTARY ELECTIONS AND CONCLUDED THAT THE PARLIAMENTARY ELECTIONS WERE A STEP FORWARD TOWARD MEETING OSCE OBLIGATIONS. HOWEVER, A REPORT ISSUED BY THE NATIONAL DEMOCRATIC INSTITUTE, WHICH WAS BASED ON FINDINGS BY 4,000 LOCAL MONITORS, STATED THAT POLITICAL PARTIES AND SO-CALLED "INDEPENDENT" CANDIDATES THROUGHOUT THE COUNTRY MANIPULATED SOME REFORM PROVISIONS EMBODIED IN THE NEW CODE. THE REPORT ADDED THAT PARTY-AFFILIATED AND INDEPENDENT CANDIDATES, FREQUENTLY LOCAL STRONGMEN WITH POLITICAL AND BUSINESS TIES, DEMONSTRATED POWERFUL INFLUENCES OVER POLITICAL PROCESSES AND DISTORTED BOTH THE AUTHORITY OF THE NATIONAL GOVERNMENT AND THE ELECTORAL CODE.

IN JANUARY LEGISLATION MANDATED BY THE 1995 CONSTITUTION TO IMPLEMENT ITS NEW PROVISIONS WENT INTO FORCE. THE NEW LEGISLATION GOVERNING CRIMINAL INVESTIGATIONS AND TRIALS WAS A MISSED OPPORTUNITY TO BRING ABOUT REFORM OF A CRIMINAL JUSTICE SYSTEM CHARACTERIZED BY WIDESPREAD VIOLATIONS OF DUE PROCESS. THE NEW CRIMINAL PROCEDURE CODE WAS PARTICULARLY DISAPPOINTING: IT DOES NOT ALLOW DETAINEES TO FILE A COMPLAINT IN COURT PRIOR TO TRIAL TO REDRESS ABUSES BY THE PROCURACY, POLICE, OR OTHER SECURITY FORCES DURING CRIMINAL INVESTIGATIONS. UNDER THE NEW CODE, THE POLICE MAY DETAIN INDIVIDUALS FOR UP TO TWELVE HOURS BEFORE NOTIFYING FAMILY MEMBERS, WITNESSES HAVE NO RIGHT TO LEGAL COUNSEL DURING QUESTIONING WHILE IN POLICE CUSTODY, EVEN THOUGH FAILURE TO TESTIFY IS A CRIMINAL OFFENSE, AND DETAINEES MUST SEEK PERMISSION FROM THE POLICE OR PROCURACY TO OBTAIN A FORENSIC MEDICAL EXAMINATION TO SUBSTANTIATE A REPORT OF TORTURE. MEANWHILE, THE CONSTITUTION DOES

NOT ALLOW CITIZENS THE RIGHT TO PETITION THE CONSTITUTIONAL COURT SHOULD ONE OF THEIR CONSTITUTIONALLY GUARANTEED RIGHTS BE VIOLATED.

CASES OF VIOLATIONS AGAINST THOSE IN DETENTION INCLUDED THAT OF ASHOT BLEYAN, FORMER MINISTER OF EDUCATION, AWAITING TRIAL ON CORRUPTION CHARGES. ACCORDING TO HIS LAWYER, MINISTRY OF INTERNAL AFFAIRS STAFF BEAT BLEYAN WHILE IN NUBARASHEN REMAND PRISON ON AUGUST 19. ON SEPTEMBER 7, BLEYAN STATED IN A PRESS INTERVIEW THAT A PROCURACY OFFICIAL HANDLING HIS CASE, ARMEN TAMAZIAN, WAS PRESENT DURING THE BEATING.

THE GOVERNMENT REMAINED DEEPLY HOSTILE TO ADHERENTS OF NON-APOSTOLIC RELIGIOUS FAITHS AND FAILED TO BRING ABOUT A CLIMATE OF RELIGIOUS TOLERANCE. IT IMPRISONED AT LEAST NINE CONSCIENTIOUS OBJECTORS ON RELIGIOUS GROUNDS, WHILE NUMEROUS OTHER INDIVIDUALS WERE FORCED TO LIVE IN HIDING TO ESCAPE HARASSMENT CAMPAIGNS AGAINST THEM. THE AUTHORITIES CONTINUED TO DENY THE JEHOVAH'S WITNESS ORGANIZATION THE RIGHT TO REGISTER, WHILE AT LEAST TWO OF THE OTHER RELIGIOUS ORGANIZATIONS ATTACKED IN APRIL 1995 WERE TOO FEARFUL EVEN TO ATTEMPT TO REGISTER, AND MANY OF THEIR MEMBERS REMAIN IN HIDING. IGNORING EUROPEAN CONVENTION STANDARDS, WHICH OFFICIALS PROMISED TO UPHOLD AFTER COUNCIL OF EUROPE ACCESSION, THE GOVERNMENT FAILED TO REPEAL DISCRIMINATORY PROVISIONS IN THE LAW ON RELIGIOUS ORGANIZATIONS. THE LAW PROHIBITS FINANCING FOR RELIGIONS BASED OUTSIDE OF ARMENIA AND SETS A 200-MEMBER MINIMUM FOR REGISTRATION OF A RELIGIOUS ORGANIZATION.

FREEDOM OF THE PRESS SUFFERED A BLOW IN AUGUST. NIKOLAI PASHINIAN, EDITOR OF *ORAGIR* (DIARY) NEWSPAPER WAS SENTENCED TO ONE YEAR IN PRISON ON AUGUST 31 FOR PUBLISHING AN ARTICLE ALLEGING CORRUPTION INVOLVING A TRADING COMPANY LINKED WITH SENIOR MINISTRY OF INTERNAL AFFAIRS OFFICIALS. IN EARLY JUNE, PASHINIAN HAD LOST A CIVIL SUIT BROUGHT BY THEN-MINISTER OF INTERNAL AFFAIRS SERG SARKISYAN AND HAD BEEN ORDERED TO PAY U.S.\$25,000 IN DAMAGES TO THE TRADING COMPANY. EDITORS AT OTHER NEWSPAPERS PUBLICLY DEMONSTRATED AGAINST THE AUGUST VERDICT AND SAID THAT THE CASE WOULD HAVE A CHILLING EFFECT ON FREEDOM OF THE PRESS. AN OFFICIAL AT TIGRAN METS, THE MAIN NEWSPAPER PRINTING PLANT IN ARMENIA, SAID IN A SEPTEMBER INTERVIEW THAT THE PLANT HAD REFUSED TO PRINT A SUCCESSOR NEWSPAPER PUBLISHED BY PASHINIAN ON THE GROUNDS THAT THE EDITOR'S POSSIBLE IMPRISONMENT WOULD PREVENT HIM FROM REPAYING THE PRINTING DEBTS OF *ORAGIR*, WHICH WAS CLOSED AFTER THE LAWSUIT.

Defending Human Rights

NONGOVERNMENTAL ORGANIZATIONS WORKING ON HUMAN RIGHTS ISSUES FOR THE MOST PART AVOIDED FRANK DISCUSSION OF ARMENIA'S POOR HUMAN RIGHTS PERFORMANCE. NUMEROUS VICTIMS OF HUMAN RIGHTS ABUSES EXPRESSED GREAT FEAR OF RETALIATION AND A MARKED LACK OF CONFIDENCE IN THE AUTHORITIES' WILLINGNESS TO ACT ON COMPLAINTS OF ABUSES, INCLUDING TORTURE AND ABUSE IN THE ARMY. GOVERNMENT OFFICIALS INSULTED OR HARASSED SEVERAL ARMENIAN HUMAN RIGHTS DEFENDERS. IN FEBRUARY, A MINISTRY OF DEFENSE OFFICIAL WARNED A MEMBER OF AN ORGANIZATION DEALING WITH CONSCRIPTS TO DESIST FROM COOPERATING WITH INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS. IN MARCH, MIKAEL DANIELYAN, CHAIR OF THE ARMENIA HELSINKI ASSOCIATION, WAS ACCUSED OF MAKING "UNGROUND ACCUSATIONS" AFTER HE COMPLAINED ABOUT THE MINISTRY OF INTERNAL AFFAIRS' REFUSAL TO GRANT ACCESS TO PRE-TRIAL DETENTION FACILITIES FOR MONITORING. DANIELYAN HAD SUBMITTED WRITTEN REQUESTS AND MADE REPEATED ATTEMPTS TO GAIN ACCESS FOR OVER A YEAR.

The Role of the International Community

Council of Europe

THE COUNCIL OF EUROPE CONTINUED TO REVIEW ARMENIA'S APPLICATION FOR FULL MEMBERSHIP. IN JANUARY, HUMAN RIGHTS WATCH RECOMMENDED TO THE COUNCIL OF EUROPE'S PARLIAMENTARY ASSEMBLY THAT IT TAKE NO FURTHER ACTION ON ARMENIA'S MEMBERSHIP APPLICATION UNTIL THE GOVERNMENT TOOK CONCRETE STEPS TO DEMONSTRATE ITS COMMITMENT TO THE RULE OF LAW. DEVELOPMENTS THROUGHOUT THE YEAR INDICATED THAT ARMENIA'S ACCESSION WOULD BE HIGHLY PREMATURE AND WOULD SERVE TO LEGITIMIZE THE GOVERNMENT'S UNWILLINGNESS TO UPHOLD THE RULE OF LAW.

Organization for Security and Cooperation in Europe (OSCE)

TALKS UNDER THE AUSPICES OF THE OSCE MINSK GROUP TO NEGOTIATE A SETTLEMENT TO THE TWELVE-YEAR-OLD CONFLICT WITH AZERBAIJAN ON THE POLITICAL STATUS OF NAGORNO KARABAKH FAILED TO BRING RESULTS AS OF THIS WRITING. PRESIDENT ROBERT KOCHARIYAN AND AZERBAIJANI PRESIDENT HEYDAR ALIYEV HELD BILATERAL TALKS IN GENEVA IN JUNE AND AUGUST AT THE URGING OF THE

international community. The OSCE announced that it intended to open an office in Yerevan in the later half of the year to assist in promotion of OSCE principles.

United States

The U.S. State Department's *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999* accurately noted that Armenia's constitution provides the executive with extensive powers that are not balanced by an independent judiciary and that the judiciary is subject to political pressure, while the security forces routinely beat detainees during arrest and interrogation. The U.S. State Department *ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM FOR 1999* simply outlined many of the legal restrictions on the free practice of religious belief in Armenia, while failing to note that these restrictions are in violation of international law. Members of the U.S. House of Representatives, including members of the Armenian Congressional Caucus, failed to call Armenia publicly to account for its abysmal record in a number of areas, including on religious minorities, while spearheading support for assistance programs that ensure Armenia's status as one of the highest per capita recipients of U.S. assistance in the world.

AZERBAIJAN

Human Rights Developments

Azerbaijani President Heydar Aliyev's hospitalization in early January and surgery in May created a climate of considerable political uncertainty throughout 1999, fueling rampant speculation regarding possible successors and causing the postponement of important legal reforms.

In early September, Aliyev stated that he was considering a third term as president. Although the constitution allows presidents to serve only two terms, Aliyev, who assumed the presidency in 1993 and began a second term in October 1998, reportedly believed that since the constitution was adopted in 1995, he is eligible for a third term. In the wake of the president's illness, some members of the opposition speculated that President Aliyev's son, Ilham, was being groomed to succeed his father as president.

Legislation affecting municipal elections slated for December 12 sparked protests from opposition parties. Nongovernmental organizations specializing in electoral reform called on the Azerbaijani government in August to balance the Central Election Commission and lower-level commissions with additional representatives of major opposition parties in an effort to ensure their impartial conduct during the elections.

On January 9, a revolt in the Gobestan prison was reported to have ended in a massacre. Authorities maintained that two political prisoners led twenty-five to thirty others to take prison guards hostage and demand transportation for an escape. Eleven prisoners were reported shot. Senior officials characterized the revolt as a coup attempt.

The Ministry of Justice claimed that an amnesty decreed in December 1998 had resulted in the release of over 4,000 prisoners by April. Opposition political parties reported that few political prisoners benefited from it.

Azerbaijan made little progress in ending torture in police custody and impunity for it. The government also failed to bring criminal procedure and other legislation governing detainee rights and due process into compliance with international standards, or to investigate and prosecute all credible allegations of torture. There were highly credible reports of police having detained, physically abused, and extorted money from detainees' family members. In July a protest at the Sadarak customs point in Nakhichevan led to one death, several wounded, and the subsequent detention of several opposition members. Authorities claimed that the opposition orchestrated the incident, but news media reported that it resulted from protests by local residents over bribery and corruption at the customs point.

The police continued the practice of harassing and threatening the family members of those wanted for questioning. In September, Nashuba Mirzazade, the wife of Rauf Rusulov, who is wanted by the police, reported that the police continued to subject her to an ongoing harassment campaign in an effort to coerce information from her regarding her husband's whereabouts.

A YEAR AFTER IT LIFTED PRE-PUBLICATION CENSORSHIP, THE GOVERNMENT CONTINUED TO SUPPRESS FREEDOM OF THE PRESS THROUGH OTHER MEANS. THE EDITORS OF TWENTY NEWSPAPERS HAD HELD A TEN-DAY HUNGER STRIKE IN NOVEMBER 1998 TO PROTEST THE NUMEROUS SPURIOUS LIBEL SUITS THAT OFFICIALS HAD FILED SINCE THE LIFTING. SUCH LIBEL SUITS—SOME OF WHICH RESULTED IN FINES CLEARLY INTENDED TO BANKRUPT THE PAPERS—CONTINUED TO BE FILED IN AZERBAIJANI COURTS, WHICH ENJOY LITTLE IF ANY INDEPENDENCE FROM THE EXECUTIVE. IN JUNE, THE PROCURACY OPENED A CRIMINAL LIBEL CASE AGAINST IRADA HUSSEYNOVA AFTER SHE WROTE AN ARTICLE IN A BAKU NEWSPAPER ALLEGING THAT THE PRESIDENT'S BROTHER, JALAL ALIYEV, WAS INVOLVED IN ILLEGAL GASOLINE DISTRIBUTION. IN JULY, THE PROCURACY'S OFFICE OPENED CRIMINAL LIBEL CASES AGAINST EDITORS AND REPORTERS AT *YENI MUSUVAT* (NEW MUSUVAT), *HURRIYET* (FREEDOM), AND *AZADLIK* (FREEDOM), ALL PROMINENT OPPOSITION NEWSPAPERS.

MEANWHILE, PHYSICAL ABUSE, HARASSMENT, AND DETENTIONS OF JOURNALISTS CONTINUED. THESE INCLUDED THE REPORTED BEATING OF ROVSHAN ISMAYILOV OF *GANUN* (RIGHTS) MAGAZINE ON APRIL 13 BY NIZAMI DISTRICT POLICE OFFICERS AND THE BEATING OF *MUHALIFET* (THE INDEPENDENT) NEWSPAPER REPORTER YASHA AGAZADEAT AT THE YASAMAL DISTRICT POLICE STATION AS HE WAS ATTEMPTING TO REPORT ON POLICE VIOLENCE IN AUGUST. ALSO IN AUGUST, THE EDITOR OF *REYTING* (RATINGS) NEWSPAPER WAS CALLED TO THE MINISTRY OF NATIONAL SECURITY AND QUESTIONED ABOUT HIS SOURCES FOR AN ARTICLE ABOUT NAGORNO KARABAKH. IN NOVEMBER 1998 A BAKU COURT SENTENCED FUAD GAKHRAMANLY TO EIGHTEEN MONTHS OF IMPRISONMENT FOR AN UNPUBLISHED ARTICLE THAT AUTHORITIES CLAIMED OUTLINED TACTICS TO OVERTHROW PRESIDENT ALIYEV. GAKHRAMANLY WAS FREED IN JULY, AFTER AZERBAIJANI NONGOVERNMENTAL ORGANIZATIONS MOUNTED AN EXTENSIVE INTERNATIONAL CAMPAIGN DEMANDING HIS RELEASE.

IN AUGUST, POLICE IN KACHMAZ DETAINED IBRAHIM IKRAMEDDIN, AN ADHERENT TO THE JEHOVAH'S WITNESS FAITH, AND SEARCHED HIS HOME WITHOUT A WARRANT, CONFISCATING RELIGIOUS LITERATURE. HE WAS SUBSEQUENTLY SENTENCED TO FIFTEEN DAYS OF ADMINISTRATIVE ARREST, DURING WHICH TIME HE REPORTED BEING BEATEN AND THREATENED BY POLICE. ALSO IN AUGUST, POLICE AND CONSCRIPTION COMMISSION OFFICIALS HARASSED ROVSHAN MURSALOV, ALSO AN ADHERENT TO THE JEHOVAH'S WITNESS FAITH, AFTER HE ATTEMPTED TO APPLY FOR ALTERNATIVE MILITARY SERVICE AS A CONSCIENTIOUS OBJECTOR. MURSALOV REPORTED IN NOVEMBER 1997 THAT A BAKU PROCURACY INVESTIGATOR SUMMONED HIM AND OTHERS TO THE PROCURACY, WHERE THE INVESTIGATOR INSULTED AND BEAT THEM IN AN ATTEMPT TO FORCE THEM TO RENOUNCE THEIR FAITH.

Defending Human Rights

IN A HIGHLY WELCOME MOVE, AUTHORITIES ALLOWED SOME AZERBAIJANI NONGOVERNMENTAL ORGANIZATIONS TO CONDUCT MONITORING VISITS IN PRETRIAL AND POST-CONVICTION DETENTION FACILITIES, INCLUDING THE FIFTH CORPUS OF THE BAILOV REMAND PRISON, WHICH HOLDS SOME POLITICAL PRISONERS SERVING LIFE SENTENCES. DURING THE VISITS, THESE MONITORS WERE PERMITTED TO INTERVIEW DETAINEES AND TAKE PHOTOGRAPHS. HOWEVER, THE GOVERNMENT CONTINUED TO DENY INTERNATIONAL HUMANITARIAN ORGANIZATIONS ROUTINE ACCESS TO ALL DETENTION FACILITIES; THIS WAS DEEPLY ALARMING GIVEN PERSISTENT REPORTS OF PHYSICAL ABUSE IN PRETRIAL DETENTION AND RAMPANT TUBERCULOSIS IN POST-CONVICTION FACILITIES.

The Role of the International Community

Council of Europe

THE COUNCIL OF EUROPE CONTINUED TO REVIEW AZERBAIJAN'S APPLICATION FOR FULL MEMBERSHIP. UNFORTUNATELY, AS OF THIS WRITING, THE APPLICATION PROCESS YIELDED LIMITED PROGRESS IN AZERBAIJAN'S COMPLIANCE WITH COUNCIL OF EUROPE HUMAN RIGHTS NORMS.

Organization for Security and Cooperation in Europe (OSCE)

PRESIDENT ALIYEV MET WITH ARMENIAN PRESIDENT ROBERT KOCHARIYAN ON SEVERAL OCCASIONS DURING THE YEAR FOR DIRECT TALKS AIMED AT A SETTLEMENT OF THE NAGORNO KARABAKH CONFLICT, WHILE REPRESENTATIVES OF THE OSCE PURSUED A RESOLUTION THROUGH ITS MINSK GROUP. THE TALKS SPARKED PUBLIC DEMONSTRATIONS AND HUNGER STRIKES IN SEPTEMBER AND OCTOBER BY SOME MEMBERS OF THE OPPOSITION, PROTESTING THE GOVERNMENT'S POSITION IN THE NEGOTIATIONS. THE OSCE REPRESENTATIVE ON FREEDOM OF THE MEDIA, FREIMUT DUVE, MUCH TO HIS CREDIT, ACTIVELY PUSHED FOR GREATER PRESS FREEDOM IN AZERBAIJAN. HE VISITED AZERBAIJAN IN FEBRUARY, URGING REFORM OF LIBEL LAWS AND INTERVENED IN THE GAKHRAMANLY CASE. ADDRESSING THE PERMANENT COUNCIL IN JULY, DUVE CALLED FOR INVESTIGATIONS INTO VIOLENCE AGAINST JOURNALISTS AND CRITICIZED THE LACK OF LICENSING FOR INDEPENDENT TELEVISION STATIONS.

United States

THE U.S. STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999* NOTED AZERBAIJAN'S DISMAL HUMAN RIGHTS RECORD IN A WIDE RANGE OF AREAS, INCLUDING DENIAL OF REGISTRATION TO POLITICAL PARTIES, SUPPRESSION AND DETENTION OF PEACEFUL PUBLIC DEMONSTRATORS, DETENTION OF RELIGIOUS MINORITIES, RESTRICTIONS ON FREEDOM OF THE MEDIA INCLUDING DENIAL OF BROADCAST LICENSES TO INDEPENDENT TELEVISION STATIONS, AND LACK OF AN INDEPENDENT JUDICIARY. IN MAY, THE U.S. STATE DEPARTMENT EXPRESSED DISAPPOINTMENT THAT AZERBAIJAN HAD REJECTED APPEALS TO RELEASE JOURNALIST FUAD GAKHRAMANLY.

ON THE WHOLE, HOWEVER, U.S. POLICY TOWARD AZERBAIJAN FOCUSED ON PROMOTION OF OIL AND GAS TRANSPORT ROUTES FROM THE CASPIAN SEA REGION, WHILE DOWNPLAYING THE GOVERNMENT'S CONTINUED FAILURE TO IMPLEMENT THE INSTITUTIONAL AND LEGAL REFORMS NECESSARY TO ENSURE RESPECT FOR HUMAN RIGHTS, PEACEFUL TRANSITIONS OF POWER THROUGH FREE AND FAIR ELECTIONS, AND SUSTAINED, EQUITABLE ECONOMIC DEVELOPMENT.

Relevant Human Rights Watch Report:

AZERBAIJAN: IMPUNITY FOR TORTURE, 9/99

REPUBLIC OF BELARUS

Human Rights Developments

ON JULY 20, BELARUSIAN PRESIDENT LUKASHENKA ENTERED A TWO-YEAR EXTENSION OF OFFICE GRANTED IN A CONTROVERSIAL NOVEMBER 1996 REFERENDUM. THE CONTROVERSY SURROUNDING PRESIDENT LUKASHENKA'S LEGITIMACY CAUSED THE GOVERNMENT TO UP ITS CAMPAIGN AGAINST ITS PERCEIVED OPPONENTS THROUGHOUT THE YEAR, CRACKING DOWN HARD ON CIVIL SOCIETY, AND ESPECIALLY AGAINST DEMONSTRATORS, THE INDEPENDENT MEDIA, AND NONGOVERNMENTAL ORGANIZATIONS. IN A NEW, DEEPLY DISTURBING PHENOMENON, PROMINENT OPPONENTS OF THE GOVERNMENT "DISAPPEARED" UNDER HIGHLY SUSPICIOUS CIRCUMSTANCES.

THREE PROMINENT OPPONENTS OF THE GOVERNMENT AND AN INDEPENDENT PUBLISHER DISAPPEARED IN 1999, WITH STRONG SUGGESTIONS OF STATE SECURITY SERVICES INVOLVEMENT. TAMARA VINNIKOVA, FORMER CHAIR OF THE NATIONAL BANK, WHO HAD BEEN ARRESTED IN JANUARY 1997 ON EMBEZZLEMENT CHARGES, DISAPPEARED ON APRIL 9. VINNIKOVA HAD BEEN HELD UNDER HOUSE ARREST, GUARDED AT ALL TIMES BY LIVE-IN KGB AGENTS, HER TELEPHONE CALLS AND VISITORS STRICTLY SCREENED.

ON MAY 7, FORMER INTERIOR MINISTER, YURY ZAKHARENKA WAS LAST SEEN BEING BUNDLED INTO A CAR BY A GROUP OF UNIDENTIFIED MEN. HIS WIFE LATER TOLD REPORTERS THAT FOR TWO WEEKS PRIOR TO HIS ABDUCTION, ZAKHARENKA HAD COMPLAINED OF BEING TAILED BY TWO CARS. ZAKHARENKA HAD APPEALED TO LAW ENFORCEMENT AGENCIES IN EARLY 1999 NOT TO OBEY ORDERS FROM THE PRESIDENT AFTER JULY 20 AND HAD ALSO BEEN IN THE PROCESS OF FORMING THE BELARUSIAN UNION OF OFFICERS, A POTENTIALLY POWERFUL BODY.

ON SEPTEMBER 16, VIKTOR GONCHAR, VICE-SPEAKER OF THE THIRTEENTH SUPREME SOVIET, AND ANATOLY KRASOVSKY, A BUSINESSMAN AND HEAD OF THE "KRASIKA" PUBLISHING HOUSE, DID NOT RETURN HOME FROM A LOCAL SAUNA. GONCHAR'S WIFE REPORTEDLY CONTACTED CITY AUTHORITIES WITHOUT RESULT. GONCHAR HAD BEEN DUE TO ADDRESS A SITTING OF THE THIRTEENTH SUPREME SOVIET ON SEPTEMBER 19 REGARDING THE OSCE-MEDIATED TALKS WITH THE GOVERNMENT.

THE GOVERNMENT YET AGAIN TARGETED THE INDEPENDENT PRINT MEDIA. IN SEPTEMBER, IN A CLEARLY POLITICALLY MOTIVATED MOVE, AUTHORITIES CLOSED *NAVINY* [THE NEWS] FOR PUBLISHING AN ARTICLE ENTITLED, "WHO LIVES IN THE LITTLE PALACES?" THE ARTICLE INTIMATED THAT A COUNTRY COTTAGE OUTSIDE MINSK BELONGED TO SECRETARY OF STATE SECURITY VIKTOR SHEYMAN. ON SEPTEMBER 24, A MINSK COURT RULED IN FAVOR OF SHEYMAN IN A LIBEL SUIT, FINING *NAVINY* 10 BILLION BELARUSIAN RUBLES (U.S.\$33,300), AND THE AUTHOR OF THE ARTICLE THE EQUIVALENT OF U.S.\$16,600. THE AVERAGE MONTHLY WAGE IN BELARUS IS APPROXIMATELY U.S.\$30 PER MONTH. ON SEPTEMBER 29, AUTHORITIES SEIZED PAPER RESERVES BELONGING TO *NAVINY* WHILE THE NEWSPAPER'S PRINTERS AND DISTRIBUTORS REFUSED TO HANDLE THE NEWSPAPER FURTHER.

IN NOVEMBER 1999 INTRUDERS HAD BROKEN INTO *NAVINY*'S EDITORIAL OFFICES AND STOLEN COMPUTER HARD-DRIVES CONTAINING DATABASES AND A COMPLETE ARCHIVE OF THE NEWSPAPER. NO OTHER ITEMS OF VALUE WERE TAKEN, SUGGESTING A POLITICAL MOTIVE.

ON FEBRUARY 15, THE STATE PRESS COMMITTEE ANNOUNCED OFFICIAL WARNINGS TO SIX INDEPENDENT NEWSPAPERS: *BELARUSKAYA DELOVAYA GAZETA* (THE BELARUSIAN BUSINESS PAPER), *SVABODNYE NOVOSTI* (FREE NEWS), *NAVINY*, *NARODNAYA VOLYA* (THE PEOPLE'S WILL), *PAGONYA* (THE EMBLEM), AND *IMYA* (THE NAME). MOST OF THE NEWSPAPERS HAD CARRIED ADVERTISEMENTS FOR ALTERNATIVE PRESIDENTIAL

elections, an action the Ministry of Justice considered a call for the overthrow of the state. *Imya's* owners, who received a warning for publishing an article on elections, closed the newspaper in August, citing government harassment as the prime reason. On October 4, the State Press Committee canceled the registration of nine independent newspapers, including *Nashin's* just-founded successor, *Nasha Svaboda* (Our Freedom), *Belaruskije Novosti* (The Belarusian News), *Novogrudskiy Kurier* (The Novogrudok Courier), *Politsobesednik* (The Political Interlocutor), and *Kurier* (The Courier) for failing to gain the approval of local authorities to operate.

On September 9, authorities launched widespread tax inspections against all major independent newspapers, a tactic often used in the past to censor critical coverage or financially harass independent publications.

In a positive move, on December 22, 1999, the Supreme Economic Court ruled against the Belarusian State Press Committee in its accusation that the *Nasha Niva* (Our Land) newspaper had been using an incorrect spelling of the Belarusian language for which the newspaper had been threatened with closure. The court fined the State Press Committee the equivalent of U.S.\$24.

Authorities continued to crack down on academic freedom. On January 19, 1999, the Gorky Agricultural Academy expelled students Denis Bobikov and Anatol' Britsen, members of an independent student association and the editors of an independent student magazine. Ostensibly expelled for "public drunkenness" and "hooliganism," the charges were believed to be the result of their independent activities. Authorities systematically blocked independent educational initiatives by denying organizers access to premises on spurious grounds such as fire inspections, or even citing an unspecified "epidemic."

Belarus did not abolish or suspend use of the death penalty. By August 5, the state had executed twenty-nine prisoners in 1999.

On January 22, President Lukashenka announced an amnesty for 34,000 inmates of Belarusian jails who fall into certain social categories such as pensioners and victims of the Chernobyl nuclear disaster. The amnesty, the second of its scale under Lukashenka's tenure, purported to relieve overcrowding in Belarusian jails, yet did little to address the key reason for prison overcrowding: Belarus' extremely high incarceration rate.

On May 16, voting concluded in "alternative" presidential elections, organized by a coalition of Thirteenth Supreme Soviet members, opposition parties, and nongovernmental organizations (NGOs) to protest the extension of President Lukashenka's term of office. They featured two candidates, the exiled leader of the Belarusian Patriotic Front, Zenon Pazniak and jailed former prime minister, Mikhail Chyhir. Election organizers declared the process invalid due to governmental interference. This included the arrest or occasional assault of the organizers and participants, and multiple spot searches of opposition party and NGO premises. For example, on March 1, police violently assaulted and arrested shadow electoral commission head, Victor Gonchar, on charges of holding an illegal meeting in a private cafe, for which he served ten days in detention. Prior to his release, Gonchar was charged with "abuse of office," a case which, by the time of his disappearance in September, had not been brought to trial.

Mikhail Chyhir, the former prime minister, was arrested on March 30 on charges of embezzlement. Authorities accused Chyhir of impropriety in making a loan in 1995, when he was head of the Agro-Industrial Bank. The timing of the arrest, before the May alternative elections in which Chyhir was a candidate, points to a political motive, as does the authorities' refusal to grant bail.

On January 27, the government moved to disrupt the work of political parties, trade unions, and NGOs with a presidential decree forcing them to re-register via an onerous bureaucratic procedure before July 1. The decree punished representatives of unregistered organizations with fines and imprisonment, and greatly increased the minimum number of members needed to register trade unions and political parties. Although the re-registration deadline was extended, of the 2,502 organizations subject to re-registration, only 1,537 applied to be re-registered, with the government rejecting 211 of these applications.

On December 15, 1999, the Belarusian House of Representatives passed an election law barring those convicted of an administrative or criminal offense from standing for public office. Many feared the law would be used to exclude from future elections opposition figures found guilty of minor offenses connected with public demonstrations. Since local council elections, held on April 4, were boycotted by the opposition, the law's effect had yet to be witnessed in Belarus.

ON FEBRUARY 5, MEMBERS OF THE RUSSIAN NATIONAL UNITY PARTY (RNE), a neo-Nazi group that advocates SLAVIC SUPREMACY, VICIOUSLY ASSAULTED THREE ACTIVISTS OF THE PRO-DEMOCRACY COALITION, CHARTER 97. THE ACTIVISTS—FORMER DEPUTY FOREIGN MINISTER ANDREI SANNIKOV, DMITRY BONDARENKO, AND OLEG BEBENIN—ENCOUNTERED A GROUP OF YOUTHS WEARING ARM BANDS WITH THE RNE INSIGNIA. A VERBAL ALTERCATION ENSUED WHEN BONDARENKO REFUSED TO ACCEPT AN RNE LEAFLET, WHEREUPON THE YOUTHS ATTACKED THE THREE MEN, FOCUSING IN PARTICULAR ON SANNIKOV: THEY BEAT HIM UNCONSCIOUS, CAUSING THREE BROKEN RIBS, A BROKEN NOSE AND MULTIPLE BRUISES. A PASSING POLICE CAR DECLINED TO INTERVENE OR TRANSPORT SANNIKOV TO A HOSPITAL. ALTHOUGH AN OFFICIAL INVESTIGATION WAS INSTIGATED, AS OF THIS WRITING THE ASSAILANTS REMAIN AT LARGE.

THROUGHOUT 1999, AUTHORITIES HARASSED VERA STREMKOVSKAYA, WHO IS A DEFENSE ATTORNEY AND THE DIRECTOR OF THE HUMAN RIGHTS CENTER, AN NGO. IN LATE 1998, THE MINSK BAR ASSOCIATION THREATENED TO STRIP STREMKOVSKAYA OF HER LICENSE TO PRACTICE LAW FOLLOWING COMMENTS SHE ALLEGEDLY MADE AT AN NGO MEETING IN OCTOBER 1998 IN NEW YORK. IN DECEMBER 1998, DURING HER DEFENSE OF VASILY STAROVOITOV, AN ELDERLY AND INFIRM COMMERCIAL FARM DIRECTOR, STREMKOVSKAYA CAME UNDER CONCERTED ATTACK. THREE SEPARATE CRIMINAL CHARGES WERE FILED AGAINST HER, AND SHE RECEIVED A STRICT REPRIMAND FROM THE BAR ASSOCIATION, SIMPLY FOR QUESTIONS SHE ASKED IN COURT. IN ADDITION, STREMKOVSKAYA WAS CHARGED WITH CRIMINAL LIBEL CHARGES FOR EXPRESSING CONCERN IN COURT ON APRIL 15 ABOUT THE WHEREABOUTS OF FORTY BOTTLES OF COGNAC CONFISCATED FROM STAROVOITOV'S FARM.

ON MAY 30, FIFTY-FOUR PEOPLE WERE TRAMPLED TO DEATH WHEN A SUDDEN, VIOLENT STORM DROVE A CROWD OF SEVERAL THOUSAND YOUNG PEOPLE TO FLEE AN OPEN-AIR FESTIVAL AND CONCERT FOR SHELTER AT A NEARBY METRO STATION ENTRANCE. PRESIDENT LUKASHENKA BLAMED DEMOCRACY FOR THE TRAGEDY: "WE TREAT ALL THIS DEMOCRACY TOO FREELY—GO WHERE YOU WANT, DO WHAT YOU PLEASE. TRAGEDIES HAPPEN WHEN THERE IS NO ORDER." ON SEPTEMBER 10, IN RESPONSE TO THE TRAGEDY, LUKASHENKA ISSUED A NEW DECREE ON PUBLIC EVENTS THAT ADDED A VARIETY OF NEW LIMITATIONS BEYOND THOSE SET OUT IN THE RESTRICTIVE 1996 LAW ON DEMONSTRATIONS.

ON JULY 22, THE TRIAL OF ANDREI KLIMOV BEGAN. KLIMOV WAS A DEPUTY OF THE THIRTEENTH SUPREME SOVIET AND IN 1998 SERVED ON A COMMITTEE THAT INVESTIGATED CONSTITUTIONAL VIOLATIONS COMMITTED BY PRESIDENT LUKASHENKA. KLIMOV WAS CHARGED WITH LARGE-SCALE EMBEZZLEMENT, BUT THE TIMING OF HIS ARREST IN FEBRUARY 1998, THE DAY AFTER HE DISTRIBUTED A LETTER SUMMARIZING THE COMMITTEE'S INVESTIGATION, STRONGLY SUGGESTED THAT THE CHARGES WERE POLITICALLY MOTIVATED. AS OF THIS WRITING, KLIMOV REMAINED IN JAIL AS THE TRIAL CONTINUED.

Defending Human Rights

ON SEPTEMBER 9, THE MINISTRY OF JUSTICE INFORMED THE MOGILEV HUMAN RIGHTS CENTER THAT THE CENTER COULD NOT DEFEND INDIVIDUALS OR GROUPS OR PREPARE OR PUBLISH REPORTS, AND WARNED THE CENTER THAT ITS "EXPOSURE OF HUMAN RIGHTS VIOLATIONS" COULD INTERFERE WITH THE WORK OF STATE BODIES. HOWEVER, THE BELARUSIAN HELSINKI COMMITTEE, WHICH FACED SIMILAR OBSTACLES, SUCCESSFULLY RE-REGISTERED WITHOUT CHANGES TO ITS MANDATE ON SEPTEMBER 9.

RE-REGISTRATION HAMPERED MANY LOCAL HUMAN RIGHTS GROUPS' ABILITY TO WORK EFFECTIVELY. ON OCTOBER 4, TEN POLICE OFFICERS RAIDED THE OFFICES OF SPRING 96 WITHOUT A WARRANT AND SEIZED THE GROUP'S COMPUTERS, PRINTERS, PHOTOCOPIER, AND THE LATEST EDITION OF THEIR HUMAN RIGHTS BULLETIN. HUMAN RIGHTS WORKERS WERE OFTEN CAUGHT UP IN THE DRAGNET OF ARRESTS DURING POLICE CRACKDOWNS ON THE ALTERNATIVE PRESIDENTIAL ELECTIONS. ALES' BILATSKY, HEAD OF SPRING 96, SPENT TEN DAYS IN JAIL IN MARCH FOR PARTICIPATING IN AN "ILLEGAL" DEMONSTRATION. VERA STREMKOVSKAYA WAS TOLD BY THE MINSK BAR ASSOCIATION TO CHOOSE BETWEEN HUMAN RIGHTS WORK OR HER WORK AS A LAWYER, ALTHOUGH DESPITE CONTINUED HARASSMENT, AS OF THIS WRITING, SHE CONTINUED TO WORK IN BOTH CAPACITIES.

The Role of the International Community

United Nations

ON AUGUST 20, THE GOVERNMENT OF BELARUS MADE A PUBLIC COMMITMENT BEFORE THE UNITED NATIONS SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS TO IMPROVE ITS HUMAN RIGHTS RECORD RADICALLY. IT COMMITTED TO AN EXTENSIVE PROGRAM OF CHANGE, INCLUDING SIGNING AND RATIFYING THE EUROPEAN CONVENTION ON HUMAN RIGHTS, HOLDING FREE AND FAIR ELECTIONS IN 2000, AND PERMITTING EQUAL ACCESS FOR ALL TO STATE MEDIA. A WRITTEN REPORT TO THE SUB-COMMISSION ON THESE AND OTHER COMMITMENTS WAS PROMISED BY AUGUST 2000.

The Organization for Security and Cooperation in Europe (OSCE)

THE YEAR 1999 WITNESSED EXTENSIVE ENGAGEMENT BY THE OSCE WITH THE BELARUSIAN GOVERNMENT, INCLUDING A MUCH MORE ACTIVE AND VISIBLE RESPONSE TO HUMAN RIGHTS VIOLATIONS FROM ITS ADVISORY AND MONITORING GROUP (AMG) IN MINSK THAN HAD BEEN OBSERVED IN 1998. THE AMG BEGAN VISITING POLITICAL PRISONERS, INTERVENED PUBLICLY ON HIGH-PROFILE CASES—NOTABLY THE ARRESTS OF MIKHAIL CHYGIR AND VICTOR GONCHAR—AND MADE A CONCERTED EFFORT TO ENGAGE THE GOVERNMENT AND OPPOSITION IN DIALOGUE.

IN A FEBRUARY REPORT TO THE PERMANENT COUNCIL, OSCE REPRESENTATIVE ON FREEDOM OF MEDIA FREIMUT DUVE CRITICIZED THE RESTRICTIVE PRACTICES OF THE BELARUSIAN STATE COMMITTEE FOR THE PRESS, AN ISSUE THAT HE ALSO HIGHLIGHTED IN A MARCH TRIP TO MINSK. IN A JULY STATEMENT TO THE PERMANENT COUNCIL, DUVE SUPPORTED EFFORTS AIMED AT DIALOGUE ON 2000 PARLIAMENTARY ELECTIONS, BUT CAUTIONED THAT FREE AND FAIR ELECTIONS COULD NOT BE ACHIEVED “WITHOUT MAJOR CHANGES IN THE FREEDOM OF MEDIA.”

FROM DECEMBER TO MARCH, THE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS WORKED WITH THE AMG ON A PROGRAM TO TRAIN DOMESTIC ELECTION MONITORS. MEANWHILE, THE OSCE PARLIAMENTARY ASSEMBLY SENT REPEATED DELEGATIONS TO THE COUNTRY AND ISSUED TWO RESOLUTIONS ON BELARUS IN 1999 CALLING FOR STEPS TO ORGANIZE DEMOCRATIC PARLIAMENTARY ELECTIONS IN 2000.

Council of Europe

AS OF THIS WRITING, THERE HAD BEEN NO RAPPROCHEMENT BETWEEN THE COUNCIL OF EUROPE AND BELARUS, WHOSE SPECIAL GUEST STATUS WITH THE PARLIAMENTARY ASSEMBLY WAS SUSPENDED IN JANUARY 1997. ON JUNE 9, THE COUNCIL OF EUROPE CALLED UPON THE GOVERNMENT TO RELEASE MIKHAIL CHYGIR, AND DREW ATTENTION TO THE ABSENCE OF MINIMUM DEMOCRATIC STANDARDS IN BELARUS, THE RESTORATION OF WHICH WOULD BE A NECESSARY “FIRST STEP” TOWARD REBUILDING RELATIONS WITH THE COUNCIL OF EUROPE. A SEPTEMBER STATEMENT ALSO EXPRESSED CONCERN OVER THE SPATE OF DISAPPEARANCES AND CALLED FOR THEIR PROMPT INVESTIGATION.

European Union

RELATIONS BETWEEN THE EUROPEAN UNION (E.U.) AND BELARUS IMPROVED SLIGHTLY, WITH THE RETURN IN FEBRUARY OF E.U. MEMBER STATE AMBASSADORS TO BELARUS AND A MAY E.U. DECISION REPEALING THE VISA BAN ON BELARUSIAN GOVERNMENT OFFICIALS. NONETHELESS, THE E.U. REMAINED CRITICAL OF THE HUMAN RIGHTS SITUATION IN BELARUS, ISSUING REPEATED CONDEMNATIONS OF THE ARRESTS AND DISAPPEARANCES OF KEY OPPOSITION FIGURES AND URGING THE GOVERNMENT TO ENTER INTO DIALOGUE WITH THE OPPOSITION AND ESTABLISH CONDITIONS FOR FREE AND FAIR PARLIAMENTARY ELECTIONS IN 2000. IN AN APRIL STATEMENT ON BELARUS BEFORE THE U.N. COMMISSION ON HUMAN RIGHTS, THE E.U. CONDEMNED “STATE INTERFERENCE IN TRIALS, THE PRESSURE IMPOSED ON JUDGES, THE LONG TERMS OF PRE-TRIAL DETENTION, AND . . . THE CONDITIONS OF IMPRISONMENT.” THESE VIEWS WERE ECHOED IN A MARCH 11 RESOLUTION BY THE EUROPEAN PARLIAMENT.

United States

ALTHOUGH THE U.S. AMBASSADOR RETURNED TO MINSK IN SEPTEMBER, RELATIONS BETWEEN THE COUNTRIES REMAINED STRAINED, WITH THE U.S. GOVERNMENT REPEATEDLY CONDEMNING HUMAN RIGHTS CONDITIONS IN BELARUS. ON MARCH 31, THE STATE DEPARTMENT CONDEMNED THE ARREST OF MIKHAIL CHYGIR AND CALLED FOR HIS IMMEDIATE RELEASE; IT REPEATED THIS DEMAND IN APRIL, WHEN DEPUTY SECRETARY OF STATE STROBE TALBOTT MET WITH FORMER DEPUTY FOREIGN MINISTER ANDREI SANNIKOV. THE MEETING WAS DESIGNED “TO DEMONSTRATE . . . STRONG SUPPORT FOR THOSE IN BELARUS STRUGGLING TO RESTORE DEMOCRACY.” THE U.S. GOVERNMENT ALSO ISSUED REPEATED STATEMENTS CALLING ON THE GOVERNMENT TO INITIATE AN UNCONDITIONAL DIALOGUE WITH THE OPPOSITION; IN SEPTEMBER, IT ECHOED THE CONCERN OF OTHER INTERNATIONAL BODIES OVER THE DISAPPEARANCES OF GONCHAR, VINNIKOVA, AND ZAKHARENKA.

Relevant Human Rights Watch Report:

Violations of Academic Freedom in the Republic of Belarus, 7/99

BOSNIA AND HERCEGOVINA

Human Rights Developments

THERE WERE SIGNIFICANT IMPROVEMENTS IN SEVERAL AREAS OF HUMAN RIGHT CONCERN IN BOSNIA AND HERCEGOVINA DURING 1999, THE FOURTH YEAR OF IMPLEMENTATION OF THE DAYTON PEACE AGREEMENT (DPA). SIX PERSONS INDICTED FOR WAR CRIMES WERE ARRESTED, AND ONE EXTRADITED, INCLUDING SEVERAL HIGH-RANKING OFFICIALS; "MINORITY RETURNS" (RETURNS OF REFUGEES AND DISPLACED PERSONS TO AN ENTITY WHERE THE POST-WAR MAJORITY IS OF A DIFFERENT ETHNICITY) INCREASED SOMEWHAT DURING THE YEAR, INCLUDING TO AREAS THAT HAD PREVIOUSLY EXPERIENCED FEW RETURNS; THE DEATH PENALTY WAS ABOLISHED IN THE FEDERATION, AND LEGISLATION WAS INTRODUCED FOR ITS ABOLITION IN THE REPUBLIKA SRPSKA; AND THE AUTHORITIES INCREASINGLY COMPLIED WITH THE DECISIONS OF NATIONAL HUMAN RIGHTS INSTITUTIONS. DESPITE THESE IMPROVEMENTS, THERE CONTINUED TO BE WIDESPREAD HUMAN RIGHTS ABUSES, AND PROGRESS OFTEN CAME ONLY AFTER SUBSTANTIAL INTERNATIONAL PRESSURE.

Political Developments

IN NEGOTIATIONS LEADING UP TO THE DPA, THE PARTIES HAD AGREED TO BINDING ARBITRATION TO RESOLVE CONTROL OF THE BRCKO AREA IN EASTERN BOSNIA. ON MARCH 5, ARBITRATOR ROBERTS OWEN RULED THAT BRCKO SHOULD BE A NEUTRAL DISTRICT ADMINISTERED JOINTLY BY ALL THREE ETHNIC GROUPS. POLITICIANS FROM ALL PARTIES IN REPUBLIKA SRPSKA REJECTED THE DECISION AND WITHDREW FOR OVER TWO MONTHS FROM COMMON (INTER-ENTITY) INSTITUTIONS.

ON THE SAME DAY AS THE BRCKO DECISION, HIGH REPRESENTATIVE CARLOS WESTENDORP DISMISSED NIKOLA POPLASEN AS PRESIDENT OF THE REPUBLIKA SRPSKA (RS), CLAIMING THAT POPLASEN HAD ABUSED HIS POWER AND BLOCKED THE WILL OF THE PEOPLE OF RS BY REFUSING TO NOMINATE MILORAD DODIK AS PRIME MINISTER, EVEN THOUGH DODIK WAS THE ONLY CANDIDATE WHO COULD HAVE GARNERED A MAJORITY IN THE NATIONAL ASSEMBLY. HOWEVER, POPLASEN IGNORED WESTENDORP'S DECISION AND CONTINUED TO ACT AS PRESIDENT UNTIL DODIK'S CARETAKER GOVERNMENT BARRED POPLASEN FROM HIS OFFICE IN SEPTEMBER. THIS POLITICAL STRUGGLE LEFT THE RS WITH ONLY A CARETAKER GOVERNMENT AND NO LEGAL PRESIDENT DURING THIS PERIOD, WHICH CREATED UNCERTAINTY, FOR EXAMPLE, ABOUT THE VALIDITY OF LAWS PASSED BY THE NATIONAL ASSEMBLY.

IN THE DAYS IMMEDIATELY FOLLOWING THESE CONTROVERSIAL DECISIONS BY THE INTERNATIONAL COMMUNITY, INTERNATIONAL REPRESENTATIVES WERE ATTACKED ON SEVERAL OCCASIONS. IN UGLJEVIK, SOLDIERS OF THE STABILIZATION FORCE (SFOR) KILLED A LOCAL POLITICIAN AFTER THEY WERE ATTACKED BY HIM WHEN THEY LEFT A RESTAURANT ON MARCH 5. IN OTHER PLACES IN THE REPUBLIKA SRPSKA, OFFICES AND VEHICLES OF INTERNATIONAL ORGANIZATIONS WERE DAMAGED BY VIOLENT CROWDS. WHEN NATO BEGAN BOMBING THE FEDERAL REPUBLIC OF YUGOSLAVIA (FRY) IN MARCH, MOST INTERNATIONAL ORGANIZATIONS WITHDREW THEIR INTERNATIONAL PERSONNEL FROM THE RS FOR FEAR OF BEING FURTHER TARGETS OF VIOLENCE. THEY FULLY RESUMED THEIR OPERATIONS AGAIN IN JUNE.

ON MARCH 28, FEDERATION DEPUTY MINISTER OF INTERIOR JOZO LEUTAR DIED FROM INJURIES SUSTAINED IN A CAR-BOMBING ON MARCH 16. LEADING BOSNIAN CROAT POLITICIANS IMMEDIATELY CLAIMED THAT THE EXPLOSION HAD BEEN AN ACT OF BOSNIAKS AGAINST THE BOSNIAN CROAT POPULATION OF BOSNIA AND HERCEGOVINA AND TEMPORARILY SUSPENDED THEIR PARTICIPATION IN COMMON AND FEDERATION INSTITUTIONS. AS OF THIS WRITING, THE PERPETRATORS HAD NOT BEEN IDENTIFIED AND THE INVESTIGATION APPEARED STALLED.

War Criminals

IN DECEMBER 1998, SFOR ARRESTED GENERAL RADISLAV KRSTIC, COMMANDER OF THE FIFTH CORPS OF THE REPUBLIKA SRPSKA ARMY, ON THE BASIS OF A SEALED INDICTMENT THAT ACCUSED KRSTIC OF WAR CRIMES DURING THE FALL OF SREBRENICA IN JULY 1995. IN JULY 1999, SFOR TROOPS ARRESTED RADOSLAV BRDJANIN, A FORMER BOSNIAN SERB VICE-PRESIDENT UNDER RADOVAN KARADZIC. ON AUGUST 25, THE AUSTRIAN POLICE ARRESTED GENERAL MOMIR TALIC, CHIEF OF STAFF OF THE REPUBLIKA SRPSKA ARMY, WHILE HE WAS ATTENDING A CONFERENCE IN VIENNA. TALIC AND BRDJANIN ARE BOTH ACCUSED OF CONDUCTING "ETHNIC CLEANSING" OPERATIONS IN THE PRIJEDOR AND SANSKI MOST REGIONS IN 1992. MOREOVER, SFOR TROOPS ARRESTED INDICTEES KOLUNDZIJA AND KOVAC IN JUNE AND AUGUST RESPECTIVELY, AND DRAGAN GAGOVIC WAS KILLED WHILE RESISTING ARREST BY SFOR IN JANUARY. ON AUGUST 9, CROATIA EXTRADITED VINKO MARTINOVIC, WHO IS ACCUSED OF CRIMES RELATED TO THE "ETHNIC CLEANSING" IN MOSTAR IN 1993.

THIRTY-ONE PUBLICLY INDICTED PERSONS REMAIN AT LARGE. ALTHOUGH THE MAJORITY ARE BELIEVED TO RESIDE IN THE RS, RS AUTHORITIES MADE NO EFFORT TO ARREST INDICTEES.

Return of Refugees and Displaced Persons

ON DECEMBER 2, 1998, THE REPUBLIKA SRPSKA NATIONAL ASSEMBLY FINALLY PASSED NEW HOUSING LEGISLATION, ABOLISHING THE "LAW ON ABANDONED PROPERTY" WHICH HAD BEEN A SIGNIFICANT IMPEDIMENT TO THE RETURN OF REFUGEES AND DISPLACED PERSONS.

DESPITE THE NEW LEGISLATION, HOWEVER, FEW CLAIMS WERE RESOLVED DURING THE YEAR, IN LARGE PART BECAUSE OF A LACK OF TRAINED PERSONNEL AND RESOURCES, AS WELL AS THE POLITICAL WILL, TO IMPLEMENT THE LAW. MOREOVER, IN SEVERAL PLACES THE MILITARY INTERFERED, SOMETIMES EVEN PHYSICALLY, TO PREVENT SOLDIERS FROM BEING EVICTED FROM THE APARTMENTS THEY OCCUPIED SO THAT THE PRE-WAR OWNERS COULD BE REINSTITATED. IN THE FEDERATION, A GROWING NUMBER OF PROPERTY CLAIMS WERE RESOLVED, BUT THE POLICE OFTEN REMAINED UNWILLING TO EXECUTE EVICTION ORDERS.

GIVEN THE LACK OF SUBSTANTIAL MINORITY RETURN DURING 1998, THE OFFICE OF THE HIGH REPRESENTATIVE (OHR), ESTABLISHED BY THE DPA TO OVERSEE THE IMPLEMENTATION OF THE CIVILIAN PROVISIONS OF THE PEACE AGREEMENT, DEVELOPED AN "ACTION PLAN," WHICH SET A GOAL OF 120,000 MINORITY RETURNS IN 1999. AS A RESULT, SOME REFUGEES SUCCESSFULLY RETURNED TO THEIR PRE-WAR HOMES IN AREAS SUCH AS ZVORNIK, NEVESINJE, AND OTHER PARTS OF EASTERN REPUBLIKA SRPSKA THAT HAD PREVIOUSLY HAD VIRTUALLY NO MINORITY RETURNS. NEVERTHELESS, THE NUMBER OF MINORITY RETURNS FELL FAR SHORT OF THE 120,000 GOAL SET BY THE PLAN. ACCORDING TO THE "STATISTICS PACKAGE" OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR), ONLY AN ESTIMATED 9,500 MINORITY RETURNS HAD TAKEN PLACE BETWEEN JANUARY 1 AND JULY 31, 1999, OF WHICH LESS THAN 1,000 WERE TO THE RS. IN PART, THIS MAY BE EXPLAINED BY THE CRISIS IN FRY: INTERNATIONAL AGENCIES DIVERTED PERSONNEL AND RESOURCES TO KOSOVO AND TENS OF THOUSANDS OF REFUGEES FLED FROM FRY TO BOSNIA DURING THE FIRST HALF OF 1999.

MEANWHILE, ETHNICALLY MOTIVATED VIOLENCE ALSO CONTINUED TO OBSTRUCT RETURN. ON MARCH 20, UNKNOWN PERPETRATORS BOMBED A BOSNIAK-OWNED HOUSE IN THE CROAT-CONTROLLED TOWN OF STOLAC, WHICH HAS BEEN THE SCENE OF WIDESPREAD VIOLENCE, INCLUDING EXPLOSIONS AND ARSON, TARGETING BOSNIAK RETURNEES, IN 1998. IN APRIL, SEVERAL HOUSES OF BOSNIAKS RETURNEES WERE SET ON FIRE, AND THE LOCAL MOSQUE WAS DAMAGED BY A HAND GRENADE IN PROTOR-RAMA. IN KOTOR VAROS, A GROUP OF SERBS BLOCKED THE ROAD TO PREVENT BOSNIAKS FROM RETURNING TO THE TOWN AFTER THE MUNICIPAL ASSEMBLY VOTED UNANIMOUSLY AGAINST THEIR RETURN. IN MODRICA, APPROXIMATELY 500 SERBS ASSAULTED A GROUP OF SIXTY BOSNIAK RETURNEES, INJURING SEVERAL PEOPLE, IN JUNE. ON SEPTEMBER 9, SEVEN MORTAR GRENADES WERE FIRED AT FAZLAGICA KULA, A BOSNIAK VILLAGE NEAR GACKO (RS).

Media

THE INDEPENDENT MEDIA IN BOSNIA AND HERCEGOVINA CONTINUED TO FACE HARASSMENT AND GOVERNMENTAL PRESSURE. ON SEVERAL OCCASIONS DURING THE YEAR, MUNICIPAL AUTHORITIES TRIED TO INTERFERE WITH THE WORK OF INDEPENDENT JOURNALISTS. EARLY IN THE YEAR, JOURNALISTS IN GRADACAC WERE ALLEGEDLY FORCED TO SUBMIT ARTICLES FOR REVIEW TO A MUNICIPAL OFFICIAL BEFORE PUBLISHING. IN MAY, THE MAYOR OF ZENICA, FERID ALIC, INFORMED THE EDITOR-IN-CHIEF OF RTV ZENICA THAT HE WOULD BE REMOVED FROM HIS POSITION UNLESS SEVERAL EDITORS FROM THE STATION WERE FREED. AFTER THE EDITORS SENT A LETTER TO OHR, THE SITUATION WAS DIFFUSED. OTHER JOURNALISTS WERE HARASSED OR EVEN PHYSICALLY ATTACKED. TWO JOURNALISTS FROM RIJEKA WERE BEATEN BY UNKNOWN ASSAILANTS IN MOSTAR, WHO ACCUSED THEM OF PUBLISHING ARTICLES CRITICIZING CROATIAN PRESIDENT TUDJMAN. THE OFFICES OF THE INDEPENDENT RADIO OSVIT WERE DEMOLISHED BY ANGRY CROWDS AFTER THE BRCKO DECISION WAS ANNOUNCED.

CRIMINAL LIBEL STATUTES CONTINUED TO BE A TOOL USED BY GOVERNMENT AUTHORITIES AGAINST THE INDEPENDENT PRESS. ON MAY 27, A SARAJEVO COURT SENTENCED SENAD AVDIC, EDITOR-IN-CHIEF OF SLOBODNA BOSNA, A SARAJEVO WEEKLY, TO THREE MONTHS IN PRISON AND A ONE-YEAR SUSPENDED SENTENCE FOR LIBEL. ON JULY 30, CARLOS WESTENDORP SUSPENDED THE SANCTIONS FOR LIBEL AND DEFAMATION IN THE ENTITIES' CRIMINAL CODES AND ORDERED THE AUTHORITIES TO REPLACE THE RESPECTIVE ARTICLES WITH CIVIL REMEDIES FOR LIBEL BY THE END OF THE YEAR.

ON APRIL 29, THE INDEPENDENT MEDIA COMMISSION (IMC), ACTING UNDER THE AUSPICES OF THE OHR, PUBLISHED A CODE OF CONDUCT FOR JOURNALISTS AND ESTABLISHED AN SOS HOTLINE FOR JOURNALISTS UNDER THREAT. IN THE COURSE OF THE YEAR, THE IMC PENALIZED SEVERAL MEDIA THAT DID NOT ADHERE TO THE CODE OF CONDUCT OR OTHERWISE VIOLATED THE RULES OF THE IMC.

Rule of Law

THE NEW FEDERATION PENAL CODE, WHICH CAME INTO FORCE IN NOVEMBER 1998, ABOLISHED THE DEATH PENALTY. IT IS EXPECTED THAT THE NEW PENAL CODE IN THE REPUBLIKA SRPSKA, WHICH SHOULD BE PASSED BY THE END OF THE YEAR, WILL ALSO ABOLISH CAPITAL PUNISHMENT.

IN LATE 1998, THE UNITED NATIONS MISSION IN BOSNIA AND HERCEGOVINA (UNMIBH) INITIATED THE JUDICIAL SYSTEM ASSESSMENT PROGRAMME (JSAP) TO EVALUATE THE JUDICIARY. IN ITS FIRST REPORT, JSAP CONCLUDED THAT AMONG OTHER PROBLEMS, THE JUDICIARY SUFFERED FROM INAPPROPRIATE POLITICAL INFLUENCES. THIS WAS ABUNDANTLY CLEAR IN THE TRIAL OF THE ZVORNIK THREE, THREE FORMER SREBRENICA RESIDENTS WHO WERE DETAINED AND TRIED FOR MURDER WITHOUT DUE PROCESS. SEVERAL DAYS BEFORE THE FINAL HEARING IN

the case, the judge was called to a meeting with the minister of justice, where the exchange value of the suspects was discussed. At the hearing itself, a ministry of justice official was seen entering the judge's room. Although the Supreme Court ultimately quashed the judge's verdict and ordered a retrial, it did not address the issue of political interference.

There were positive developments as well: in March, Bosnian Serb Miodrag Andric was acquitted of war crimes by the Sarajevo Cantonal Court, after the court for the first time allowed witnesses to be heard in a court in Rogatica (RS) and agreed to a re-enactment of the crime in the RS. In April, a court in Sokolac (RS) acquitted six suspects who had been severely tortured during the investigation into the murder of a local police commander. In June, a court in Sarajevo quashed the initial verdict in the case of Ibrahim Djedovic and ordered a retrial because of procedural irregularities and human rights violations during the initial trial.

Defending Human Rights

Both Bosnian and international nongovernmental organizations (NGOs) were generally able to perform their work, although they did report some incidents of harassment, particularly in times of heightened tensions in the RS. While the authorities in both the Federation and the RS failed to comply with legally binding decisions of the Office of the Ombudsperson and the Human Rights Chamber in a number of cases, their overall compliance increased substantially over previous years.

The Federation Ombudsmen continued their invaluable work to ensure human rights protection. However, there were growing concerns that the institution might lose its independence once its initial mandate expires and new ombudsmen are appointed by the Federation government. In the RS, the establishment of an Ombudsman's office was delayed by negotiations regarding the ethnic composition of the institution.

The Role of the International Community

Most of the positive developments made during the past year would not have been achieved without continued pressure by the international community, and often were the direct result of decisions imposed by international institutions. While there was some controversy about the level of international control exerted in Bosnia and Herzegovina, it was obvious that the current authorities remained unwilling to implement key provisions of the DPA without sustained pressure from the international community.

The Office of the High Representative (OHR)

The OHR played the leading role among international organizations charged with the civilian implementation of the DPA. When the authorities were unwilling or unable to resolve their differences, the High Representative Carlos Westendorp often imposed a solution to key issues such as the extensions of the deadlines for reclaiming accommodations, the cancellation of permanent occupancy rights issued during and after the war, and the suspension of the power of municipal authorities to reallocate socially owned land. The High Representative also dismissed several officials who obstructed the implementation of the DPA. In addition to the dismissal of RS President Poplasen, Westendorp dismissed the mayors of Bugojno, Drvar, and Sanski Most, and ministers in the Livno and Tuzla cantons.

In August, Wolfgang Petritsch took over from Carlos Westendorp as High Representative. In his speech to the Peace Implementation Council Steering Board Ministerial Council in September in New York, Petritsch stated he aimed to "accelerate the rate at which responsibility for governance and particularly the creation and effective operation of state institutions is assumed by the local political leaders." Although it is too early to judge whether Petritsch's policy will deviate significantly from that of Westendorp, his statement indicated that he may be less willing to impose laws or dismiss obstructive officials. Nevertheless, Petritsch dismissed several local officials during the first weeks of his tenure.

Stabilization Force (SFOR)

SFOR, consisting of some 30,000 troops from forty countries, continued to provide a secure environment for the civilian implementation of the DPA. In September, NATO announced that SFOR would be reduced to around 21,000 troops. SFOR played a more active role than in previous years in providing security for returnees through increased patrolling and the deployment of the Multinational Specialized Units in case of civil unrest. Moreover, at this writing, SFOR had

CONTRIBUTED DIRECTLY TO RESPECT FOR HUMAN RIGHTS BY DETAINING FOUR INDICTEES, ALTHOUGH THIRTY-TWO PUBLICLY INDICTED WAR CRIMES SUSPECTS REMAINED AT LARGE.

United Nations

ON NOVEMBER 30, 1998, THE GENERAL ASSEMBLY REQUESTED THE SECRETARY GENERAL TO PROVIDE A COMPREHENSIVE REPORT ON EVENTS IN THE U.N. SAFE AREA OF SREBRENICA FROM ITS ESTABLISHMENT IN 1993 UNTIL THE SIGNING OF THE DPA IN 1998. ALTHOUGH THE REPORT WAS DUE ON SEPTEMBER 1, AT THIS WRITING THE REPORT HAD NOT YET BEEN FINISHED. IN DECEMBER 1998, THE GENERAL ASSEMBLY ACCEPTED A RESOLUTION CALLING UPON THE BOSNIAN AUTHORITIES TO RESPECT THEIR HUMAN RIGHTS OBLIGATIONS, AND, AMONG OTHER THINGS, STRONGLY CONDEMNING THE RS AUTHORITIES FOR THEIR FAILURE TO COOPERATE WITH THE ICTY. IN APRIL 1999, THE HUMAN RIGHTS COMMISSION ACCEPTED A RESOLUTION WHICH, AMONG OTHER, ONCE AGAIN CALLED ATTENTION TO THE PLIGHT OF "FLOATERS," I.E. PEOPLE WHO HAVE BEEN EVICTED FROM THEIR ACCOMMODATION BUT HAVE REMAINED IN THEIR HOME-TOWNS WITHOUT ALTERNATIVE HOUSING.

IN JULY 1998, THE SECURITY COUNCIL EXPANDED ITS MISSION IN BOSNIA TO INCLUDE A PROGRAM TO MONITOR AND ASSESS THE COURT SYSTEM, THE JUDICIAL SYSTEM ASSESSMENT PROGRAMME.

THE U.N. INTERNATIONAL POLICE TASK FORCE (IPTF) CONTINUED ITS WORK TO RESTRUCTURE THE POLICE FORCES AND MONITOR THEIR ACTIVITIES. SPECIAL ATTENTION WAS PAID TO THE POLICE DEPARTMENT IN STOLAC, THE SCENE OF A SERIES OF RETURN-RELATED INCIDENTS. THE WHOLE STOLAC POLICE DEPARTMENT WAS PUT ON A THREE-MONTH PROBATION, AND A ONE HUNDRED DAY AGENDA FOR ACTION WAS IMPLEMENTED TO ENSURE THAT THE STOLAC POLICE DEPARTMENT WOULD MEET THE MINIMUM POLICING STANDARDS. UNMIBH'S HUMAN RIGHTS OFFICE (HRO) PLAYED A SIGNIFICANT ROLE IN ENHANCING RESPECT FOR HUMAN RIGHTS BY INVESTIGATING AND PUBLICIZING POLICE ABUSES. AS A RESULT OF ITS WORK, THE IPTF COMMISSIONER DISMISSED SEVERAL POLICE OFFICERS FOR ABUSIVE BEHAVIOR OR OBSTRUCTION OF THE DPA. UNHCR CONTINUED TO PLAY A LEADING ROLE IN ADVANCING THE RETURN OF REFUGEES AND DISPLACED PERSONS. ONE OF THE INSTRUMENTS USED BY UNHCR WAS INTER-ENTITY BUSLINES, WHICH ENCOURAGE DISPLACED PERSONS TO VISIT THEIR ORIGINAL HOMES TO ASSESS FOR THEMSELVES WHETHER CONDITIONS ARE SUITABLE FOR RETURN.

International Criminal Tribunal for the Former Yugoslavia (ICTY)

AS OF THIS WRITING, THE ICTY HAD THIRTY-ONE INDICTEES IN CUSTODY, WHILE TWO INDICTEES WERE RELEASED PENDING APPEALS. HOWEVER, ANOTHER THIRTY-TWO PUBLICLY INDICTED WAR CRIMES SUSPECTS REMAINED AT LARGE, INCLUDING PROMINENT LEADERS LIKE KARADZIC, MLADIC, NALATILIC, AND MILOSEVIC. IN 1999, THE ICTY ACHIEVED CONVICTIONS FOR RAPE IN TWO CASES, CELEBICI AND FURUNDZIJA. IN THE TADIC CASE, IN JULY THE COURT ACCEPTED THE PROSECUTOR'S APPEAL THAT THE WAR IN BOSNIA AND HERCEGOVINA WAS IN FACT AN INTERNATIONAL CONFLICT, SENTENCING TADIC TO TWENTY YEARS IN PRISON. FURTHERMORE, THE COURT SENTENCED ZLATKO ALEKSOVSKI TO TWO YEARS AND SIX MONTHS IN PRISON FOR OUTRAGES ON PERSONAL DIGNITY.

ON SEPTEMBER 15, CARLA DEL PONTE TOOK OVER AS CHIEF PROSECUTOR FROM LOUISE ARBOUR.

The Organization for Security and Cooperation in Europe (OSCE)

THE OSCE DECIDED TO POSTPONE THE LOCAL ELECTIONS, SLATED FOR SEPTEMBER, UNTIL APRIL 2000, BECAUSE THE OSCE WAS STILL IN THE PROCESS OF DRAFTING A PERMANENT ELECTION LAW, WHICH AIMS TO FOSTER MORE MODERATE POLITICS AND ENCOURAGE POLITICIANS TO GARNER SUPPORT BEYOND THEIR OWN ETHNIC GROUP. MOREOVER, THE OSCE REMAINED INVOLVED IN THE IMPLEMENTATION OF ELECTION RESULTS FROM THE 1997 AND 1998 MUNICIPAL ELECTIONS IN SREBRENICA, DRVAR, AND OTHER PLACES.

THE HUMAN RIGHTS DEPARTMENT OF OSCE'S MISSION TO BOSNIA, APART FROM ADDRESSING HUMAN RIGHTS ABUSES THROUGH ITS FIELD OFFICES, PUBLISHED A REPORT ON EMPLOYMENT DISCRIMINATION FINDING WIDESPREAD EMPLOYMENT DISCRIMINATION WHICH IS OFTEN A FACTOR IN THE DECISION OF REFUGEES NOT TO RETURN TO THEIR HOMES.

Council of Europe

IN DECEMBER 1998, THE EMINENT LAWYERS' REPORT ON BOSNIA AND HERCEGOVINA CONCLUDED THAT THE HUMAN RIGHTS SITUATION IN BOSNIA AND HERCEGOVINA DID NOT CONFORM TO COUNCIL OF EUROPE STANDARDS. IN APRIL, THE RAPPORTEURS OF THE POLITICAL AFFAIRS COMMITTEE AND THE LEGAL AFFAIRS COMMITTEE AGAIN DREW ATTENTION TO SIGNIFICANT SHORTCOMINGS IN THIS RESPECT. ON MAY 26, THE POLITICAL AFFAIRS COMMITTEE PUBLISHED A LIST OF CONDITIONS TO BE FULFILLED BY SEPTEMBER 1999, INCLUDING ADOPTION OF A PERMANENT ELECTION LAW, COMPLIANCE WITH THE NATIONAL HUMAN RIGHTS INSTITUTIONS, COOPERATION WITH THE ICTY, RESTRUCTURING OF THE POLICE, AND IMPLEMENTATION OF HOUSING LAWS. ALTHOUGH SIGNIFICANT PROGRESS HAD BEEN MADE ON SOME OF THESE ISSUES,

Bosnia and Herzegovina still did not meet the conditions articulated by the Council, and further progress was needed. The rapporteur of the Political Affairs Committee, in his report of August 1999, came to a similar conclusion. Meanwhile, the Council of Europe's representation in Bosnia continued its activities on freedom of expression, trafficking of women, legal reform, prison systems, and other issues.

European Union

The European Union (E.U.) was the initiator of the "Pact for Stability in South Eastern Europe," which aims to develop peaceful and good neighborly relations and "to accelerate the transition in the region to stable democracies ... in which human rights ... are respected..." The pact aspires to enhance stability through regional cooperation and the prospect of integration into "Euro-Atlantic and global institutions."

The E.U. and its member states continued to be among the biggest donors for reconstruction programs in Bosnia and Herzegovina: the E.U. has contributed around 1 billion Euro in the period 1996-1999 (1996: 442 million; 1997: 360 million; 1998: 295 million; 1999: 210 million plus 45 million balance of payment assistance). In July 1999, the European Commission reached an agreement with the Bosnian Council of Ministers on a 69 million Euro aid package for reconstruction of housing and infrastructure.

Individual E.U. states continued to contribute to the reconstruction effort as well. The Dutch government announced a project to reconstruct eighty-nine houses and water systems in Novi Travnik. The German Technical Cooperation Agency (*Gesellschaft für Technische Zusammenarbeit, GTZ*) concluded a project to build accommodations for displaced Bosnian Serb families in Bijeljina, which enabled Germany to repatriate thirty-six Bosniak families that had been prevented from returning because their houses had been occupied by these families.

United States

Together with the E.U., the United States was one of the biggest donors of reconstruction aid. Since the end of the war, the United States has contributed some \$800 million to the reconstruction efforts in Bosnia and Herzegovina. The bulk of this sum was spent on infrastructure projects, business development, and economic restructuring, while smaller sums were spent on democratic reform and human rights. The United States, like other donor governments and agencies, was severely disturbed by reports that as a result of corruption over \$1 billion had disappeared in Bosnia and Herzegovina, a substantial part of which consisted of uncollected taxes. The U.S. government quickly reassured the public that no U.S. aid had gone astray. Nonetheless, enormous amounts of public funds appear to have been misused, enriching the ruling political elite rather than benefiting the Bosnian population. The U.S. Congress has set up a committee headed by Robert Frowick, former head of OSCE's mission to Bosnia, to investigate allegations of widespread corruption.

During 1999, the United States strongly backed Milorad Dodik, the moderate caretaker prime-minister of the RS, in his struggle against hardline political elements, including the dismissed Republika Srpska president, Nikola Poplašen. However, Dodik consistently failed to deliver on his promises. On crucial postwar issues such as the return of refugees and the arrest of indictees, hardly any progress was made, despite considerable political and financial support.

BULGARIA

Human Rights Developments

Despite some progress, the human rights situation did not substantially improve in Bulgaria in 1999. Democratic institutions remained stable. Ninety-six parties registered to participate in the October local elections. The most significant legislative change occurred on December 10, 1999, when the Bulgarian Parliament officially abolished the death penalty and replaced capital punishment with life imprisonment. Overall, however, the government's actions turned out to be largely inconsistent with its stated commitment to human rights.

Legislative changes, international commitments, and national programs on human rights issues appeared to indicate positive prospects for reform; however, the government failed to actualize many of these initiatives. Despite the

GOVERNMENT'S COMMITMENTS TO ADOPT INTERNATIONAL ARMS TRADE CONTROLS, NO SUCH LEGISLATION HAD BEEN INTRODUCED BY OCTOBER AND ARMS SALES TO ABUSIVE ARMED FORCES CONTINUED. ON FEBRUARY 19, 1999, THE PARLIAMENT RATIFIED THE COUNCIL OF EUROPE'S FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES, BUT THE GOVERNMENT HAS NOT PASSED LAWS TO IMPLEMENT THE CONVENTION. IN APRIL, THE GOVERNMENT APPROVED A NATIONAL PROGRAM FOR ROMA, WHICH ADDRESSES RACE DISCRIMINATION, POLICE BRUTALITY, EDUCATION, AND PUBLIC PARTICIPATION OF ROMA, BUT THE GOVERNMENT HAS NOT IMPLEMENTED ANY LAWS TO PUT THIS PROGRAM INTO ACTION. IN MAY, THE PARLIAMENT PASSED A NEW REFUGEE LAW, WHICH DEFINES REFUGEES AND CREATES AN AGENCY FOR REFUGEES. YET, IN APRIL, THE GOVERNMENT HAD STOPPED ACCEPTING KOSOVAR ALBANIANS AS REFUGEES, GRANTING THEM TRANSIT VISAS INSTEAD. BULGARIA ALSO CONTINUED TO EXPERIENCE SERIOUS PROBLEMS WITH FREEDOM OF RELIGION AND EXPRESSION, INCLUDING POLICE ABUSE AND ATTACKS AGAINST ETHNIC MINORITIES, RELIGIOUS MINORITIES, AND JOURNALISTS.

POLICE BRUTALITY AND VIOLENT ATTACKS BY PRIVATE CITIZENS AGAINST ROMA CONTINUED AT AN ALARMING RATE. THE BULGARIAN HELSINKI COMMITTEE (BHC) REPORTED CASES OF THREE ROMA WHO WERE SHOT DEAD BY POLICE UNDER REPORTEDLY SUSPICIOUS CIRCUMSTANCES: NIKOLAY FILIPOV ON MAY 13, SHOT AFTER POLICE CHASED HIM FOR A SUSPECTED CAR ROBBERY; GANCHO VUCHKOV ON JUNE 6, SHOT AFTER POLICE CHASED HIM FOR A SUSPECTED CAR ROBBERY; AND OLEG GEORGIEV ON JULY 13, SHOT DURING AN ATTEMPTED BORDER-CROSSING. THE HUMAN RIGHTS PROJECT (HRP) ALSO DOCUMENTED MANY CASES OF POLICE ABUSE, SUCH AS THAT OF KIRIL NIKOLOV SPASOV, A ROM FROM RUSSE. TWO POLICEMEN BEAT SPASOV AND FORCED HIM TO GIVE FALSE TESTIMONY IN JANUARY 1999. ROMANY WERE ALSO THE VICTIMS OF SEVERE AND OFTEN FATAL ATTACKS BY PRIVATE CITIZENS. BLAGO ATANASSOV, A ROM FROM GHELEMEMKO, WAS BEATEN BY UNIDENTIFIED ASSAILANTS ON JANUARY 16, 1999, AND DIED LATER THAT NIGHT FROM HIS WOUNDS. ALTHOUGH THE DISTRICT PROSECUTOR IN PAZARJIK STARTED AN INVESTIGATION INTO THIS INCIDENT, IT HAD NOT BEEN COMPLETED AS OF THIS WRITING. ON JUNE 15, NADEZHDA DIMITROVA, A ROMA BEGGAR, WAS BEATEN TO DEATH IN THE CENTER OF SOFIA BY FOUR SCHOOL BOYS, AGES FIFTEEN TO SIXTEEN, AS THEY SHOUTED INSULTS. FOLLOWING THE INCIDENT, THE MINORS WERE ARRESTED, AND AN INVESTIGATION IS CURRENTLY UNDERWAY.

THE BULGARIAN GOVERNMENT'S STANCE TOWARD SOME RELIGIOUS MINORITIES APPEARED TO IMPROVE. HOWEVER, ACTIVITIES OF UNREGISTERED RELIGIOUS MOVEMENTS, SUCH AS THE UNIFICATION CHURCH, REMAIN ILLEGAL, AND LOCAL AUTHORITIES CONTINUE TO HARASS THEM. IN OCTOBER 1998, BULGARIA'S COUNCIL OF MINISTERS OFFICIALLY RECOGNIZED THE JEHOVAH'S WITNESSES. THAT MONTH, THE PARLIAMENT ALSO PASSED THE SUBSTITUTION OF MILITARY OBLIGATIONS BY ALTERNATIVE SERVICE ACT, WHICH, DESPITE SOME PROBLEMS, SIGNALS A STEP FORWARD FOR CONSCIENTIOUS OBJECTORS. HOWEVER, THESE CHANGES DID NOT PREVENT TWO LOCAL JEHOVAH'S WITNESSES ACTIVISTS FROM BEING FINED BY A PLOVDIV COURT FOR "ILLEGITIMATE RELIGIOUS ACTIVITY," AS A RESULT OF ORGANIZING A PRAYER MEETING. ANOTHER JEHOVAH'S WITNESS, KRASSIMIR SAVOV FROM PLOVDIV, WAS IMPRISONED IN DECEMBER 1998 FOR REFUSING MILITARY SERVICE, DESPITE THE NEW ALTERNATIVE SERVICE ACT. AFTER SERVING HALF OF HIS ONE-YEAR SENTENCE, SAVOV WAS PARDONED BY PRESIDENT STOYANOV AND RELEASED.

VIOLATIONS OF FREEDOM OF EXPRESSION CONTINUED TO BE RAMPANT IN 1999, INCLUDING POLICE ABUSE, ATTACKS BY UNIDENTIFIED ASSAILANTS, AND CRIMINAL PROSECUTION OF JOURNALISTS. ON JUNE 28, 1999, ALEKSEI LAZAROV, A MEDIA WRITER FOR *KAPITAL*, SUFFERED MULTIPLE KNIFE WOUNDS AND A BROKEN LEG AFTER BEING VIOLENTLY ATTACKED BY UNIDENTIFIED ASSAILANTS. THE BULGARIAN NATIONAL COMBAT SERVICE AGAINST ORGANIZED CRIME LAUNCHED AN INVESTIGATION INTO THE ATTACK, BUT THERE HAD BEEN NO PROGRESS AS OF THIS WRITING. NO ONE HAS BEEN HELD RESPONSIBLE FOR THE VIOLENT MAY 1998 ACID ATTACK ON ANNA ZARKOVA, WELL-KNOWN FOR HER WORK ON CORRUPTION. REPEATED REPORTS OF POLICE ABUSE OF JOURNALISTS, SUCH AS THE POLICE DESTRUCTION OF DARIN KIRKOV'S FILM WHICH HE TOOK OF MUNICIPAL WORKERS IN VARNA PULLING DOWN ILLEGAL BUILDINGS, PROMPTED INTERIOR MINISTER BONEV'S JULY 1999 ORDER BANNING POLICE VIOLENCE AGAINST JOURNALISTS.

IN ADDITION TO ATTACKS, THE NOTORIOUS LIBEL LAWS CONTINUED TO CRIPPLE FREE EXPRESSION. IN JANUARY 1999, PUBLIC PROSECUTOR TATARCHEV LAUNCHED A CRIMINAL INVESTIGATION OF TATIANA VAKSBERG, A FREELANCER FOR RADIO FREE EUROPE'S SOFIA BUREAU, WHO WROTE A CRITICAL COMMENTARY OF TATARCHEV. THE GOVERNMENT PROPOSED AMENDMENTS TO THE LIBEL LAWS, INCLUDING THE REMOVAL OF PRISON SENTENCES FOR LIBEL OFFENSES, WHICH WERE STILL PENDING BEFORE PARLIAMENT AS OF SEPTEMBER.

Defending Human Rights

LOCAL NONGOVERNMENTAL ORGANIZATIONS REMAINED VERY ACTIVE IN 1999. THE BULGARIAN HELSINKI COMMITTEE (BHC), THE HUMAN RIGHTS PROJECT (HRP), BULGARIAN LAWYERS FOR HUMAN RIGHTS, AND THE TOLERANCE FOUNDATION, AMONG OTHERS, CONTINUED TO REPORT ON HUMAN RIGHTS ABUSES AND INITIATE PROGRAMS TO ADDRESS THOSE ABUSES. AS A RESULT OF A DEBATE ABOUT THE PROGRAM "FOR EQUAL PARTICIPATION OF ROMA IN THE PUBLIC LIFE OF BULGARIA" INITIATED BY THE HRP IN EARLY 1999, THE BULGARIAN GOVERNMENT

agreed to a national program for Roma in April 1999, although, as of September, there has been little progress in its implementation.

The Role of the International Community

United Nations

In May 1999, the U.N. Committee against Torture cited several positive developments in Bulgaria, including the ratification of the European Convention on the Prevention of Torture, the abolition of the death penalty, and reform in domestic human rights law. However, the committee expressed concern about reports of continued ill-treatment of minorities and the lack of a clear definition of or prohibition against torture in the law.

European Union

In light of its assistance during the Kosovo crisis, Bulgaria's chances for E.U. membership have greatly improved. Several nations have expressed support for Bulgaria's accession to the E.U., including the U.S., Greece, Turkey, Italy, the U.K., Spain, and Germany. At its December summit, the E.U. will invite Bulgaria to begin accession talks.

Council of Europe

In April 1999, a delegation of the Council of Europe's Committee for the Prevention of Torture visited police establishments, investigation detention facilities, prisons, and psychiatric establishments. In September 1999, the Working Group on Roman Problems made specific recommendations to Bulgaria for the implementation of the Roma national program the government approved in April. The European Court for Human Rights (ECHR) issued a judgment in the case of *Nikolova v. Bulgaria* on March 25, 1999, ruling that Nikolova had been denied her right to be brought before a judicial officer and that the eventual judicial review of her detention had been inadequate. On May 19, the ECHR declared admissible the application of *A.V. v. Bulgaria*, a case about a Rom man killed while in police custody in Pleven.

Organization for Security and Cooperation in Europe (OSCE)

In 1999, the Office of the OSCE Representative on Freedom of the Media was active in Bulgaria, consulting on a draft media law and intervening in the case of Tatiana Vaksberg, a journalist who became the subject of a criminal investigation after criticizing public prosecutor Tatarchev in a story.

United States

In a June 1999 visit to Bulgaria, Secretary of State Albright praised the country for its support during the Kosovo crisis and promised support for Bulgaria's reforms. Vice President Gore, in a July 27 letter to Prime Minister Kostov, praised Bulgaria for its economic and political reforms in the past two years and stated that Bulgaria can serve as a model for the region. Bulgaria also won praise and appreciation from members of Congress who sponsored a resolution supporting Bulgaria's desire to join the E.U. and NATO. At the same time, the U.S. State Department's *Country Reports on Human Rights Practices for 1999*, released February 1999, criticized Bulgaria for corruption, police brutality, and violence and discrimination against minorities. The U.S., in its 1999 *Annual International Religious Freedom Report*, also criticized Bulgaria for the harassment of unregistered religious groups by local authorities.

Relevant Human Rights Watch Report:

Bulgaria: Money Talks: Arms Dealing with Human Rights Abusers, 4/99

CROATIA

Human Rights Developments

Most of the key challenges to human rights in Croatia remained unmet in 1999, except for some limited and belated progress with regard to cooperating with the international community on war crimes. The government largely failed to implement measures designed to facilitate the return of internally-displaced and refugee Serbs to their homes, resulting in very limited returns, while the murder of a Serb in Eastern Slavonia, surprise war crimes indictments against Croatian Serbs, and continued uncertainty over the scope of the 1996 Amnesty Law underscored the lack of progress on reconciliation. Reform of Croatia state television did not address the international community's key concerns regarding editorial independence from the government and ruling party; putting the fairness of forthcoming legislative elections in doubt. Critical newspapers were subjected to spurious legal action.

Under the threat of United Nations Security Council sanctions and pressure from the United States and the European Union, Croatia agreed in September to extradite indicted Bosnian war crimes suspect Mladen Naletilic (a.k.a. "Tuta") to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and proposed that ICTY judges determine whether the ICTY has jurisdiction over the 1995 "Flash" and "Storm" military operations against Serb rebels in the Krajina and Western Slavonia regions of Croatia. At this writing the extradition was pending. Croatia had earlier transferred Vinko Martinovic (a.k.a. "Stela"), his subordinate, in August. Between December 1998 and July 1999, the ICTY was subjected to repeated criticism by senior government officials in Croatia, including President Franjo Tudjman, who accused the ICTY of bias against Croats and threatened to end Croatia's cooperation with it. At this writing, Croatia remained in non-compliance with multiple document requests by the ICTY prosecution related both to the disputed operations and to alleged abuses by Bosnian Croat forces in the Bosnian war.

A Croatian court found Nazi-era concentration camp commander Dinko Sakic guilty of crimes against humanity in October, but the Croatian government remained reluctant to examine its own recent wartime record and it continued to prosecute Croatian Serbs for alleged war crimes without referring the evidence or indictments to the ICTY for review, despite promises to do so. Between January and May, courts in Eastern Slavonia and Baranja issued new indictments against ninety-one persons without referral to the ICTY and failed to respond to a request from the ICTY to review the evidence against twenty-three Serbs from Dalj village who were among those indicted.

The application of the 1996 Amnesty Law remained confused, leaving it unclear who was eligible for amnesty, and little progress was made in clarifying the identity of many of the 13,575 persons amnestied thus far. The Committee on Trust and Reconciliation, charged with coordinating efforts to reintegrate Croatia's Serb citizens, barely functioned. In line with its obligations, the government finally provided adequate funding and status for the Joint Council of Municipalities, a consultative body of elected Serb representatives for Eastern Slavonia, although it remained politically marginalized.

For most of the more than 300,000 Croatian Serb refugees and internally-displaced persons, the promise of obtaining identity documents necessary for return and of reclaiming occupied homes offered by the government's 1998 program and procedures for return failed to materialize. Although at this writing more than 30,000 Serb refugees had returned to Croatia since the beginning of 1996, mostly from Bosnia and Herzegovina and the Federal Republic of Yugoslavia (FRY), a similar number had fled the country during the same period. The procedure for organized return administered by the Croatian Office for Displaced Persons and Refugees functioned adequately for the most part, but lack of accommodation left many cases pending and most Serbs who returned did so unassisted. Refugees attempting individual return from Bosnia's Republika Srpska and FRY were frequently frustrated by slow or non-functioning consulates in Banja Luka and Belgrade in their efforts to obtain travel documents. Refugees returning to Croatia unassisted faced delays in accessing the short-term social benefits associated with return.

For those inside or able to return to Croatia, lack of access to housing remained a key obstacle. Municipal housing commissions established to oversee property claims resolved few cases involving occupied Serb homes, despite the issuance of operational instructions in February, while courts continued to evict displaced Serbs occupying Croat homes. Evicted Serbs unable to return to their own occupied homes were rarely provided with acceptable alternative accommodations or compensation. The government commission established to oversee the work of the housing commissions and other elements of the return process did not function. No progress was made in framing regulations to deal with abolition of discriminatory war-time housing legislation, leaving many Serb property owners and former tenancy-right holders in limbo. Access by Serbs to reconstruction assistance to repair war-damaged homes remained limited by existing legislation even after a new "non-discriminatory" program for reconstruction was introduced in December 1998.

Discrimination against Croatian Serbs was not limited to housing and the right of return. At this writing, the law on "areas of special state concern," which allows for permanent legal expropriation of Serb-owned property by current temporary occupants, and the law regulating the status of refugees remained on the statute books despite repeated government promises to amend or repeal them. Implementation of the "convallation" law allowing recognition of administrative documents issued during the war by de-facto Serb authorities remained uneven.

There was an increase in intimidation and violence against Serbs in some parts of Eastern Slavonia and Baranja during the spring of 1999. Much of the violence centered on the village of Berak, near Vukovar. The exhumation of Croat war victims in the village in April prompted recently returned Croat residents to demonstrate against Serb war-time abuses and provided a pretext for harassment of Serb residents and the assault of a Serb police officer in May. Some Serb families fled their homes as a result. In August, Djuro Mutic, a thirty-nine-year-old Serb from Berak, was beaten to death outside his home by a group of Croat former refugees. One suspect implicated in earlier incidents was taken in for questioning, but at this writing investigations were continuing and no charges had been brought. Harassment and intimidation of Serbs also occurred in Borovo, Beli Manastir, Cakovci, Sotin, and Mirkovci, among other places.

Broadcast media, widely cited as having a decisive role in the ruling party's victory in the 1997 local and presidential elections, remained under the firm editorial and political control of the HDZ, with a disproportionate representation of the ruling party's views on three television channels of Croatian Radio-Television (Hrvatska Radiotelevizija, HRT). In July, a license was granted to Nova Television in July to establish a private fourth national channel, but Nova's close ties to HRT raised questions about editorial independence.

Independent newspapers and journalists continued to face harassment by the courts and police. In June, the editor of the weekly *Nacional* (Zagreb) was arrested in his home after an investigation into corruption in the country's secret service. In July, a journalist with *Jutarnji List* (Zagreb) received death threats after reporting on prison conditions. *Nacional* and the satirical weekly *Feral Tribune* (Split) continued to be the subject of multiple libel suits by the government and government officials.

Defending Human Rights

There were no reports of restrictions on the freedom to monitor by international or local nongovernmental organizations (NGOs), although local nongovernmental organizations were periodically attacked in the pro-government press. Recognizing the importance of free and fair elections for the development of other human rights, several NGO coalitions, including Citizens Organizing to Oversee Voting (Gradjani Organizirano Nadgledaju Glasanje, GONG) and the Women's Ad Hoc Coalition, were active in preparing for the elections to the House of Deputies. Continuing its monitoring and advocacy, the Croatian Helsinki Committee issued a major report documenting violence against Serbs in 1995 and condemned attacks on press freedom. The Croatian Law Center worked to promote legal reform and the rule of law, while the Civil Rights Project and the Knin Legal Aid Project continued to provide legal assistance in housing, citizenship, and other discrimination cases.

The Role of the International Community

United Nations

The U.N. Committee Against Torture considered the second periodic report of Croatia in November 1999. While praising Croatia's incorporation of the crime of torture into its national legislation, the committee expressed concern at allegations of ill treatment and torture by Croatian security forces, especially members of the police. The January report of the U.N. Special Rapporteur to the U.N. Commission on Human Rights, Jiri Dienstbier, highlighted ongoing discrimination against Serbs in Croatia. Considering his report in April, the commission called for electoral reform and further progress on equal rights for Serbs.

DURING A VISIT IN MAY, THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS SIGNED AN AGREEMENT WITH THE CROATIAN GOVERNMENT FOR HER OFFICE IN ZAGREB TO PROVIDE HUMAN RIGHTS TRAINING FOR THE POLICE, MILITARY, AND PRISON OFFICERS. DESPITE LIMITED RESOURCES, THE U.N. HIGH COMMISSIONER FOR REFUGEES CONTINUED ITS EFFORTS TO PROMOTE THE RETURN OF SERB REFUGEES TO CROATIA AND ASSISTED REFUGEES AND DISPLACED PERSONS INSIDE THE COUNTRY. THE U.N. SECURITY COUNCIL EXTENDED THE MANDATE OF ITS MILITARY OBSERVER MISSION TO THE DISPUTED PREVLAKA PENINSULA TWICE, IN JANUARY AND JULY.

Organization for Security and Cooperation in Europe (OSCE)

THE OSCE REMAINED AT THE FOREFRONT OF INTERNATIONAL EFFORTS TO PROMOTE RESPECT FOR HUMAN RIGHTS IN 1999. WITH 250 INTERNATIONAL STAFF IN 16 FIELD OFFICES, THE MISSION BENEFITED FROM IMPROVED INTERNAL REPORTING STRUCTURES, NOTABLY THE RESUSCITATION OF THE FIELD ACTIVITIES REPORT. JANUARY, MAY AND SEPTEMBER REPORTS TO THE PERMANENT COUNCIL WERE MUCH MORE CRITICAL THAN THOSE DURING 1998, REFLECTING A NEW WILLINGNESS TO POINT OUT THE GAP BETWEEN CROATIA'S COMMITMENTS AND ITS ACTUAL PERFORMANCE. THE MISSION ALSO BEGAN TO PUT DETAILED INFORMATION ON ITS WEBSITE.

THE NEED FOR GREATER PRESS FREEDOM AND ESPECIALLY ELECTRONIC MEDIA REFORM IN CROATIA WAS NOTED BY VISITORS FROM A RANGE OF OSCE INSTITUTIONS, INCLUDING CHAIRMAN-IN-OFFICE KNUD VOLLEBAEK, PARLIAMENTARY ASSEMBLY PRESIDENT HELLE DEGN MP, AND THE REPRESENTATIVE ON FREEDOM OF THE MEDIA, FREIMUT DUVE. MR. DUVE ISSUED A MARCH REPORT DETAILING THE CURBS ON MEDIA FREEDOM IN CROATIA, LINKING THEM TO THE FORTHCOMING NATIONAL ELECTIONS AND RECOMMENDING URGENT REFORM OF THE STATE BROADCASTING SERVICE, HRT.

Council of Europe

THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE (PACE) CONTINUED TO SCRUTINIZE CROATIA'S PROGRESS TOWARD MEETING THE HUMAN RIGHTS STANDARDS REQUIRED OF COUNCIL OF EUROPE MEMBERS. IN APRIL, THE ASSEMBLY NOTED CROATIA'S RATIFICATION OF THE CONVENTION ON HUMAN RIGHTS BUT EXPRESSED CONCERN AT THE LACK OF PROGRESS ON MEDIA AND ELECTORAL REFORM, AND ONGOING DISCRIMINATION AGAINST CROATIAN SERBS. THE MONITORING PROCEDURE WAS EXTENDED FOR AN ADDITIONAL YEAR. AN APRIL REPORT BY THE PACE COMMITTEE ON MIGRATION, REFUGEES AND DEMOGRAPHY ALSO NOTED THE RANGE OF OBSTACLES FOR SERB REFUGEES AND INTERNALLY DISPLACED PERSONS WISHING TO RETURN TO THEIR PRE-WAR HOMES. A JUNE VISIT TO CROATIA BY AN EXPERT DELEGATION ON MEDIA FROM THE COUNCIL OF EUROPE UNDERScoreD THE NEED TO BRING CROATIAN LAW ON TELECOMMUNICATION AND BROADCASTING INTO HARMONY WITH COUNCIL OF EUROPE STANDARDS.

European Union

IN THE CONTEXT OF THE INTERNATIONALLY NEGOTIATED STABILITY PACT FOR SOUTHEASTERN EUROPE, THE EUROPEAN UNION (E.U.) UNDERTOOK A MAJOR RESTRUCTURING OF ITS FRAMEWORK OF RELATIONS WITH THE COUNTRIES OF THE "WESTERN BALKANS" DURING 1999. THE NEW ARRANGEMENT HAD LITTLE IMMEDIATE EFFECT ON THE E.U.'S POSITION TOWARD CROATIA BUT HELD THE PROMISE OF SIGNIFICANTLY CLOSER TIES IN THE NEAR FUTURE. IN MAY, E.U. FOREIGN MINISTERS APPROVED A NEW "STABILIZATION AND ASSOCIATION PROCESS" WHICH COMBINES ADDITIONAL ECONOMIC AND LEGAL CONDITIONALITY AND THE POSSIBILITY OF FUTURE E.U. MEMBERSHIP WITH THE EXISTING POLITICAL CONDITIONALITY OF ITS 1997 "REGIONAL APPROACH FOR SOUTHEASTERN EUROPE."

IN JUNE, E.U. FOREIGN MINISTERS DETERMINED THAT CROATIA'S PROGRESS ON HUMAN RIGHTS AND DEMOCRACY WAS "INSUFFICIENT" TO PERMIT CROATIA TO RECEIVE ASSISTANCE (AND POLITICAL LEGITIMACY) FROM THE PHARE RECONSTRUCTION PROGRAM, BUT INDICATED THAT IF PROGRESS WAS MAINTAINED IT COULD BENEFIT FROM SUCH ASSISTANCE IN THE NEAR FUTURE. IN SEPTEMBER, THE E.U. GOVERNMENTS EXPRESSED CONCERN OVER CROATIA'S LIMITED COOPERATION WITH THE ICTY AND POSTPONED A DECISION ABOUT A CONSULTATIVE TASK FORCE ON CONTRACTUAL RELATIONS BETWEEN CROATIA AND THE E.U. NEVERTHELESS, THE FOREIGN MINISTERS' STATEMENT IN JUNE AND THE RESUMPTION IN JULY OF AN INFORMAL E.U.-CROATIA POLITICAL DIALOGUE WHICH WAS SUSPENDED IN 1995 SUGGESTED THAT THE E.U. MAY BE WILLING TO RELAX ITS PREVIOUS HUMAN RIGHTS CONDITIONALITY, A SIGNAL THAT IS ONLY LIKELY TO WORSEN CROATIA'S PERFORMANCE. IN 1998 THE E.U. PROVIDED AN ESTIMATED 24 MILLION EURO (U.S. \$25.2 MILLION) TO CROATIA INCLUDING 600,000 EURO (U.S. \$630,000) FOR HUMAN RIGHTS AND DEMOCRACY. ASSISTANCE IN 1999 WAS SLIGHTLY HIGHER AT AROUND 25 MILLION EURO (U.S. \$26.2 MILLION).

United States

THE UNITED STATES CONSOLIDATED ITS STRATEGIC RELATIONSHIP WITH CROATIA DURING 1999, PROVIDING A SECURITY GUARANTEE IN CASE OF SERBIAN ATTACK TO CROATIA IN MARCH FOLLOWING THE START OF NATO AIRSTRIKES ON KOSOVO, AND MAKING CROATIA ELIGIBLE

to purchase U.S. armaments in April. Washington also continued to provide an estimated U.S.\$425,000 through the international military education & training (IMET) program. Croatia's image as a U.S. ally was bolstered by the invitation of the Croatian Foreign Minister to Washington in March for discussions with the U.S. Secretary of State and the tone of a September meeting between U.S. Representative to the United Nations Richard Holbrooke and Croatian President Franjo Tudjman.

The U.S. was sometimes willing to call Croatia to task on its failure to uphold human rights, notably on cooperation with the ICTY and the need for electoral reform. Around half of the estimated U.S.\$12 million provided to Croatia under the support for Eastern European democracy (SEED) program went directly toward democratization. On the question of the return of Serb refugees to Croatia, the U.S. showed more willingness to give Croatia the benefit of the doubt, promising U.S.\$5 million in May in support of the government's refugee return plan despite continued legal and administrative obstacles to return. The State Department's *Country Reports on Human Rights Practices for 1998* indicated that the U.S. was well aware of Croatia's failure to comply with many international human rights standards.

Relevant Human Rights Watch report:

Second Class Citizens: The Serbs of Croatia, 3/99.

CZECH REPUBLIC

Human Rights Developments

Despite several positive legislative reforms in 1999, the Czech Republic continued to lag in redressing a number of serious human rights issues, most notably the widespread discrimination against the ethnic Roma minority. The Czech Republic drew severe criticism from the international community for its policy toward Roma, which, coupled with a sagging economy and public ambivalence about European integration, led to growing concern that Czech accession to the European Union might be delayed.

In July, the Chamber of Deputies approved an amendment to the Czech citizenship law. The law, passed after the 1993 split with Slovakia, had been widely criticized because it rendered tens of thousands of Roma stateless, classified them as aliens, and denied them voting rights and social benefits. The new legislation allowed Roma who were permanent citizens of the Czech Republic to regularize their status. The government also passed Resolution 279 in April, which laid out a twelve-point program to improve minority relations, decrease Roma unemployment, which was a staggering 80 percent in 1998, and better integrate Roma into society.

However, violence against Roma continued at an alarming rate. In May, a group of ten to fifteen skinheads attacked a Roma family in its home in Pilsen. The attackers apparently heard them speaking Romany through an open window and began yelling insults at them. When the family closed the window and called the police, the perpetrators broke down the door and beat them with sticks. One of the attackers was detained temporarily and then released.

On August 27, in the southern Moravian village of Dvůrek u Ohražovic, two neighboring families were attacked in their homes by a group of approximately thirty skinheads, who fired guns and threw bricks and stones into the houses. One man suffered a head wound and was hospitalized. Police eventually charged twelve men with rioting, damaging property, and violent acts, but refused to recognize any racial motivation behind the attack. In May, U.S. Ambassador John Shattuck criticized Czech courts for leniently sentencing perpetrators of crimes against Roma.

The much-publicized plans to build a wall separating a Roma housing compound from its neighbors in Ústí nad Labem were temporarily stalled when the Czech cabinet voted to block construction on the grounds that it promoted racial discrimination. However, local authorities claimed that the cabinet had no jurisdiction to interfere in the plan, and on October 13, the concrete wall was erected with local police guarding the site. That same day, the Czech parliament voted to override the local government's decision, and local officials promised to appeal to the Constitutional Court. A senior E.U. official warned the government that the wall could prevent the Czech Republic from gaining E.U. membership. The government had come under intense national and international pressure to block the plan, which was condemned by

PRESIDENT VACLAV HAVEL, THE U.N. COMMITTEE AGAINST ALL FORMS OF RACIAL DISCRIMINATION, THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE), AND THE COUNCIL OF EUROPE, AMONG OTHERS.

IN JUNE, A GROUP OF ROMA PARENTS ASSISTED BY THE EUROPEAN ROMA RIGHTS CENTER (ERRC) FILED A LAWSUIT AGAINST THE STATE, CLAIMING RACIAL DISCRIMINATION ON THE GROUNDS THAT ROMANY CHILDREN ARE FIFTEEN TIMES MORE LIKELY THAN OTHER CZECH CHILDREN TO BE SENT TO SCHOOLS FOR THE MENTALLY RETARDED. ACCORDING TO A REPORT BY THE ERRC RELEASED THE SAME DAY, 75 PERCENT OF ROMA CHILDREN WERE PLACED IN SPECIAL SCHOOLS, WHERE THEY COMPRISED 50 PERCENT OF THE POPULATION, ALTHOUGH ROMA MADE UP AN ESTIMATED 5 PERCENT OF THE TOTAL POPULATION. ONLY 4 PERCENT OF OTHER CZECH CHILDREN WERE PLACED IN SPECIAL SCHOOLS.

ROMA REQUESTS FOR POLITICAL ASYLUM IN THE U.K. REACHED AN ALL-TIME HIGH OF 588 IN THE FIRST HALF OF 1999, COMPARED TO 512 REQUESTS IN ALL OF 1998, WHICH CAUSED CONCERN THAT BRITAIN WOULD IMPOSE A VISA REQUIREMENT. MOST OF THE APPLICANTS CLAIMED STATE PERSECUTION, BUT NONE WERE GRANTED ASYLUM.

CONCERNS ABOUT POLICE BRUTALITY REMAINED UNRESOLVED. ALTHOUGH GOVERNMENT HUMAN RIGHTS COMMISSIONER PETR UHL ACKNOWLEDGED THAT POLICE USED ARBITRARY FORCE AND MADE ARBITRARY ARRESTS DURING THE 1998 GLOBAL STREET PARTY, WHEN ABOUT FIFTY DEMONSTRATORS WERE BEATEN AND DETAINED, NO POLICE OFFICERS WERE INDICTED FOR MISCONDUCT. THE MINISTRY OF THE INTERIOR CLAIMED THAT IT WAS IMPOSSIBLE TO IDENTIFY, AND THUS PROSECUTE, THE CULPABLE POLICE OFFICERS. IN APRIL THE CZECH HELSINKI COMMITTEE ISSUED A REPORT DOCUMENTING WIDESPREAD POLICE VIOLENCE, CORRUPTION, AND DISCRIMINATION AGAINST WOMEN IN RECRUITMENT. THE GROUP CALLED FOR A NUMBER OF REFORMS, INCLUDING THE CREATION OF AN INDEPENDENT, IMPARTIAL BODY OF REVIEW.

IN JULY, THE GOVERNMENT PROPOSED A BILL THAT WOULD GIVE THE MINISTRY OF INTERIOR POWER TO DISSOLVE EXTREMIST ORGANIZATIONS WHICH ARE DEEMED THREATENING TO HUMAN RIGHTS. COMMISSIONER UHL CHARGED INTERIOR MINISTER VACLAV GRULICH WITH TRAINING POLICE TO IDENTIFY RACIALLY MOTIVATED CRIMES.

A BILL THAT WOULD LEGALIZE HOMOSEXUAL PARTNERSHIP AND AFFORD HOMOSEXUAL COUPLES THE FINANCIAL BENEFITS AND RIGHTS OF CONVENTIONAL MARRIAGES WAS DELAYED AFTER THE LOWER HOUSE IN PARLIAMENT, AT THE INITIATIVE OF THE CHRISTIAN DEMOCRATS, SENT THE BILL BACK TO COMMITTEES FOR REWORKING.

INTERNATIONAL JOURNALIST ORGANIZATIONS CONDEMNED A PROPOSED PRESS LAW WHICH THEY FEARED WOULD CURB FREEDOM OF THE PRESS. FOR EXAMPLE, THE LAW WOULD BAN FREE DISCUSSION OF CERTAIN TOPICS INCLUDING THE CZECH CONSTITUTION, REQUIRE THAT SUBJECTS WHO FELT THEIR "HONOR, DIGNITY OR PRIVACY" HAD BEEN VIOLATED BY A PUBLICATION BE GRANTED SPACE TO PRINT A REPLY, AND REQUIRE PUBLICATIONS TO REGISTER THEIR POLITICAL "TENDENCY."

Defending Human Rights

HUMAN RIGHTS GROUPS WORKED RELATIVELY UNENCUMBERED, WITH ONE NOTABLE EXCEPTION, TO BRING ATTENTION TO VARIOUS ABUSES AND TO IMPROVE THE SITUATION OF THE ROMA MINORITY. ON JANUARY 27, FIFTEEN POLICE OFFICERS REPORTEDLY FORCIBLY REMOVED STANISLAV PENC, A MEMBER OF THE CZECH HUMAN RIGHTS COMMITTEE, FROM A RESTAURANT IN PRAGUE AND BEAT HIM AS THEY ESCORTED HIM TO THE POLICE STATION. PENC WAS DETAINED FOR AN HOUR, AND WAS NEVER CHARGED WITH A CRIME OR GIVEN AN EXPLANATION FOR THE INCIDENT, DESPITE HIS REQUEST FOR A WRITTEN STATEMENT. THE CASE WAS UNDER INVESTIGATION BY THE PRAGUE POLICE COMPLAINTS AND INSPECTION DEPARTMENT.

The Role of the International Community

United Nations

THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD) URGED THE GOVERNMENT TO TAKE MORE PRO-ACTIVE MEASURES TO ABOLISH DISCRIMINATION AGAINST ROMA, AND SPECIFICALLY TO ACT DECISIVELY IN PREVENTING THE PLAN TO CREATE A SEGREGATED COMMUNITY IN USTI NAD LABEM.

Council of Europe

THE CZECH REPUBLIC BENEFITTED FROM COUNCIL OF EUROPE PROGRAMS OF GOVERNMENTAL COOPERATION AIMED AT TRAINING POLICE IN COUNCIL OF EUROPE STANDARDS. IN A POSITIVE STEP, THE LOWER HOUSE OF THE CZECH PARLIAMENT VOTED BY A LARGE MAJORITY TO ADOPT THE COUNCIL OF EUROPE'S EUROPEAN SOCIAL CHARTER, A CONDITION FOR E.U. MEMBERSHIP WHICH, HOWEVER, DID NOT REQUIRE ANY MAJOR CHANGE IN CZECH LEGISLATION. THE CHARTER AWAITED FINAL RATIFICATION BY THE SENATE.

European Union

THE CZECH REPUBLIC'S SLOW PROGRESS IN HARMONIZING ITS LEGISLATION WITH EUROPEAN UNION (E.U.) STANDARDS THREATENED TO KEEP THE COUNTRY OUT OF THE FIRST WAVE OF E.U. EXPANSION TO EASTERN EUROPE. UPON FINNISH ASSUMPTION OF THE E.U. PRESIDENCY IN JULY, FINNISH PRIME MINISTER PAavo LIPponEN STATED THAT THE CZECH REPUBLIC MUST ABOLISH DISCRIMINATORY PRACTICES TOWARD THE ROMA POPULATION IN ORDER TO JOIN THE E.U. COMMISSIONER UHL ACKNOWLEDGED THAT CZECH LAW FELL SHORT OF THE EUROPEAN CONVENTION ON PROTECTION OF NATIONAL MINORITIES.

IN ADDITION TO CONCERNS ABOUT MINORITY RELATIONS, BOTH THE E.U.'S NOVEMBER 1998 AND OCTOBER 1999 REPORTS ON PROGRESS TOWARD ACCESSION HIGHLIGHTED THE NEED FOR JUDICIAL REFORM AND MORE EFFECTIVE MEASURES TO FIGHT CORRUPTION. THE E.U. ALSO PRESSURED THE GOVERNMENT TO DECLARE OBSOLETE THE 1945 "BENES DECREES," WHICH REVOKED THE CITIZENSHIP AND PROPERTY RIGHTS OF GERMANS AND HUNGARIANS IN CZECHOSLOVAKIA AND EXPELLED MOST GERMANS FROM THE SUDETENLAND.

North Atlantic Treaty Organization (NATO)

IN MARCH THE CZECH REPUBLIC ENTERED NATO. AS A RESULT OF THE PROCESS OF NATO ACCESSION, THE CZECH REPUBLIC WAS REQUIRED TO UPGRADE ITS MILITARY, RAISING CONCERNS THAT WEAPONS MADE OBSOLETE WOULD BE SOLD TO ABUSIVE REGIMES IN OTHER PARTS OF THE WORLD. IN APRIL, HUMAN RIGHTS WATCH URGED NATO AND THE CZECH REPUBLIC TO ENSURE THAT SUFFICIENT ARMS TRADE CONTROL MECHANISMS WERE IMPLEMENTED. PRIME MINISTER ZEMAN ASSURED HUMAN RIGHTS WATCH THAT THE CZECH REPUBLIC DID NOT EXPORT ARMS TO AREAS WITH VIOLENT CONFLICTS AND THAT CZECH WEAPONS WERE THUS "NOT ACCESSIBLE TO MALEVOLENT MILITARY FORCES." HOWEVER, IN SEPTEMBER HE ANNOUNCED THE SALE OF SOVIET MADE T-54 AND T-55 TANKS TO YEMEN, AND HUMAN RIGHTS GROUPS WERE CONCERNED THAT THE TANKS WOULD BE DIVERTED OR RESOLD TO ANOTHER COUNTRY.

United States

THE UNITED STATES COMMISSION ON SECURITY AND COOPERATION IN EUROPE (CSCE) VOICED CONCERN OVER THE VIOLENCE AGAINST ROMA AND FOREIGNERS IN THE CZECH REPUBLIC AND REGRETTED THE LACK OF PROGRESS ON THE ISSUE OF PROPERTY RESTITUTION TO NON-CITIZENS. U.S. ASSISTANCE TO THE CZECH REPUBLIC FOCUSED ON FACILITATING ITS NATO ACCESSION WITH AN ESTIMATED U.S.\$3.8 MILLION IN MILITARY FINANCING, TRAINING, AND ASSISTANCE. THE ADMINISTRATION REQUESTED THAT CONGRESS APPROPRIATE \$9.1 MILLION FOR THESE PURPOSES IN FISCAL YEAR 2000.

Relevant Human Rights Watch Report:

ARSENALS ON THE CHEAP: NATO EXPANSION AND THE ARMS CASCADE, 4/99.

GEORGIA

Human Rights Developments

GEORGIA'S ALREADY POOR HUMAN RIGHTS RECORD DETERIORATED IN ADVANCE OF OCTOBER 31 PARLIAMENTARY ELECTIONS. THE ELECTIONS WILL DETERMINE WHETHER PRESIDENT EDUARD SHEVARDNADZE'S RULING CITIZENS UNION PARTY WILL RETAIN CONTROL OVER THE LEGISLATURE IN THE FACE OF POPULAR DISCONTENT OVER THE GOVERNMENT'S FAILURE TO RAISE LIVING STANDARDS, PAY WAGES AND PENSIONS ON TIME, AND CURB RAMPANT CORRUPTION.

MULTILATERAL LENDING INSTITUTIONS DISBURSED SUBSTANTIAL CREDITS TO GEORGIA IN JUNE AND JULY AFTER PROTRACTED DISCUSSIONS REGARDING THE GOVERNMENT'S UNWILLINGNESS TO COLLECT TAXES, ESPECIALLY FROM LARGE TAXPAYERS.

THERE WAS NO SUBSTANTIAL IMPROVEMENT IN THE MINISTRY OF INTERNAL AFFAIR'S DISMAL RECORD IN THE TREATMENT OF DETAINEES, AND THE MINISTRY ACTIVELY BLOCKED REFORMS IN A NUMBER OF SIGNIFICANT AREAS. MISTREATMENT AND PHYSICAL ABUSE OF DETAINEES CONTINUED TO BE RAMPANT. ON MARCH 22, IVANE KOLBAYA FELL TO HIS DEATH FROM A FIFTH-FLOOR WINDOW OF THE TBILISI CENTRAL POLICE DEPARTMENT DURING QUESTIONING BY POLICE OFFICIALS. HE WAS THE FIFTH PERSON IN THE PAST FOUR YEARS TO DIE BY FALLING FROM A WINDOW UNDER SUSPICION CIRCUMSTANCES WHILE IN POLICE CUSTODY. AN INVESTIGATION IN MAY REPORTEDLY CONFIRMED INITIAL MINISTRY FINDINGS THAT ALL FIVE HAD DIED AS A RESULT OF SUICIDE.

IN A STRIKING SETBACK TO REFORM, THE PARLIAMENT VOTED IN MAY AND JULY TO REPEAL REFORMS IN THE CRIMINAL PROCEDURE CODE THAT HAD BEEN SLATED TO GO INTO EFFECT IN MID-MAY. THE AMENDMENTS REPLACED NEARLY HALF OF THE NEW CODE, WHICH WOULD HAVE

ENSURED DETAINEES ACCESS TO THE COURTS PRIOR TO TRIAL TO REDRESS ABUSES BY THE PROCURACY AND SECURITY FORCES DURING CRIMINAL INVESTIGATIONS. THE GOVERNMENT'S MOVE TO RESTRICT ACCESS TO THE COURTS WAS DISMAYING GIVEN ITS PUBLIC SUPPORT FOR A HIGH PROFILE REFORM OF THE JUDICIARY. THE REPEAL OF THE REFORMS CAME JUST ONE MONTH AFTER GEORGIA GAINED ADMISSION TO COUNCIL OF EUROPE ON APRIL 27.

ON MAY 29, GULDANI POLICE VIOLENTLY BROKE UP A PRAYER MEETING OF ASSEMBLY OF GOD ADHERENTS, THREATENING AND BEATING SEVERAL PARTICIPANTS. THE GROUP'S PASTOR AND OTHER ADHERENTS REPORTED THAT THROUGHOUT JUNE, MINISTRY OF INTERNAL AFFAIRS OFFICIALS MOUNTED A CAMPAIGN OF HARASSMENT AND THREATS AGAINST THEM. THE GROUP FILED A CIVIL SUIT AGAINST GULDANI POLICE OFFICIALS IN AUGUST, ALLEGING THAT THEY HAD ILLEGALLY DISPERSED THE MEETING, BUT A TRIAL COURT RULED THAT THE POLICE HAD ACTED PROPERLY. THE JUDGE STATED IN HIS DECISION THAT THE MEETING PARTICIPANTS HAD BEEN OVERLY LOUD, BUT REFUSED TO VIEW A VIDEO TAPE MADE OF THE INCIDENT, CLAIMING THAT HE WAS UNWILLING TO WAIT FOR ELECTRICITY TO BE RESTORED TO THE COURT ROOM AFTER A TEMPORARY POWER OUTAGE.

IN JUNE, A POLITICAL PARTY FILED A SUIT REQUESTING THE GOVERNMENT REVOKE THE REGISTRATION OF THE JEHOVAH'S WITNESS' ORGANIZATION ON THE GROUNDS THAT IT WAS "ANTI-STATE" AND ITS TEACHINGS CONTRARY TO THE GEORGIAN ORTHODOX CHURCH. THE JUDGE DENIED A MOTION FILED BY THE JEHOVAH'S WITNESSES THAT THE SUIT WAS SPURIOUS AND THAT POLITICAL PARTIES DO NOT HAVE LEGAL STANDING IN GEORGIA TO FILE SUCH SUITS. AS OF THIS WRITING, THE JEHOVAH'S WITNESSES HAD APPEALED THE DECISION TO THE SUPREME COURT. A LAWYER REPRESENTING THE JEHOVAH'S WITNESSES STATED THAT THE SUIT WAS A POLITICAL STUNT TO GAIN PUBLICITY IN THE RUN UP TO THE ELECTION. THE SUIT WAS BROUGHT BY GEORGIA OVER ALL, A NATIONALIST POLITICAL PARTY LED BY GURAM SHARADZE, A MEMBER OF PARLIAMENT.

HOPE THAT A TRANSFER OF DETENTION FACILITIES FROM THE MINISTRY OF INTERNAL AFFAIRS TO THE MINISTRY OF JUSTICE WOULD RESULT IN AN IMPROVEMENT OF POOR CONDITIONS IN THE FACILITIES WERE QUASHED IN JULY WHEN LEGISLATION WAS ADOPTED TO EFFECT THE TRANSFER. THE FACILITIES WILL CONTINUE TO BE PREDOMINATELY STAFFED BY MINISTRY OF INTERNAL AFFAIRS PERSONNEL. MOREOVER, THE MINISTRY DEMANDED THAT IT BE ALLOWED TO CONDUCT "OPERATIVE INVESTIGATIVE MEASURES" OR INVESTIGATIONS IN THE PENITENTIARY SYSTEM TO GATHER EVIDENCE FOR TRIAL.

THE ABUSIVE NATURE OF SUCH MEASURES WAS ILLUSTRATED BY THE CASE OF GIGI SHUKASHVILI. IN 1997, POLICE AT THE GULDANI DISTRICT POLICE STATION SEVERELY BEAT SHUKASHVILI TO COERCE HIM INTO SIGNING FALSE TESTIMONY REGARDING A THEFT. HE WAS LATER TAKEN TO THE TBILISI CITY MAIN POLICE DEPARTMENT, WHERE, HE REPORTED, HE WAS PLACED IN A ROOM WITH SIX, AND AT TIMES MORE, INMATES WHO WERE ALLEGEDLY POLICE INFORMERS, WHO BRUTALLY BEAT HIM INTERMITTENTLY OVER A PERIOD OF ABOUT EIGHTEEN DAYS TO FORCE HIM TO SIGN FURTHER TESTIMONY. IN JULY 1999, MORE THAN A YEAR AND A HALF AFTER THE INCIDENT, THE PROCURACY CLAIMED THAT IT WAS CONTINUING TO INVESTIGATE. AFTER BEING RELEASED FOLLOWING HIS TRIAL, MR. SHUKASHVILI'S FAMILY REPORTED IN MAY THAT HE HAD BEEN DETAINED AGAIN BRIEFLY IN ORDER TO INTIMIDATE HIM TO WITHDRAW HIS COMPLAINT AGAINST THE POLICE AND THAT HE WAS SUBJECT TO HARASSMENT BY VISITORS HE IDENTIFIED AS CONNECTED WITH THE POLICE OFFICERS WHO ABUSED HIM.

Defending Human Rights

THE LAWYER'S COLLEGIUM, WHICH FORMERLY WAS SUBORDINATED TO THE MINISTRY OF JUSTICE BUT WHOSE STATUS IS CURRENTLY UNKNOWN, FILED SUIT AGAINST THE TBILISI MUNICIPALITY IN EARLY AUGUST IN AN ATTEMPT TO HALT AN INNOVATIVE PROJECT SUPPORTED BY A NUMBER OF NONGOVERNMENTAL ORGANIZATIONS. THE PROJECT WOULD STATION LAWYERS—EMPLOYEES OF THE MUNICIPALITY CHOSEN THROUGH COMPETITIVE EXAMINATION—in TBILISI—AREA POLICE STATIONS TO ADVISE DETAINEES OF THEIR RIGHTS ON A PRO BONO BASIS. IN OCTOBER, A COURT RULED THAT THE COLLEGIUM LACKED THE LEGAL STATUS TO BRING SUCH A SUIT. IN APRIL, ANOTHER PROJECT BY NONGOVERNMENTAL ORGANIZATIONS TO MONITOR CONDITIONS IN PRE-TRIAL DETENTION IN TBILISI AND PROVIDE FREE LEGAL SERVICE FAILED AFTER MINISTRY OF INTERNAL AFFAIRS STAFF DENIED ACCESS TO MONITORS. SEVERAL JOURNALISTS AND MEMBERS OF NONGOVERNMENTAL ORGANIZATIONS, INCLUDING THE LIBERTY INSTITUTE, SUFFERED HARASSMENT AND THREATS FROM INDIVIDUALS APPARENTLY LINKED TO THE MINISTRY OF INTERNAL AFFAIRS OFFICIALS IN AN ATTEMPT TO BLOCK THE MONITORING PROJECT.

The Role of the International Community

United Nations

ON JULY 31, THE U.N. SECURITY COUNCIL EXTENDED THE MANDATE OF THE NINETY-EIGHT MEMBER U.N. OBSERVER MISSION IN THE BREAKAWAY REGION OF ABKHAZIA. THE SECURITY COUNCIL DESCRIBED THE SITUATION IN THE CONFLICT ZONE AS VOLATILE AND UNANIMOUSLY

ADOPTED A RESOLUTION NOTING A LACK OF PROGRESS IN REACHING A POLITICAL SOLUTION TO THE CONFLICT. THE RESOLUTION DEMANDS THAT GEORGIA AND ABKHAZIA DEEPEN THEIR COMMITMENT TO THE U.N.-LED PEACE PROCESS AND DISPLAY THE POLITICAL WILL TO FIND A SOLUTION.

THE COUNCIL REITERATED THE RIGHT OF ALL REFUGEES AND DISPLACED PERSONS AFFECTED BY THE CONFLICT TO RETURN TO THEIR HOMES, AND CONDEMNED THE ONGOING ACTIVITIES BY ARMED GROUPS WHICH IT STATED ENDANGER THE CIVILIAN POPULATION AND IMPEDE THE WORK OF HUMANITARIAN ORGANIZATIONS. THE U.N., IN CONJUNCTION WITH THE OSCE, MAINTAINED A HUMAN RIGHTS OFFICE IN SUKHUMI THAT ENGAGED IN SUPPORT FOR CAPACITY BUILDING OF NONGOVERNMENTAL ORGANIZATIONS.

Organization for Security and Cooperation in Europe (OSCE)

THE OSCE MAINTAINED A HUMAN RIGHTS OFFICE IN TBILISI THAT ACTIVELY RAISED A WIDE RANGE OF ISSUES WITH GOVERNMENT OFFICIALS, INCLUDING LEGISLATIVE REFORM, VISITED DETENTION FACILITIES, MONITORED SIGNIFICANT TRIALS, AND PROVIDED FREE LEGAL CONSULTATIONS.

Council of Europe

GEORGIA GAINED FULL MEMBERSHIP IN THE COUNCIL OF EUROPE IN APRIL AND RATIFIED THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN MAY. THE REPEAL OF LEGAL REFORMS, CONTINUED POLICE ABUSE, AND THE FAILURE TO ENSURE A CLIMATE OF RELIGIOUS TOLERANCE IMMEDIATELY AFTER ACCESSION WAS HIGHLY DISMAYING.

European Union

THE EUROPEAN UNION (E.U.) ACTIVELY RAISED HUMAN RIGHTS ISSUES WITH GOVERNMENT OFFICIALS THROUGHOUT THE YEAR. THE E.U. EARMARKED FUNDING FOR JUDICIAL REFORM ACTIVITIES AND TARGETED ASSISTANCE TO NONGOVERNMENTAL ORGANIZATIONS IN REGIONS OUTSIDE OF TBILISI, A WELCOME MOVE TO DEVELOP CIVIL SOCIETY AND TO INCREASE TIES BETWEEN REGIONAL AND TBILISI-BASED NONGOVERNMENTAL ORGANIZATIONS.

United States

THE UNITED STATES (U.S.) CULTIVATED CLOSER TIES WITH GEORGIA, AS PART OF ITS EFFORTS TO SUPPORT THE DEVELOPMENT OF AN EAST-WEST ENERGY CORRIDOR FROM THE CASPIAN SEA REGION. AS PART OF THE EFFORT, U.S. PRESIDENT BILL CLINTON MET WITH PRESIDENT SHEVARDNADZE IN SEPTEMBER. THE U.S. AND ITS ALLIES CONTINUED TO ENGAGE IN TRAINING GEORGIAN SECURITY FORCES, INCLUDING, BUT NOT LIMITED TO, THE ARMY AND BORDER GUARDS. THIS ACTIVITY IS HIGHLY ALARMING GIVEN THE GEORGIAN GOVERNMENT'S REPEAL OF REFORMS IN MAY INTENDED TO STRENGTHEN THE COURT SYSTEM'S ABILITY TO SERVE AS CHECK ON ABUSES BY THE SECURITY FORCES. THE U.S. STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999* CORRECTLY NOTED THAT GEORGIAN CIVILIAN AUTHORITIES MAINTAIN INADEQUATE CONTROL OF THE LAW ENFORCEMENT AND SECURITY FORCES.

GREECE

Human Rights Developments

THE CONTINUING FAILURE TO RECOGNIZE NATIONAL MINORITIES DOMINATED THE HUMAN RIGHTS LANDSCAPE IN GREECE IN 1999. PERSISTENT DISCRIMINATION AGAINST RELIGIOUS MINORITIES AND ROMA UNDERMINED THE GOVERNMENT'S PREVIOUSLY STATED COMMITMENTS TO RELIGIOUS TOLERANCE AND THE INTEGRATION OF ROMA INTO GREEK SOCIETY. MIGRANTS REMAINED TARGETS OF XENOPHOBIC VIOLENCE AND DISCRIMINATION. THE CRIMINALIZATION OF LIBEL CONTINUED TO VIOLATE FREE EXPRESSION GUARANTEES, AND LAWS REGARDING CONSCIENTIOUS OBJECTION WERE APPLIED IN A PUNITIVE FASHION AGAINST THOSE WHO CHOOSE ALTERNATIVE CIVILIAN SERVICE.

ON JULY 23, 1999, A PUBLIC APPEAL TO THE SPEAKER OF THE GREEK PARLIAMENT AND ALL POLITICAL PARTIES PRECIPITATED A NATIONAL DEBATE ON THE STATUS OF NATIONAL MINORITIES. THE APPEAL, SIGNED BY TURKISH AND MACEDONIAN MINORITY DEPUTIES, AND MINORITY AND HUMAN RIGHTS ORGANIZATIONS, CALLED ON THE GOVERNMENT TO RECOGNIZE THE EXISTENCE OF TURKISH AND MACEDONIAN MINORITIES, TO RATIFY THE COUNCIL OF EUROPE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES WITHOUT RESERVATIONS, AND TO IMPLEMENT THE CONVENTION AND REGIONAL AGREEMENTS TO ENSURE FULL HUMAN RIGHTS PROTECTION FOR

minorities. On the heels of the appeal, public comments by Foreign Minister George Papandreu fueled the debate when Papandreu stated that Greece had nothing to fear from national minorities and that international treaties to which Greece is a party permit self-identification of minority citizens. These events elicited near unanimously hostile reactions from politicians and the media. There were calls for the expulsions from the parliament of the minority deputies who signed the appeal. Politicians urged Papandreu to resign or pressed Prime Minister Costas Simitis to remove Papandreu. The speaker of the Greek parliament summarily rejected the appeal.

The Roma minority continued to face serious harassment in 1999. A number of Greek municipalities threatened and some carried out evictions of nomadic Roma communities. On February 16, 1999, municipal employees demolished and burned eight buildings that were home to several Roma families in a camp at Nea Zoi, Aspropyrgos. Local police and the deputy mayor reportedly encouraged the raid. In August 1999, the police evicted thirty-five Roma families from a private lot in Ioannina despite the fact that they were paying rent. Local authorities, who promised that no action would be taken until the Roma could be relocated, proceeded with the eviction without offering a relocation option. The Roma were never presented with legal notification of the eviction. A bulldozer demolished the settlement.

Discrimination against religious minorities persisted throughout 1999 as the Eastern Orthodox Church retained its privileged status as the only official religion in Greece. On July 11, 1999, the mayor of Kassandria incited residents to obstruct the construction of a church for Jehovah's Witnesses who had secured the required building permits over the objections of the municipality. Residents dug a trench using the municipality's bulldozer and impeded access to the site. The municipal zoning office temporarily revoked the permits, and construction has been temporarily halted.

The treatment of migrants in Greece deteriorated significantly with the 1999 economic crisis in the southern Balkans and the rise in unemployment. In July 1999, a government spokesman claimed that "immigrants have been linked with rising criminality in recent years" (*AVGHI*, July 7, 1999) in an attempt to confer legitimacy on the government's program of responding to crime by targeting migrants. Beginning on July 3, 1999, Greek law enforcement authorities commenced "Operation Broom" by rounding up foreigners in the streets—including those with legal residency documents—and detaining them in police stations or sports stadiums. Detainees were fingerprinted for possible matches in pending criminal cases, and undocumented migrants were summarily expelled from Greece. Television crews were invited to film the arbitrary mass detentions in order to "prove" to the public that the Greek authorities were taking decisive action on crime. The government did not respond to the protests of human rights groups pointing to the numerous rights violations inherent in such an operation. However, when farmers threatened to march on Athens to protest the potential absence of cheap migrant labor to harvest crops, the government relented and the migrants were released.

Journalists continued to receive prison sentences for public criticism of government authorities under Greece's draconian libel laws. On May 19, 1999, Charalambos Triantafyllidis, editor and publisher of the Florina-based *ENIMEROSI*, was convicted by a court in Kozani and given a five-month suspended prison sentence and fine of U.S. \$1,635 for insulting Florina's then prefect-elect in November 1999. Triantafyllidis' article contained strong criticism of the prefect's "clientelistic and revengeful actions" (*IPE*, May 25, 1999). A court of first instance previously convicted Triantafyllidis to a twelve-month suspended sentence and fine of \$32,700 for criticizing the prefect. In a positive development, on January 21, 1999, an appeals court acquitted Yannis Tzoumas, journalist and publisher of *ALITHIA*, of defamation for statements regarding a government minister. A court of first instance had previously convicted Tzoumas for defamation for the "harsh style" of the article and sentenced him to four months in prison.

The law granting conscientious objector status to conscripts opposed to the personal use of arms remained discriminatory in its application. Alternative civilian service was punitive in length compared to the required years of military service, wages were often not paid, the right to perform civilian service may be derogated from in time of war or public emergency, and those performing civilian service were subject to excessive working hours—up to sixty-eight hours per week—and were threatened with revocation of conscientious objector status if they refused to comply with such hours.

Defending Human Rights

HUMAN RIGHTS GROUPS IN GREECE FUNCTIONED WITHOUT INTERFERENCE, BUT SOME MEDIA ACCUSED GREEK HELSINKI MONITOR, MINORITY RIGHTS GROUP-GREECE, AND OTHER HUMAN RIGHTS GROUPS OF ATTEMPTING TO FOMENT "A MINORITY PROBLEM" BECAUSE THEY SUPPORTED THE JULY 1999 PUBLIC APPEAL TO THE GREEK PARLIAMENT TO RECOGNIZE NATIONAL MINORITIES.

The Role of the International Community

United Nations

IN JANUARY 1999, THE U.N. COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) ISSUED CONCLUDING OBSERVATIONS ON GREECE'S COMBINED SECOND AND THIRD REPORTS TO CEDAW. NOTING PERSISTENT DISCRIMINATION AGAINST WOMEN "IN ALL SPHERES OF PUBLIC AND PRIVATE LIFE," THE COMMITTEE EXPRESSED CONCERN OVER THE ABSENCE OF COMPREHENSIVE LEGISLATIVE MEASURES TO COMBAT VIOLENCE AGAINST WOMEN, INCLUDING SEXUAL HARASSMENT; THE FAILURE TO REGARD RAPE AS A FUNDAMENTAL VIOLATION OF A WOMAN'S SECURITY OF PERSON; AND THE MARKED INCREASE IN THE TRAFFICKING OF WOMEN AND FORCED PROSTITUTION IN GREECE.

Council of Europe

IN NOVEMBER 1998, THE GREEK GOVERNMENT SETTLED WITH THE JEHOVAH'S WITNESS PLAINTIFF IN THE CASE OF *TSANACHIDIS v. GREECE* WHO ACCUSED GREECE OF PLACING HIM UNDER SURVEILLANCE IN MARCH 1993. GREECE ADMITTED THE SURVEILLANCE AND PROMISED THAT NO MEMBER OF THE JEHOVAH'S WITNESSES WILL AGAIN BE SUBJECT TO SURVEILLANCE.

United States

THE UNITED STATES STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS FOR 1998* HIGHLIGHTED A NUMBER OF ON-GOING HUMAN RIGHTS VIOLATIONS IN GREECE, INCLUDING SECURITY FORCE ABUSE OF ILLEGAL ALIENS, RESTRICTIONS ON FREEDOM OF RELIGION, AND DISCRIMINATION AGAINST MINORITY GROUPS. THE REPORT OVERSTATES GOVERNMENTAL EFFORTS TO COMBAT DISCRIMINATION AND VIOLENCE AGAINST ROMA.

THE FIRST U.S. DEPARTMENT OF STATE ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM, ISSUED ON SEPTEMBER 9, 1999, HIGHLIGHTED CONTINUING DISCRIMINATION AGAINST RELIGIOUS MINORITIES IN GREECE, INCLUDING THE ARBITRARY POLICE DETENTION OF MISSIONARIES, THE SEEMINGLY PUNITIVE LENGTH OF ALTERNATIVE CIVILIAN SERVICE—DOUBLE THE LENGTH OF REQUIRED MILITARY SERVICE—FOR CONSCIENTIOUS OBJECTORS, AND ADMINISTRATIVE AND LEGAL OBSTACLES TO RELIGIOUS PRACTICE BY NON-ORTHODOX COMMUNITIES.

HUNGARY

Human Rights Developments

DISCRIMINATION AND POLICE VIOLENCE AGAINST ROMA AND THE ILL-TREATMENT OF ASYLUM SEEKERS AND REFUGEES REMAINED PERSISTENT PROBLEMS IN HUNGARY IN 1999. DESPITE THE BACKDROP OF SYSTEMATIC HUMAN RIGHTS VIOLATIONS BY STATE ACTORS TARGETING MINORITY GROUPS AND REFUGEES, HUNGARY GAINED NATO MEMBERSHIP IN MARCH AND CONTINUED THE PROCESS OF ACCESSION WITH THE EUROPEAN UNION.

RELATIONS BETWEEN THE ROMA COMMUNITY AND THE POLICE DETERIORATED IN 1999 DESPITE PRESSURE FROM WESTERN GOVERNMENTS AND HUMAN RIGHTS GROUPS URGING THE HUNGARIAN GOVERNMENT TO CURB RAMPANT POLICE ABUSE. IN THE TOWN OF HAJDUHADHÁZ, EASTERN HUNGARY, THE EUROPEAN ROMA RIGHTS CENTER (ERRC) REPORTED THAT POLICE ROUTINELY BEAT, VERBALLY ABUSED, AND SEARCHED THE APARTMENTS OF ROMA WITHOUT CAUSE. OF THE FIFTEEN CASES OPENED AGAINST POLICE OFFICERS IN HAJDUHADHÁZ IN RECENT YEARS, ALL REMAIN EITHER UNRESOLVED OR ENDED IN ACQUITTALS. FOLLOWING THE MARCH 1999 BROADCAST OF A NATIONALLY TELEVISED NEWS PROGRAM, *FOKUSZ*, ABOUT POLICE BRUTALITY IN HAJDUHADHÁZ, POLICE ARRESTED AND BEAT A ROMA MAN WHO APPEARED ON THE PROGRAM. TWO OTHER ROMA MEN WHO WERE INTERVIEWED ON THE PROGRAM WENT INTO HIDING FEARING RETALIATION. IN RESPONSE TO INTENSE PUBLIC PRESSURE BY LOCAL ROMA RIGHTS GROUPS AND THE MEDIA, THE MINISTRY OF INTERIOR ADMITTED ON JUNE 19 THAT HAJDUHADHÁZ HAD

the highest reported level of police violence in Hungary and that half of the town's police force, twenty-six officers, were under investigation for alleged abusive conduct.

In June, the Budapest-based Roma Press Center reported that police beat a Roma university student named Lőszly Sörkőzi as he walked through a park in Budapest. Three police officers repeatedly kicked the Roma man and yelled racial epithets at him. When the man promised to report the officers' mistreatment, they beat him further. Mr. Sörkőzi filed a lawsuit against the officers.

Though the government has publicly acknowledged maltreatment of Roma in statements to the European Union and to the press, blatant discrimination persists in education, healthcare, and employment. In a pattern that local groups said is nationwide, school officials continued to segregate Roma students in separate classrooms and even separate buildings from the general pool of students.

Prosecutors failed to pursue vigorously perpetrators accused of racially motivated crimes. Only three people were convicted under the racially motivated crimes statute of the criminal code, though none were convicted for crimes against Roma. Activist groups complained that the law is underutilized and that law enforcement officials are not trained to investigate racially motivated crimes.

The 1999 changes in Hungary's asylum laws, including the lifting of geographical reservations of the 1951 Refugee Convention, which excluded non-European asylum seekers, were followed in 1999 by uneven enforcement and continuing poor conditions for asylum seekers in designated detention centers, especially on Hungary's borders. In January 1999, citing inhuman conditions in detention facilities and the arbitrary application of asylum procedures, an Austrian court recommended that Austria cease repatriating asylum seekers who crossed into Austria from Hungary without hearing their claims. Hungary's parliamentary human rights ombudsman, Katalin Gonczol, reported to the Hungarian parliament in February 1999 that conditions in the border facilities were "uncivilized and intolerable." In response to such criticism, the government agreed to close the worst facilities, though as of this writing they remained opened. In July, dozens of asylum seekers in the Nyirbator Border Guard Community Shelter went on hunger strike demanding long awaited decisions on their asylum applications and transfer to camps with better facilities. The strikers complained that the facilities were unhygienic, overcrowded, and did not allow for freedom of movement.

In late 1999 the government lifted "temporary" asylum status for refugees from the conflicts in Croatia and Bosnia Hercegovina. All such asylum seekers were forced to return to their home countries or apply for regular asylum despite credible evidence that conditions in their home countries were often not conducive to safe return.

Hungary signed the International Criminal Court treaty on December 15, 1998, but its parliament has yet to ratify it.

Defending Human Rights

Hungary's NGO community continued representing the rights of Roma and exposing human rights violations. The European Roma Rights Center conducted advocacy and research campaigns throughout 1999, focusing on police abuse and discrimination against Roma and offering training for local activists. The Legal Defense Bureau for National and Ethnic Minorities (Nemzeti és Etnikai Kisebbségi Jogvédelmi Iroda, NEKI) provided legal representation to Roma victims of racist attacks and again published its "White Notebook," detailing dozens of specific cases of abuse against Roma.

The Role of the International Community

Council of Europe

Hungary held the chairmanship of the Council of Europe Committee of Ministers in the first half of 1999, during which period important developments included the decision to establish the post of European Commissioner for Human Rights. In July, Hungary ratified the Council of Europe Social Charter, providing an important new basis for combating discrimination against Roma with regards to economic and social rights.

European Union

As accession talks between Hungary and the European Union (E.U.) progressed, Hungary continued to fall short of human rights benchmarks set for in its accession framework document. In its December 1999 interim report on accession, the E.U.

cited continuing abuses against Roma—especially in the area of educational discrimination and conditions in police detention centers—as key points of improvement required for Hungary to obtain full E.U. membership.

United Nations

The United Nations Committee against Torture, in its concluding observations on Hungary's third periodic report to the committee, expressed concern about police torture of criminal suspects and abusive conditions of detention in prisons, detention facilities, and refugee holding centers. Stephan Berghund, the Budapest representative of the U.N. High Commissioner for Refugees, visited Hungary's refugee detention centers in February and expressed serious concerns about overcrowding, especially in light of the influx of refugees from the Kosovo conflict.

United States

The U.S. State Department's *Country Reports on Human Rights Practices for 1999* criticized Hungary's failure to protect the Roma population from police abuse and to make progress combating discrimination against Roma in education, housing, and access to public services. The report also highlighted the ill-treatment of criminal suspects in pre-trial detention—especially Roma and foreigners—and law enforcement authorities' lax attitude toward spousal abuse against women. Hungary received an estimated U.S. \$5 million from the U.S. to finance military upgrades required for NATO membership. Concern emerged that as Hungary purchased new military equipment, its old weaponry—especially small arms—would be sold to human rights abusers worldwide (see Arms Division chapter).

KAZAKHSTAN

Human Rights Developments

The deteriorating human rights situation in Kazakhstan in 1999 mirrored the country's deepening economic and demographic crisis. During preparations for pre-term elections for president, parliament, and local councils, the government continued to harass opposition political activists, cripple the independent media, and block public demonstrations.

Political rights became the first casualty of early elections. After blocking several opponents from the ballot on grounds that they had participated in an "unregistered public association," including former prime minister Akezhan Kazhegeldin, President Nazarbaev won re-election on January 10 with more than 79 percent of the vote. International monitors including the Organization for Security and Cooperation in Europe (OSCE) concluded that the election "fell far short" of meeting Kazakhstan's international commitments. An OSCE assessment mission noted interference in the campaign efforts of the Communist Party candidate and extremely one-sided media coverage, as well as irregularities in voting procedures.

Under international pressure, Kazakhstan amended its election law, lowering registration fees for candidates, and lowering to forty the number of administrative offenses for which candidates could be excluded. The Central Electoral Commission (CEC) also relented, admitting to the parliamentary ballot scheduled for October several candidates who had earlier administrative offenses. However, the courts once again prevented former prime minister Kazhegeldin from standing for election, citing an ongoing criminal investigation for tax evasion. The day after his disqualification, police arrested him in a Moscow airport in response to an extradition request from Kazakhstan's procuracy. The Russian procuracy released Kazhegeldin several days later, and Kazakhstan's procurator general later announced he was withdrawing the order to arrest Kazhegeldin. Opposition candidates claimed extensive vote fraud in the October 10 poll, the results of which were announced a full seven days later, further heightening doubts about falsification. Many single-district seats will be decided in a second round of voting, while of the ten seats allotted by party slate, only the opposition Communists gained entry, with two seats.

Civil freedoms suffered, too, in the 1999 election. In July, parliament passed a new Law on the Mass Media which even the speaker of parliament himself criticized as "undemocratic," though, like previous laws, it forbids censorship. In June,

a court in Almaty closed the popular newspaper *Nachnem s Ponedel'nika* (Let's begin on Monday) for two months, pending the outcome of several libel actions totaling nearly 500 million tenge. Damages of more than five million tenge (nearly U.S. \$36,000) awarded in mid-September in another libel action will most likely force the paper to close. The paper likewise stood accused of inciting national enmity. Many believe that actions against the paper aimed to silence its harsh criticism of President Nazarbaev's rule, and in particular an article published in May entitled "Kazakhstan must not become a bandit-run police state." Authorities closed Radio Rik after two journalists whose previous television and radio ventures had been lost in the 1997 closed auctions took over the management of the radio.

Harassment of the media through various government agencies continued as well. After government and private presses canceled printing contracts for *Sol-Dat* (successor to the independent Kazakh-language paper *Dat* closed in 1998; "that Dat," in Kazakh playing on the Russian word for soldier, *soldat*), the paper was forced to publish in Russia; in September, customs agents impounded several issues of the paper.

In a rare positive development, parliament declined to consider a more restrictive draft law on religion early in the year after the draft drew harsh criticism from home and abroad. Nevertheless, in June, a court in western Kazakhstan gave an Islamic activist a six-month suspended sentence and fined him a fifth of his monthly wages for that period for allegedly establishing an illegal public institution. In July authorities detained sixty participants in an Islamic summer camp, seven of whom were charged, held for one month, but then released. In September, President Nazarbaev created a commission to counter the threat of religious "extremism."

Though President Nazarbaev claimed that Kazakhstan had 2,000 registered NGOs, the government continued to use registration procedures to prevent the operation of groups it deemed politically threatening. The nongovernmental Movement for Honest Elections, despite submitting its registration materials in October 1998, never received an official response to its application. The organization of the Russian Community (*Russkaya obshchina*) held a press conference on June 23 to protest authorities' two-year denial of national registration, which renders its members ineligible to serve as observers at polling stations. Several of its members who had planned to stand for election to parliament and local councils were disqualified after being charged with administrative offenses. After the Russian Community demonstrated in August, it was promised national registration.

In April, police in Almaty stopped members of the Union of Semirechie Cossacks from entering an Orthodox cathedral for Easter services, claiming that the traditional military uniforms worn by the Cossacks violated the ban on creating "military organizations with uniforms and insignia"; the Almaty procurator charged the Cossack's leader with this offense.

In February, Kazakhstan forcibly deported three young Uighur political asylum seekers to China, where they were reportedly executed.

Prosecutor General Iurii Khitrin announced his office discovered that eighty-three citizens were illegally detained in the first six months of 1999. Reports of twenty-one attempted suicides among convicts in May showed that conditions in Kazakhstan's places of detention remain appalling. Prisoners cut open their abdominal cavities to protest "repeated beatings" by the administration of their labor colony. In a cost-cutting measure, the government decided in June to free one-quarter of Kazakhstan's prisoners, or 20,000 persons.

Defending Human Rights

There were no known instances of direct harassment of Kazakhstan's main human rights organizations, the Almaty Helsinki Group and the Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR). However, authorities in Petropavlovsk once again refused to register the local KIBHR bureau, after the branch submitted its documentation in 1998.

The Role of the International Community

Organization for Security and Cooperation in Europe (OSCE)

After protesting the exclusion of opposition candidates from the presidential ballot and the preparations for early presidential elections, the OSCE declined to send a full observer mission to the January 10 elections, dispatching instead a fourteen-member assessment mission. That mission proclaimed that the vote "fell far short" of OSCE standards. From

JANUARY THROUGH JULY, THE OSCE, WHICH OPENED A CENTER IN ALMATY EARLY IN THE YEAR, EXERTED PRESSURE ON THE KAZAKH GOVERNMENT TO AMEND ELECTION LEGISLATION.

THE REPRESENTATIVE ON FREEDOM OF THE MEDIA VISITED KAZAKHSTAN IN APRIL AND CRITICIZED KAZAKHSTAN AT THE PERMANENT COUNCIL IN MAY FOR ITS PRE-ELECTION CRACKDOWN ON THE INDEPENDENT MEDIA. AFTER REFUSING TO SEND OBSERVERS FOR THE JANUARY POLL, THE OSCE ANNOUNCED ON SEPTEMBER 1 THAT IT WOULD SEND A FULL OBSERVER MISSION TO THE OCTOBER 10 ELECTIONS TO THE LOWER HOUSE OF PARLIAMENT, CAUTIONING THAT, IN ITS VIEW, THE DECISION TO OBSERVE "DOES NOT, IN AND OF ITSELF OR A PRIORI, ADD LEGITIMACY TO THE ELECTION PROCESS." ITS PRELIMINARY ASSESSMENT OF THE VOTE CLAIMED THAT CONDUCT OF THE POLLING WAS SATISFACTORY IN MOST OF THE POLLING STATIONS BUT OBSERVED THAT "ILLEGAL INTERFERENCE" BY AUTHORITIES BEFORE THE VOTE "UNDERMINED" THE PROCESS.

Council of Europe and the European Commission

THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE SENT A DELEGATION TO KAZAKHSTAN IN MAY, AFTER TAKING THE DECISION TO CONSIDER KAZAKHSTAN FOR OBSERVER STATUS.

THE EUROPEAN COMMISSION CRITICIZED KAZAKHSTAN'S PRESIDENTIAL ELECTIONS IN A JANUARY STATEMENT, BUT DID NOT ALLOW THIS CRITICISM TO DELAY THE ENTRY INTO FORCE OF THE PARTNERSHIP AND COOPERATION AGREEMENT WITH KAZAKHSTAN ON JULY 1. THREE WEEKS LATER, THE E.U.-KAZAKHSTAN COOPERATION COUNCIL REVIEWED THAT AGREEMENT AND, WHILE "EMPHASIZING THE IMPORTANCE THEY ATTACH TO DEMOCRATIC VALUES," CONCLUDED THAT COOPERATION IN 1999/2000 SHOULD FOCUS FIRST AND FOREMOST ON "THE IMPROVEMENT OF THE BUSINESS CLIMATE."

United States

THE UNITED STATES (U.S.) RELIED MAINLY ON EXHORTATION TO CONVINCE KAZAKHSTAN TO UPHOLD ITS HUMAN RIGHTS OBLIGATIONS, PUBLICLY CRITICIZING KAZAKHSTAN'S HUMAN RIGHTS RECORD ON SEVERAL OCCASIONS. THE STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999* PROVIDED A FULL AND UNSTINTING ACCOUNT OF VIOLATIONS IN KAZAKHSTAN. THE DEPARTMENT OF STATE MADE SEVERAL PUBLIC STATEMENTS CONDEMNING THE NOVEMBER 1998 EXCLUSION FROM THE BALLOT OF MR. KATHEGELDIN AND EXPRESSED DISAPPOINTMENT IN THE CONDUCT OF THE JANUARY 10 PRESIDENTIAL ELECTIONS. IN RESPONSE TO CONGRESSIONAL INQUIRIES, THE SECRETARY OF STATE WROTE ON JULY 9, THAT "WE HAD MADE IT CLEAR TO THE HIGHEST LEVELS OF KAZAKHSTAN'S GOVERNMENT THAT HARASSMENT OF OPPOSITION FIGURES IS NOT ACCEPTABLE," AND THAT "A FUNDAMENTAL COMPONENT OF U.S. POLICY IN KAZAKHSTAN IS PROMOTION OF DEMOCRACY AND HUMAN RIGHTS...."

ONLY WHEN SCANDAL ERUPTED OVER KAZAKHSTAN'S TRANSFER OF CONVENTIONAL WEAPONS TO NORTH KOREA, HOWEVER, DID THE ADMINISTRATION INTIMATE IN SEPTEMBER THAT IT WOULD CONSIDER CUTTING ASSISTANCE TO KAZAKHSTAN.

KYRGYZSTAN

Human Rights Developments

THE YEAR 1999 WAS A TROUBLED ONE FOR KYRGYZSTAN. ARMED CLASHES WITH MILITANTS IN THE SOUTH OF THE COUNTRY PUT THE REGION IN CRISIS. TORTURE IN POLICE CUSTODY CONTINUED, AS DID WIDESPREAD TRAFFICKING OF WOMEN INTO FORCED PROSTITUTION ABROAD. THE GOVERNMENT'S ADOPTION OF A FLAWED ELECTION LAW AND ITS ONGOING CAMPAIGN AGAINST THE INDEPENDENT MEDIA CONTINUED A DOWNWARD TREND IN RESPECT FOR HUMAN RIGHTS IN KYRGYZSTAN.

IN AUGUST, ARMED MILITANTS, APPARENTLY EN ROUTE TO UZBEKISTAN, CLASHED WITH KYRGYZ GOVERNMENT TROOPS IN THE SOUTHERN BAKKEN REGION. ON AUGUST 3, THE MILITANTS TOOK FOUR KYRGYZ CITIZENS HOSTAGE IN THE VILLAGE OF ZARDALY, OSH REGION. THE MILITANTS RELEASED THE HOSTAGES ON AUGUST 13 FOLLOWING THE REPORTED PAYMENT BY THE GOVERNMENT OF AN UNSPECIFIED RANSOM. THE CRISIS ESCALATED TWO DAYS LATER WHEN THE KYRGYZ ARMY, BACKED BY UZBEK WARPLANES, BEGAN TO ATTACK SUSPECTED STRONGHOLDS OF THE MILITANTS BOTH IN KYRGYZSTAN AND TAJIKISTAN. IN RESPONSE, ON AUGUST 22, ANOTHER GROUP OF MILITANTS, REPORTEDLY NUMBERING BETWEEN 500 AND 1,000, ENTERED KYRGYZSTAN VIA THE BORDER WITH TAJIKISTAN AND TOOK APPROXIMATELY TWENTY PERSONS HOSTAGE, INCLUDING FOUR JAPANESE GEOLOGISTS AND A GENERAL OF THE KYRGYZ ARMY, ANARBEBK SHAMKEEV. THE MILITANTS RELEASED FOUR ETHNIC KYRGYZ HOSTAGES ON AUGUST 31 AND REPORTEDLY DEMANDED THE RELEASE OF WRONGFULLY JAILED MUSLIM BELIEVERS HELD IN UZBEKISTAN, INCLUDING THOSE HELD IN CONNECTION WITH A SERIES OF BOMB EXPLOSIONS IN UZBEKISTAN IN

1999. The Russian government agreed to consider supplying military equipment to the Kyrgyz army, but ruled out sending troops to the region.

Victims of the crisis multiplied on August 29 when the Uzbek airforce mistakenly bombed the village of Kara-Teyit, killing four, injuring 280, and rendering thirty-one families homeless. As of this writing, estimated casualties from the numerous and ongoing clashes were at least twenty government soldiers killed, with around half that number wounded. The government claimed to have inflicted similar casualties on the militants although that claim could not be independently verified. As of this writing, at least nine persons were still being held hostage, although some reports suggested that figure may be much higher. Independent human rights activist Tursunbai Akunov assumed the role of mediator in the crisis and reported on September 10 that the hostages were alive and well. Akunov stated that the militants were overwhelmingly ethnic Uzbek with Tajiks, Kyrgyz, and Afghans making up the remainder.

The government's response to the crisis was indiscriminate: In September, police systematically rounded up hundreds of ethnic Uzbeks, Tajiks, and Afghans in the city of Jalal-Abad and the capital, Bishkek on the pretext of passport checks, holding them in custody for up to two days. As of this writing, it was unclear how many remained in custody. Local human rights groups reported that over 5,000 persons had been displaced in the conflict and were located in government-organized camps, while on September 9, the director of the Federal Migration Agency, Cholponkul Arabayev, put that figure at 7,500. As of mid-October, reports stated that many internally displaced persons had begun to return home with between 3,000 to 5,000 remaining in government camps. On September 3, the Kyrgyz Committee for Human Rights reported that many of those displaced complained of inadequate food and medicine in the camps and expressed fears that their difficulties would be exacerbated by the imminent onset of winter.

The government continued to crack down on the independent media using forcible break-ins, libel suits, and tax inspections in an attempt to silence dissent. On the night of April 24, the Kyrgyz Committee for Human Rights reported that the premises of the independent Bishkek newspaper, *Asaba* (The Standard) were broken into and information related to members of the Ministry of National Security erased from computers. No items of value were stolen, strongly suggesting a political motive, a supposition strengthened by statements reportedly made by the deputy minister for national security two days prior to the break-in, calling for information held by the newspaper on the ministry's members to be handed over and threatening legal action if the information were published.

On February 18, the independent Bishkek newspaper *Res Publica* (The Republic) published an appeal to President Akaev and other senior government officials in which journalists and employees of the State Television and Radio Company alleged that they had been unfairly dismissed by the head of that company, Amambek Karepkulov. Karepkulov immediately filed a lawsuit to defend his "honor and dignity" under article 18 of the civil code. On March 30, the Pervomaisky court in Bishkek found in Karepkulov's favor and awarded him 200,000 sum (approximately U.S.\$5,000) in damages. As of this writing, *Res Publica's* appeal against the decision was pending.

On August 18, the government stepped up its attack on the independent media with a series of tax inspections on *Vechny Bishkek* (The Evening Bishkek), a daily mass-circulation independent newspaper. On August 24, tax police threatened *Vechny Bishkek* editor and majority shareholder Alexander Kim with arrest after he refused to admit inspectors onto the newspaper's premises. Kim alleged that the newspaper was due to undergo a tax inspection in December, a full year after the previous inspection, and that any additional inspections contravened the Kyrgyz tax law. Kim further stated that the multiple inspections began after the paper carried interviews with several opposition politicians, including potential candidates in the 2000 presidential elections. In addition to the tax inspections, local printing presses came under direct pressure from the presidential administration not to print the paper. On September 21, Kim resigned as editor of the newspaper, citing the tax inspections, along with internal staff difficulties, as the reason. As of this writing, *Vechny Bishkek* continued to be published.

On June 24, the government adopted a new electoral code. While containing numerous praiseworthy clauses that safeguard the transparency of the electoral process, a clause excluding candidates convicted of an administrative or criminal offense from standing for public office left the code open to politically motivated abuse.

In a positive move, on December 5, President Akaev signed a decree imposing a two-year moratorium on the death penalty. The decree was announced three days after the declaration of an amnesty for 2,000 prisoners, mostly minors,

women, and those guilty of economic crimes. The moratorium and amnesty were announced to commemorate the fiftieth anniversary of the Universal Declaration on Human Rights.

On December 15, a Bishkek court issued its ruling in the case of three ethnic Uighurs—Kurban Yasin, Kular Dilaver, and Jalal Mahmud Kasarly—arrested in April 1998 on charges of disseminating Wahhabi literature, inciting inter-religious hatred, terrorism, forgery, and the illegal possession of weapons. The court sentenced Kasarly, a Turkish citizen, to fourteen years of imprisonment for illegal possession of weapons and armed resistance to the authorities. The court sentenced Yasin, a Chinese citizen, to time served and acquitted Dilaver, a Turkish citizen.

Defending Human Rights

In 1999, authorities attempted to dissolve the Kyrgyz Committee for Human Rights (KCHR) and replace it with a state-sponsored proxy of the same name. The government annulled the KCHR's registration on September 28, 1999, as the organization actively worked to protest an October referendum on constitutional amendments. Although the KCHR continued to function in its non-registered capacity and submitted an application to re-register, authorities informed the KCHR on April 21 that a new Kyrgyz Committee for Human Rights had been "re-registered" with an entirely different staff, headed by a Mr. S. Botaliev. Botaliev, a former member of the KCHR, had been expelled from the organization in 1996 for violating committee rules. In June, authorities unsuccessfully attempted to appropriate the KCHR's office equipment and furniture for the new committee. On August 12, following protests and multiple interventions by international human rights groups and institutions, the Ministry of Justice revoked the registration of the bogus KCHR and on August 19, the true KCHR successfully re-registered.

The Role of the International Community

United Nations

In January, the U.N. Committee on the Elimination of Discrimination Against Women issued its concluding observations on Kyrgyzstan's initial report and noted numerous problems including the increase in all forms of violence against women, including gang rape, the classification of lesbianism as a sexual offense, increased prostitution and trafficking of women, and poverty and unemployment among women. In August, the U.N. Committee on the Elimination of Discrimination Against Women raised concern over discrimination against non-ethnic Kyrgyz "in the fields of employment and housing, in particular against the Russian-speaking minority."

European Union

The European Union (E.U.), while acknowledging "a clear need [for the Kyrgyz government] to increase efforts regarding implementation of existing laws" concerning democracy, rule of law, and respect for human rights, remained silent on specific cases of human rights abuse in 1999. The E.U. disbursed 10.4 million euros (U.S.\$11.2 million) under its Action Program for 1999, a program that aims to support Kyrgyzstan's transition to democracy and a market economy through structural and institutional reform and infrastructure development.

Organization for Security and Cooperation in Europe (OSCE)

January saw the opening of an OSCE Center in Bishkek. The office's activities included advising the government on establishing a human rights ombudsman, making recommendations on a new election law, holding seminars on topics such as the human rights ombudsman, democracy, and free and fair elections, as well as consulting with local human rights groups and alleged victims of human rights abuses. The OSCE Center played a key role in resolving the dispute surrounding the re-registration of the Kyrgyz Committee for Human Rights.

The OSCE chairman-in-office, Foreign Minister Knut Vollebaek of Norway, visited Kyrgyzstan in September as part of a broader trip to the region to meet with political leaders and nongovernmental organizations. The Organization for Democratic Institutions and Human Rights visited Kyrgyzstan in April and May to initiate a project on training election monitors and to implement a series of projects intended to advance human rights and democratization.

United States

The United States criticized the government's harassment of the independent media and gave an accurate and impartial account of human rights abuses in its annual *Country Reports on Human Rights Practices for 1999*. Aid to the country continued, however, with U.S.\$70.4 million allotted for fiscal year 1999.

MACEDONIA

Human Rights Developments

In 1999, Macedonia was overwhelmed by the rapid influx of Kosovar Albanians who were forced to flee abuses committed by Serbian and Yugoslav forces during the NATO bombing of Yugoslavia. At its peak in May, more than 250,000 refugees were in the tiny country of two million people, posing a serious challenge to Macedonia's stability.

Despite promises, the international community was slow to provide the Macedonian government with the help it needed to deal with the crisis. NATO and the U.N. were clearly not prepared to deal with the large number of refugees.

The Macedonian government often violated its obligations under international law to provide refuge and fair treatment for those fleeing well documented persecution and abuse. The government closed the border to refugees on a number of occasions, forcing thousands of ethnic Albanians back into Kosovo and leaving thousands of others stranded for days at the border in appalling conditions. Incidents of physical abuse of Kosovar Albanian and Roma refugees in Macedonia, restrictions on their freedom of movement, and inadequacies in their registration as refugees were all serious problems throughout the crisis.

From the moment the first refugees arrived in late March, the Macedonian government understandably demanded rapid assistance from the international community, as well as promises that refugees in Macedonia would be relocated to third countries. There was considerable fear in the government, overwhelmed by the crisis, and the general population that the influx of Kosovar Albanians would tilt the already fragile inter-ethnic balance in the country and endanger Macedonia's stability. Such concerns, however valid, did not justify closing the border to those fleeing legitimate persecution. *Refoulement* is strictly forbidden by the 1951 Refugee Convention, of which Macedonia is a signatory.

By early April, as many as 65,000 refugees were trapped in Blace, a "no-man's land" between the borders of Kosovo and Macedonia, waiting to enter Macedonia. Traumatized refugees were held in alarming conditions, with no shelter and little humanitarian relief or medical assistance. International aid agencies were granted restricted access to the area.

In the late night of April 3, most of the refugees in this area were forcibly cleared by the Macedonian authorities without advance notice. Refugees were provided no information about where they were being taken and did not give their consent to be moved. International aid workers were apparently not informed about plans to transfer the refugees and were not present during the relocation. Thousands of refugees were transported to Albania. In many cases, family groups were forcibly divided, and some of them ended up in different countries, without proper records to facilitate their reunification. Other refugees were transported to camps inside Macedonia that had been built by NATO.

Refugees reported cases of harassment, intimidation, and violence during their stay in the Macedonian camps. Armed Macedonian police officers guarded some of the camps and occasionally abused the refugees. Movement outside some of the camps was restricted.

Problems remained even after most refugees had returned to Kosovo in June. In September, the Macedonian government temporarily denied entry into the country for approximately 450 Roma from Kosovo, who were fleeing revenge harassment and attacks by ethnic Albanians. Many Kosovar Albanians view Roma in Kosovo as having been willing collaborators with the Serbian government.

Aside from the treatment of refugees, an important human rights issue continued to be the government's treatment of non-ethnic Macedonian citizens, especially ethnic Albanians, who make up at least 25 percent of the population. As in previous years, Albanians, Roma, Turks, Serbs, Macedonian Muslims, Bulgarians and Vlachs were underrepresented in state institutions, although there were some improvements in this regard during the year. The government allowed the

controversial private ethnic Albanian university in Tetovo to operate without interference, but continued not to recognize the school's diplomas.

The new government elected in October 1999, made up of the formerly opposition Internal Macedonian Revolutionary Organization (VMRO-DPMNE), Democratic Alternative, and Democratic Party of Albanians, did initiate some improvements during the year, such as an effort to include Albanian as an official language and more willingness to discuss the use of minority languages in university education.

After initially refusing, President Kiro Gligorov signed an Amnesty Law on February 6 that released approximately 900 prisoners, including the ethnic Albanian mayors of Tetovo and Gostivar, Alajdin Demiri and Ruzi Osmani respectively. Both men were convicted in 1997 for raising Albanian state flags in front of their town halls in violation of a constitutional court ruling, prompting riots with police in which three ethnic Albanians were killed and many others were wounded, including nine police. Demiri and Osmani's trials failed to meet international standards of due process.

State discrimination against the country's sizable Roma population continued as in previous years. In addition to some cases of police abuse, Roma experienced prejudicial treatment in education and employment. A government working group was established to discuss possible revisions to Macedonia's 1996 citizenship law that denied citizenship to many Roma who have lived in Macedonia for extended periods, but the law remained unchanged.

On July 9, the government lifted a fifty-year ban on books in the Bulgarian language. The issue of language has been a long-standing point of contention between Macedonia and Bulgaria, since Bulgaria claims that Macedonian is just a dialect of Bulgarian. Some books from Albania had also been confiscated under this law in previous years.

A number of human rights issues crossed ethnic lines and affected all of Macedonia's citizens. As in previous years, police abuse continued to be a problem, although there were fewer reports of police using excessive force. Police still engaged in the illegal behavior of conducting "informative talks"—summoning a person to the police for questioning—and suspects were sometimes held for more than the twenty-four hours allowed by law. There continued to be corruption in the courts, and victims of abuse rarely obtained redress through the legal system.

In December 1999, the Constitutional Court struck down several disputed articles of Macedonia's 1997 Law on Religious Communities and Groups, including the ban on "religious work and rituals" by unregistered groups. Some articles remained controversial, such as the need for a permit to hold religious events in public. The Serbian and Macedonian Orthodox Churches continued to refuse to recognize one another, and the Macedonian government occasionally denied Serbian priests entry into the country.

Freedom of the press was generally respected in 1999, as many private radio and television stations and printed media operated throughout the country. In December 1999, the car of Simeon Marjanov, owner and manager of TV Iris in Stip, was destroyed by fire. Marjanov claimed that he had received phone threats prior to the attack, although the perpetrators and their motivations remained unclear. In January, a Macedonian state radio commentator, Gorica Popova, was demoted after expressing her personal view about the stay of several foreign guests who were invited by the Macedonian government to honor a controversial inter-war hero.

Defending Human Rights

Human rights groups, such as the Macedonian Helsinki Committee, reported no government restrictions on their work in 1999. Many foreign human rights organizations, governmental and non-governmental, were active in Macedonia between March and June, interviewing Kosovar Albanian refugees about war crimes in Kosovo.

The Role of the International Community

United Nations

After Macedonia's recognition of Taiwan in January, the Chinese government exercised its Security Council veto on the extension of the U.N. presence in Macedonia. On February 28, the mandate of the United Nations Preventive Deployment Mission in Macedonia (UNPREDEP) came to an end.

Beginning in March, however, the U.N. was once again very active in Macedonia, with UNHCR struggling to deal with the large-scale influx of Kosovar Albanian refugees. UNHCR's response was initially slow and poorly coordinated since the

organization was unprepared for such a large and sudden exodus. In addition, it did not take a strong enough stance against the Macedonian government on protection issues, particularly when refugees were being denied entry into the country. The emergency response improved within a few weeks, but was difficult to coordinate due to the participation of NATO and the rapid proliferation of nongovernmental organizations. As of October, UNHCR was conducting an independent review of its emergency response in both Macedonia and Albania.

In May, the U.N. Committee Against Torture reviewed Macedonia's periodic report, noting that Macedonia should adopt a specific crime of torture into its domestic laws. The U.N.'s International Criminal Tribunal for the Former Yugoslavia was active in Macedonia between March and June collecting information about war crimes in Kosovo.

Organization for Security and Cooperation in Europe (OSCE)

The OSCE maintained a small permanent presence in Macedonia, known as the Spillover Monitor Mission to Skopje, which observed internal and external threats to the country's stability. During the NATO bombing against Yugoslavia, a large OSCE team was in the country to help register refugees and take statements on human rights abuses committed in Kosovo.

The OSCE High Commissioner on National Minorities continued his work in Macedonia with an ongoing emphasis on higher education for ethnic minorities. He visited the country in May during the refugee crisis and called on the international community to provide immediate assistance in order to avoid further destabilization.

OSCE monitors observed the October/November 1998 parliamentary elections and the presidential elections on October 31, 1999, both of which were considered free and fair.

North Atlantic Treaty Organization (NATO)

Macedonia was a crucial base of operations for NATO during its air campaign in Yugoslavia, although offensives were never launched from the country. As of October, 7,000 NATO forces, members of the Kosovo Force (KFOR), were still in the country providing logistical support to the mission in Kosovo. NATO stated that it would respond to any attempts by Yugoslavia to threaten Macedonia's security. Relations soured slightly on August 28, when a KFOR truck accidentally hit and killed a minister in the Macedonian government, Radovan Stojkovski, along with his wife and young daughter.

During the Kosovo refugee crisis, NATO provided much needed transportation supplies, logistical support, and assistance to set up refugee camps in the country, which were later turned over to UNHCR and non-governmental relief organizations.

European Union

In its six-month assessment of Macedonia's compliance with the criteria of the E.U.'s "Regional Approach" to relations with the Balkan states, the European Commission described Macedonia's performance as "exemplary." Citing Macedonia's cooperation with NATO, as well as human rights improvements, the E.U. determined to work on upgrading its relations with Macedonia by negotiating a Stability and Association Agreement to establish closer economic and political ties.

Council of Europe

Macedonia remained subject to the Parliamentary Assembly's monitoring procedure, with a debate on the rapporteur's report expected in January 2000. In May, the European Commission against Racism and Intolerance (ECRI) published its first report on Macedonia, noting improvements in the representation of ethnic Albanians in public life, but continued tension between Macedonians and Albanians, as well as discrimination against Roma. ECRI also cited a need "to keep the Law on Citizenship under review," with special regard to naturalization and fair implementation of the law. There must be monitoring, the report said, "to ensure that criminal and administrative law is applied impartially and implemented in a non-discriminatory manner."

United States

As in previous years, the United States maintained close relations with the Macedonian government, even though three new political parties were in power. Mutual concerns centered on the Kosovo crisis and Macedonia's role in the NATO

campaign against Yugoslavia, which made the U.S. government hesitant to criticize the Macedonian government's human rights record, especially the unlawful treatment of Kosovar Albanian refugees.

In September, the U.S. State Department issued its first annual report on freedom of religion, which highlighted some problems with Macedonia's Law on Religious Communities and Groups (see above) and the ongoing restrictions against the Serbian Orthodox Church.

The U.S. government gave an estimated \$34.5 million in assistance to Macedonia in 1999, more than half of it for military training or equipment. Another \$9 million was provided for economic reform.

ROMANIA

Human Rights Developments

In 1999, ten years after the bloody overthrow of the Ceausescu dictatorship, Romania continued to inch toward stability, democracy, and a market economy. But the legacy of communism remained, impeding rights protection. Roma and homosexuals continued to face discrimination and sometimes violence and were rarely able to obtain legal redress. There were, as before, cases of excessive force by the police, and criminal defendants faced long periods in pre-trial detention. Journalists, especially those reporting on corruption, faced growing intimidation, as well as prosecution, under Romania's criminal libel statute.

As in previous years, discrimination against Roma in the penal system, education, employment, housing, and social services continued to be widespread, and many Roma sought asylum outside the country. Despite continuing international pressure, Romania did not provide redress to Roma victims of the 1993-94 pogroms that occurred in at least thirty villages.

Though some of the perpetrators had been tried, the charges against them were less than the evidence would have suggested; many more were arrested and released without being charged. In January, in one notable exception, five men were convicted of murder and civil rights violations, including property damage, for their roles in the 1993 attack on Roma in the town of Hadareni, in which three Roma were killed. Although the men were sentenced to up to six years in prison, a 1997 clemency law guaranteed that they would serve no time. Four other men were sentenced to up to two years in prison for property damage but were also to receive clemency. Hundreds of other participants in the violence were never detained, investigated, or charged. The Roma victims did not receive promised reparations from the government, and many continued to be homeless.

The police continued to use excessive force in making arrests and pursuing criminal suspects, and such cases rarely resulted in prosecution or disciplinary measures. The Romanian Helsinki Committee reported that in 90 percent of the police abuse cases it had monitored in the past six years, the military prosecutor's office ruled that there should be "no indictment."

Aurel Ulviteanu, aged forty-four, was charged with disturbing public order and arrested at his house in Barcanesti on the morning of September 25. That afternoon, his parents were informed that he had died in police custody. Aurel's father reported that the death certificate indicated that Aurel died due to injuries sustained during a violent beating.

Cristian-Venus Dumitrescu, detained on September 9 in Craiova on suspicion of theft, was reportedly severely beaten during several hours of interrogation at the municipal police station. Family and friends who saw Cristian briefly at the police station reported that he had been "kicked in the liver," and that he was suicidal. Later on September 9, while being transferred to the police lock-up, Cristian reportedly threw himself from a third-story window. He died the next day from his injuries. The case is currently under investigation by the Craiova Territorial Military Prosecutor's Office.

In June, however, three police officers were sentenced to up to two years in prison for having tortured a ten-year-old boy in 1997. The boy had stolen ice cream and refused to reveal his home address to the officers, at which point they dangled him off a bridge by his feet, beat him with batons, and threatened him with a pistol.

Blatant discrimination against homosexuals continued in 1999, and the government failed to provide protection to those who came under attack. The government did not act on its promises to the Council of Europe and others to repeal the articles of the penal code that criminalize same-sex sexual conduct and outlaw "propaganda" supportive of the rights of

HOMOSEXUALS. PRESIDENT CONSTANTINESCU FAILED TO PARDON ALL PERSONS JAILED UNDER THESE LAWS, AS HE HAD PROMISED TO DO IN JANUARY 1999, AND THE NUMBERS OF PERSONS IMPRISONED UNDER THESE ARTICLES REMAINED UNKNOWN.

THE AGENCY FOR MEDIA MONITORING NOTED A SHARP INCREASE IN MID-1999 IN THE NUMBER OF ATTACKS ON ROMANIAN JOURNALISTS INVESTIGATING CORRUPTION CASES. FOR EXAMPLE, IN SEPTEMBER, THREE JOURNALISTS INVESTIGATING ILLEGAL BUSINESS DEALS WERE THE TARGETS OF VIOLENCE. MARIAN TUDOR, A JOURNALIST FOR THE *JOURNALUL DE CONSTANTA*, WAS ATTACKED AND THROWN FROM A MOVING TRAIN ON SEPTEMBER 23 AS HE CARRIED MANUSCRIPTS TO BUCHAREST FOR PRINTING. ONLY HIS MANUSCRIPTS, WHICH WERE ABOUT AN ILLICIT LOCAL BUSINESS DEAL, WERE TAKEN BY THE ASSAILANTS. FOUR DAYS LATER, LORENA BOROS AND DORINA TARTARAN OF THE *GAZETA DE NORD-VEST* WERE ATTACKED AT A CONSTRUCTION SITE THEY WERE INVESTIGATING IN SATU MARE. WHEN THEY CALLED THE POLICE FOR ASSISTANCE, THE POLICE DETAINED THEM INSTEAD. THE HEAD OF THE SATU MARE POLICE DEPARTMENT PUBLICLY APOLOGIZED AFTER A STORY ON THE INCIDENT WAS PUBLISHED.

THE GOVERNMENT ALSO FAILED TO RESCIND THE PROHIBITIONS ON "DEFAMATION OF THE NATION" AND "DEFAMATION OF PUBLIC OFFICIALS" FREQUENTLY USED TO HARASS AND PUNISH JOURNALISTS WHO REPORT GOVERNMENTAL OR BUREAUCRATIC CORRUPTION. SEVERAL JOURNALISTS WERE ARRESTED AND TRIED DURING THE YEAR FOR REPORTING ON CORRUPTION BY LOCAL GOVERNMENT OFFICIALS. CORNEL SABOU WAS SENTENCED TO TEN MONTHS OF IMPRISONMENT FOR HIS ARTICLE ABOUT A LOCAL JUDGE WHO ABUSED HER POSITION. PRESIDENT CONSTANTINESCU, UNDER INTENSE INTERNATIONAL PRESSURE, PARDONED HIM AT THE END OF JANUARY. IN SEPTEMBER, THE EUROPEAN COURT OF HUMAN RIGHTS RULED IN *DALBON V. ROMANIA* THAT THE STATE HAD VIOLATED IONEL DALBON'S RIGHT TO FREEDOM OF EXPRESSION AFTER HE WAS SENTENCED TO THREE MONTHS IN PRISON AND FINED 300,000 ROMANIAN LEI (APPROXIMATELY U.S.\$115) FOR PUBLISHING AN ARTICLE IN 1992 ALLEGING THAT THE HEAD OF A STATE-OWNED AGRICULTURAL COMPANY HAD COMMITTED FRAUD.

THE STATUS OF NON-TRADITIONAL RELIGIOUS GROUPS IN ROMANIA REMAINED UNCLEAR AND A SOURCE OF CONCERN. UNDER THE CURRENT LEGAL SYSTEM, ONLY A FEW, PREVIOUSLY PERMITTED RELIGIOUS GROUPS HAVE RECEIVED OFFICIAL RECOGNITION, BEEN GRANTED GOVERNMENT SUBSIDIES, AND PERMITTED TO FUNCTION AS RELIGIONS. GROUPS THAT WERE DENIED LEGAL STATUS WERE UNABLE TO OWN STATE-CEDED PROPERTY, OPERATE INDEPENDENT SCHOOLS, OR RECEIVE STATE SUBSIDIES AND TAX EXEMPTIONS. AS OF THIS WRITING, THE DRAFT LAW ON RELIGIOUS AFFAIRS DID NOT ADDRESS THESE PROBLEMS. INDEED, AS CURRENTLY DRAFTED, RELIGIOUS GROUPS ARE REQUIRED TO HAVE AT LEAST 2,000 MEMBERS (THE SIZE OF THE SMALLEST CURRENTLY RECOGNIZED RELIGIOUS GROUP) IN ORDER TO REGISTER. FURTHER, UNDER THE DRAFT LAW, ANY RELIGIOUS GROUP SEEKING RECOGNITION FROM THE STATE WOULD BE REQUIRED TO DISCLOSE THE NAMES OF ITS MEMBERS, AND ANYONE WISHING TO CHANGE HIS RELIGIOUS AFFILIATION WOULD BE REQUIRED TO NOTIFY HIS FORMER RELIGIOUS GROUP AND THE STATE.

ROMANIA ALSO BEGAN TO ADDRESS ABUSES COMMITTED DURING THE COMMUNIST PERIOD. MARIAN CLITA WAS SENTENCED TO TWENTY YEARS IN PRISON FOR THE 1959 MURDER OF ANTI-COMMUNIST DISSIDENT GHEORGHE URSU. CLITA, WHO WAS IN PRISON AT THE TIME OF THE MURDER FOR THEFT, SHARED A CELL WITH URSU AND WAS APPARENTLY HIRED BY THE SECURITATE TO KILL URSU. A LAW PASSED BY THE CHAMBER OF DEPUTIES IN JUNE WILL ALLOW ROMANIANS ACCESS TO THEIR SECRET POLICE FILES AND REQUIRES THAT THE ROMANIAN INFORMATION SERVICE REVEAL IF CANDIDATES FOR PUBLIC OFFICE WERE MEMBERS OF THE SECURITATE.

Defending Human Rights

RIGHTS GROUPS IN ROMANIA CONTINUED TO WORK TO BRING ATTENTION TO HUMAN RIGHTS ABUSES, PARTICULARLY FOCUSING ON POLICE BRUTALITY, PRISON CONDITIONS, AND RIGHTS OF MINORITIES. HUMAN RIGHTS WATCH WAS NOT AWARE OF ANY ATTEMPTS TO HINDER THE WORK OF THESE GROUPS IN 1999.

The Role of the International Community

United Nations

IN JULY, THE HUMAN RIGHTS COMMITTEE COMMENDED ROMANIA FOR PROGRESS IN HARMONIZING LEGISLATION WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND IN STRENGTHENING JUDICIAL INDEPENDENCE. IT ALSO WELCOMED THE CREATION OF AN OMBUDSMAN AND THE DEPARTMENT FOR THE PROTECTION OF NATIONAL MINORITIES, PARTICULARLY THE NATIONAL OFFICE FOR ROMA WITHIN THAT DEPARTMENT. THE COMMITTEE EXPRESSED CONCERN OVER A NUMBER OF CONTINUING HUMAN RIGHTS PROBLEMS, INCLUDING ABANDONED AND HOMELESS CHILDREN, PRE-TRIAL DETENTION PRACTICES, DOMESTIC VIOLENCE AND UNEQUAL REPRESENTATION OF WOMEN IN PUBLIC OFFICE, DISCRIMINATION AGAINST ROMA, PRISON CONDITIONS, AND LIMITS ON FREE EXPRESSION. SIR NIGEL RODLEY, UNITED NATIONS SPECIAL RAPPORTEUR ON TORTURE, VISITED ROMANIA IN LATE APRIL, BUT AT THIS WRITING HIS REPORT HAD NOT BEEN RELEASED.

Organization for Security and Cooperation in Europe (OSCE)

THE OFFICE OF THE REPRESENTATIVE ON FREEDOM OF THE MEDIA CARRIED OUT ITS FIRST ASSESSMENT MISSION TO ROMANIA. REPORTING TO THE PERMANENT COUNCIL IN JULY, THE REPRESENTATIVE PRAISED PROGRESS OVER THE PAST TEN YEARS, BUT EXPRESSED DISMAY THAT THE ROMANIAN PARLIAMENT HAD RECENTLY VOTED DOWN LEGISLATION THAT WOULD HAVE ELIMINATED CRIMINAL LIBEL PROVISIONS FROM ITS PENAL CODE.

Council of Europe

ALTHOUGH ROMANIA CONTINUED IN BREACH OF ITS COMMITMENT TO AMEND PROVISIONS OF ITS PENAL CODE CRIMINALIZING SAME-SEX SEXUAL CONDUCT, THE PARLIAMENTARY ASSEMBLY DID NOT RESTART ITS MONITORING PROCEDURE ON ROMANIA. IN MARCH, THE EUROPEAN COMMITTEE AGAINST RACISM AND INTOLERANCE ISSUED ITS FIRST PERIODIC REPORT ON ROMANIA, NOTING THAT "PROBLEMS OF INTOLERANCE AND MANIFESTATIONS OF RACISM PERSIST, PARTICULARLY AS REGARDS DISCRIMINATION AND VIOLENCE AGAINST MEMBERS OF THE ROMA/GYPSY COMMUNITY."

European Union

IN ITS NOVEMBER 1998 PROGRESS REPORT ON ROMANIA'S APPLICATION FOR EUROPEAN UNION (E.U.) MEMBERSHIP, THE EUROPEAN COMMISSION CONCLUDED THAT ROMANIA MET THE COPENHAGEN POLITICAL CRITERIA FOR MEMBERSHIP (STABILITY OF INSTITUTIONS GUARANTEEING DEMOCRACY, THE RULE OF LAW, HUMAN RIGHTS, AND RESPECT FOR AND PROTECTION OF MINORITIES). AT THE SAME TIME, THE COMMISSION CONCLUDED THAT "MUCH REMAINS TO BE DONE IN ROOTING OUT CORRUPTION, IMPROVING THE WORKING OF THE COURTS AND PROTECTING INDIVIDUAL LIBERTIES AND THE RIGHTS OF THE ROMA." AT THIS WRITING, IT APPEARED LIKELY THAT ROMANIA WOULD BY THE END OF THE YEAR BE INCLUDED IN AN ENLARGED GROUP OF STATES IN ACTIVE NEGOTIATIONS FOR MEMBERSHIP. ROMANIA JOINED THE E.U.-LED STABILITY PACT FOR SOUTH EASTERN EUROPE, WHICH PROMISED ADDITIONAL RESOURCES AND ASSISTANCE FOR ITS E.U. ACCESSION EFFORT.

United States

ROMANIA GARNERED SUBSTANTIAL POLITICAL AND ECONOMIC SUPPORT FROM THE UNITED STATES IN EXCHANGE FOR ITS SUPPORT OF THE NATO BOMBING IN KOSOVO, NOTWITHSTANDING ITS STRONG HISTORICAL TIES TO SERBIA. IT BENEFITED FROM AN ESTIMATED \$5 MILLION IN U.S. MILITARY TRAINING AND FINANCING AIMED AT IMPROVING COMPATIBILITY WITH NATO, AS WELL AS AN ESTIMATED \$21 MILLION FOR ECONOMIC DEVELOPMENT.

RUSSIAN FEDERATION

Human Rights Developments

RENEWED HOSTILITIES IN CHECHNYA IN SEPTEMBER, LED OFF BY RUSSIAN AIR STRIKES THAT DROVE 195,000 CIVILIANS FROM THEIR HOMES AND RAISED THE SPECTER OF THE GHOSTLY 1994-1996 WAR. OTHERWISE, THE YEAR'S EVENTS WERE DOMINATED BY PRESIDENT BORIS YELTSIN'S POLITICAL MANEUVERING IN THE RUN-UP TO THE DECEMBER PARLIAMENTARY AND JUNE 2000 PRESIDENTIAL ELECTIONS. HE FIRED THREE PRIME MINISTERS WITHIN A YEAR, KEEPING THE COUNTRY IN CONSTANT TURMOIL. AS A RESULT, LONG-AWAITED REFORMS, NEEDED TO IMPROVE HUMAN RIGHTS IN THE CRIMINAL JUSTICE SYSTEM, WERE PUSHED OFF THE AGENDA. PRESS FREEDOM ALSO SUFFERED UNDER PRE-ELECTION BATTLES. WITH THE GOVERNMENT DISENGAGED FROM REFORM, THE CONSTITUTIONAL COURT WAS THE MAIN SOURCE OF PROGRESS IN THE FIELD OF HUMAN RIGHTS. IT ISSUED RULINGS DE FACTO ABOLISHING THE DEATH PENALTY AND SIGNIFICANTLY CHANGING SEVERAL PROBLEMATIC ASPECTS OF CRIMINAL PROCEDURE.

IN AUGUST, FIGHTERS FROM CHECHNYA INVADDED SEVERAL VILLAGES IN DAGESTAN, TRIGGERING A NEW CAUCASIAN WAR. RUSSIAN FORCES BOMBED THE VILLAGES AND ENGAGED THE REBELS, EVENTUALLY DISLODGING THEM. IN SEPTEMBER, RUSSIAN PLANES STARTED BOMBING CHECHNYA, AND RUSSIA LATER SENT GROUND FORCES INTO NORTHERN CHECHNYA. AS OF MID-OCTOBER, MORE THAN 150,000 PEOPLE WERE REPORTED TO HAVE FLED THEIR HOMES IN CHECHNYA, MOSTLY FOR NEIGHBORING INGUSHETIA. THE RUSSIAN GOVERNMENT BANNED ETHNIC CHECHENS FROM OTHER INTERNAL BORDER CROSSINGS. RUSSIAN POLICE APPARENTLY ALLOWED ETHNIC RUSSIANS THROUGH THE CHECHEN-

NORTH-OSSETIAN INTERNAL BORDER BUT FORCED ETHNIC CHECHENS BACK INTO NORTHERN CHECHNYA IN EARLY OCTOBER, EVEN AS HOSTILITIES WERE ONGOING. RUSSIAN AUTHORITIES FURTHERMORE FORBODE ETHNIC CHECHENS FROM LEAVING INGUSHETIA—AN IMPOVERISHED REGION THAT WAS OVERWHELMED BY THE NEW CRISIS—FOR OTHER CITIES IN RUSSIA, WHERE MANY HAD RELATIVES WHO COULD CARE FOR THEM. THE RUSSIAN GOVERNMENT FAILED TO PROVIDE ADEQUATE AID TO THESE DISPLACED PERSONS.

WHILE RUSSIAN AUTHORITIES CLAIMED THEY WERE TARGETING MILITARY OBJECTS ONLY, BY MID-OCTOBER IT BECAME INCREASINGLY APPARENT THAT NUMEROUS BOMBS HAD HIT CIVILIAN TARGETS, DELIBERATELY OR THROUGH INDISCRIMINATE BOMBING, OFTEN KILLING CIVILIANS. EXPLOSIONS IN AN OPEN-AIR MARKET IN GROZNY ON OCTOBER 21, REPORTEDLY CAUSED BY SURFACE-TO-SURFACE MISSILES RUSSIAN FORCES LAUNCHED FROM NORTH OSSETIA, KILLED 140 CIVILIANS AND WOUNDED HUNDREDS OF OTHERS. ACCORDING TO MEMORIAL, A RUSSIAN HUMAN RIGHTS ORGANIZATION, RUSSIAN ARTILLERY SHELLED VILLAGES AND FIELDS INDISCRIMINATELY.

IN SEPTEMBER, ALMOST 300 PEOPLE DIED IN MOSCOW AND TWO OTHER RUSSIAN CITIES IN FOUR BOMB ATTACKS, WHICH THE RUSSIAN AND MOSCOW AUTHORITIES WERE QUICK TO BLAME ON CHECHEN OPERATIVES. IN REACTION, THE MOSCOW CITY GOVERNMENT UNLEASHED A FEROCIOUS CRACKDOWN ON NON-MUSCOVITES, TARGETING CHECHENS IN PARTICULAR AS WELL AS PEOPLE FROM OTHER REGIONS OF THE CAUCASUS. THE AUTHORITIES FORCED ALL NON-MUSCOVITES TO RE-REGISTER WITH POLICE AND HOUSING AUTHORITIES, AND ROUNDED UP AND “DEPORTED” FROM THE CITY LIMITS THOUSANDS WHO LACKED REGISTRATION DOCUMENTS. FOR YEARS, MOSCOW HAS HAD AN APPALLING RECORD OF POLICE VIOLENCE AND DISCRIMINATION AGAINST PEOPLE FROM THE CAUCASUS AND CENTRAL ASIANS. POLICE HAVE USED THE REGISTRATION SYSTEM AS A PRETEXT FOR EXTORTING BRIBES, AND CITY AUTHORITIES HAVE USED IT AS A PRETEXT FOR KEEPING OUT NON-SLAVS OR PEOPLE FROM RUSSIA’S POORER REGIONS. IN THE LATEST CRACKDOWN, POLICE PRECINCTS THROUGHOUT THE CITY REFUSED TO RE-REGISTER ETHNIC CHECHENS, CITING AN “ORDER FROM ABOVE.” POLICE ALSO ALLEGEDLY PLANTED DRUGS OR AMMUNITION ON NUMEROUS ETHNIC CHECHENS.

REGIONAL POLITICIANS AND THEIR SPONSORS INCREASINGLY USED THE MEDIA AS A TOOL IN THEIR STRUGGLES FOR POWER, SECURING CONTROL BY EXPLOITING THE DIRE ECONOMIC STRAITS MOST MEDIA OUTLETS FACE. CONSEQUENTLY, A NUMBER OF REGIONAL NEWSPAPERS BECAME MOUTHPIECES OF GOVERNORS AND MAYORS. ACCORDING TO THE NATIONAL PRESS INSTITUTE, THIS TREND INTENSIFIED AS PARLIAMENTARY AND PRESIDENTIAL ELECTIONS DREW CLOSER. IN NUMEROUS CITIES AND REGIONS, INCLUDING EKATERINBURG, YAROSLAVL, AND LENINGRAD PROVINCE, PREVIOUSLY INDEPENDENT NEWSPAPERS SIGNIFICANTLY CHANGED THEIR EDITORIAL LINE AFTER THEY CAME UNDER THE CONTROL OF LOCAL POLITICAL FIGURES.

INTIMIDATION AND HARASSMENT OF JOURNALISTS REMAINED COMMON. BY AUGUST, THE GLASNOST DEFENSE FOUNDATION HAD REGISTERED FIFTY-FOUR INCIDENTS IN WHICH JOURNALISTS OR NEWSPAPERS WERE ATTACKED OR THREATENED. EIGHT JOURNALISTS WERE KILLED, SEVERAL APPARENTLY FOR THEIR PROFESSIONAL WORK.

ONE OF THE MORE SEVERE EXAMPLES OF GOVERNMENT THREATS TO THE INDEPENDENT MEDIA TOOK PLACE IN VLADIVOSTOK. RADIO LEMMA, A VLADIVOSTOK INDEPENDENT STATION, FACED INTIMIDATION FOR AIRING INTERVIEWS WITH OPPONENTS OF REGIONAL GOVERNOR EVGENII NAZDRATENKO AND HIS SUPPORTERS. IN JUNE, YURI KOPYLOV, A NAZDRATENKO ALLY AND THE APPOINTED MAYOR OF VLADIVOSTOK, ORDERED RADIO LEMMA’S EDITORS TO STOP PROVIDING AIR TIME TO NAZDRATENKO’S OPPONENTS. IN JULY, A RADIO LEMMA JOURNALIST, YURI STEPANOV, WAS BEATEN UP BY UNIDENTIFIED MEN, APPARENTLY TO INTIMIDATE THE STATION’S EMPLOYEES. AFTER THE STATION BROADCASTED ITS REQUEST FOR ANY WITNESS TO CONTACT THE STATION, THE EDITOR’S DAUGHTER WAS BRIEFLY KIDNAPED AND INSTRUCTED TO TELL HER FATHER TO STOP HIS CALLS FOR WITNESSES. AROUND THE SAME TIME, THE RADIO STATION WAS ORDERED TO VACATE ITS STATE-OWNED OFFICE SPACE, DESPITE AN ONGOING CONTRACT.

ON JULY 6, PRESIDENT BORIS YELTSIN ESTABLISHED A NEW PRESS MINISTRY HEADED BY MIKHAIL LESIN, WHO PROMPTLY ANNOUNCED THAT HE WOULD DEFEND THE STATE AGAINST THE MEDIA. IN AUGUST, LESIN SCOLDED TELEVISION STATIONS FOR BROADCASTING FOOTAGE OF REBEL WARLORDS IN DAGESTAN AND ISSUED ORT (RUSSIAN PUBLIC TELEVISION) A WRITTEN WARNING THAT IT HAD VIOLATED RUSSIA’S MEDIA LAW BY BROADCASTING AN INTERVIEW WITH REBEL LEADER SHAMIL BASAEV. RUSSIAN TELEVISION STATIONS SUBSEQUENTLY REFRAINED FROM SHOWING DIRECT FOOTAGE OF THE REBELS, INSTEAD REFERRING ONLY TO THEIR PRESS STATEMENTS.

WHILE DRAFT REGULATIONS WERE STILL UNDER DISCUSSION, THE FEDERAL SECURITY SERVICE (FSB) STARTED TO FORCE INTERNET, TELEPHONE, AND PAGER PROVIDERS THROUGHOUT THE COUNTRY TO INSTALL SURVEILLANCE HARDWARE. THE FSB FORMALLY NEEDED A JUDICIAL WARRANT TO TAP CALLS AND ON-LINE COMMUNICATIONS; HOWEVER, THE SURVEILLANCE HARDWARE ALLOWED IT TO TAP TELEPHONE CALLS AND ELECTRONIC COMMUNICATIONS WITHOUT THE PROVIDERS’ KNOWLEDGE, MAKING IT IMPOSSIBLE TO KNOW WHETHER THE FSB REALLY OBTAINED JUDICIAL WARRANTS BEFORE ACCESSING COMMUNICATIONS.

ALMOST ALL RUSSIAN TELEPHONE COMPANIES AND INTERNET PROVIDERS COMPLIED WITH THE NEW RULE, APPARENTLY FOLLOWING FSB THREATS OF TAX AUDITS AND WITHDRAWAL OF LICENSES. INDEED, BAYARD-SLAVIA COMMUNICATIONS IN VOLGOGRAD, THE ONLY INTERNET

PROVIDER KNOWN TO HAVE REFUSED TO COMPLY, FACED TAX AUDITS, A FIRE DEPARTMENT INSPECTION, AND OTHER ADMINISTRATIVE HARASSMENT. APPARENTLY AT THE INSTIGATION OF THE FSB, THE STATE TELECOMMUNICATIONS COMMITTEE EVENTUALLY TOOK AWAY THE PROVIDER'S ACCESS AND TOOK STEPS TO REVOKE ITS LICENSE. THE FSB ALSO REQUIRED TELEPHONE AND INTERNET PROVIDERS TO PRESENT FULL LISTS OF THEIR CLIENTS, INCLUDING PASSWORDS WHERE APPLICABLE, AND TO UPDATE THIS INFORMATION MONTHLY.

UNDETERRED BY THE JUDICIARY, THE FSB CONTINUED TO PERSECUTE ENVIRONMENTALISTS, JOURNALISTS, AND SCIENTISTS WORKING IN THE FIELD OF NUCLEAR SAFETY. IN OCTOBER 1998, THE ST. PETERSBURG CITY COURT SENT BACK TO THE FSB THE ESPIONAGE CASE AGAINST FORMER NAVY CAPTAIN AND ENVIRONMENTAL ACTIVIST ALEXANDER NIKITIN, STATING THAT THE FSB'S INDICTMENT WAS TOO VAGUE AND LACKED EVIDENCE. AFTER THE SUPREME COURT REJECTED APPEALS FROM BOTH THE DEFENSE AND PROSECUTION, THE FSB ORDERED ANOTHER FLAWED EXPERT ASSESSMENT OF THE REPORT NIKITIN HAD CO-AUTHORED FOR THE NORWEGIAN BELLONA FOUNDATION IN 1995, WHICH WAS THE SOURCE OF THE CASE AGAINST HIM. ON JULY 2, THE FSB INDICTED NIKITIN FOR THE EIGHTH TIME, BASING THE CHARGES ONCE AGAIN ON SECRET LEGISLATION THAT WAS APPLIED RETROACTIVELY. A NEW COURT HEARING WAS EXPECTED FOR LATE 1999.

IN ANOTHER FSB-LED CASE INVOLVING NUCLEAR SAFETY, A RUSSIAN MILITARY COURT IN VLADIVOSTOK ACQUITTED MILITARY JOURNALIST GRIGORII PASKO OF ESPIONAGE CHARGES ON JULY 20, 1999, FINDING HIM GUILTY OF MUCH LESS SERIOUS CHARGES OF IMPROPER MILITARY CONDUCT, AND IMMEDIATELY RELEASING HIM UNDER A NATIONWIDE AMNESTY. THE COURT EXCLUDED SEVERAL PIECES OF EVIDENCE, CITING FALSIFICATION BY THE FSB. PASKO WAS ARRESTED IN NOVEMBER 1997 FOR ALLEGEDLY PASSING ON SECRET INFORMATION TO JAPANESE JOURNALISTS.

IN JULY, THE FSB SEARCHED THE LABORATORY AND HOME OF NUCLEAR SCIENTIST VLADIMIR SOIFER OF THE PACIFIC OCEANOGRAPHIC INSTITUTE IN VLADIVOSTOK, RAISING FEARS OF EVENTUAL CRIMINAL CHARGES. THE FSB SUSPECTED SOIFER, WHO HAD BEEN STUDYING THE EFFECTS OF A 1995 NUCLEAR ACCIDENT ON A MILITARY SUBMARINE IN THE CHAZMA BAY NEAR VLADIVOSTOK, OF MISHANDLING CLASSIFIED DOCUMENTS AND DOING WORK THAT "POSED A THREAT TO THE STATE SECURITY." SOIFER DENIED ANY WRONGDOING, STATING THAT HE ONLY STUDIED LEVELS OF RADIOACTIVITY, WHICH, BECAUSE THEY MAY THREATEN THE ENVIRONMENT, CANNOT UNDER RUSSIAN LAW BE CLASSIFIED AS A STATE SECRET. AS OF THIS WRITING, THE FSB HAD NOT INSTITUTED CRIMINAL PROCEEDINGS AGAINST SOIFER.

REFORM OF THE CRIMINAL JUSTICE SYSTEM REMAINED STALLED, SAVE FOR SEVERAL LANDMARK CONSTITUTIONAL COURT RULINGS. THE PROCURACY FAILED TO INVESTIGATE TORTURE COMPLAINTS PROPERLY AND CONTINUED TO ROUTINELY SANCTION ARRESTS MADE BY THE POLICE. THE COURTS OFFERED NO PROTECTION AGAINST SUCH ABUSES.

POLICE OFFICERS SYSTEMATICALLY DETAINED SUSPECTS UNDER FALSE PRETENSES AND DENIED THEM ACCESS TO COUNSEL. POLICE TORTURED NUMEROUS DETAINEES IN ORDER TO SECURE CONFESSIONS, USING METHODS LIKE BEATINGS, ASPHYXIATION, ELECTROSHOCK, AND SUSPENSION BY BODY PARTS, AS WELL AS PSYCHOLOGICAL INTIMIDATION AND TORTURE BY PROXY. PROSECUTORS USED COERCED CONFESSIONS IN COURT, OFTEN AS THE PRIMARY EVIDENCE OF A DEFENDANT'S GUILT.

THE TORTURE OF ALEKSEI MIKHEEV WAS A PARTICULARLY EGREGIOUS EXAMPLE OF RUSSIAN POLICE METHODS. ON SEPTEMBER 10, 1998, POLICE IN NIZHNIĖ NOVGOROD DETAINED MIKHEEV ON MISDEMEANOR CHARGES BUT SUBSEQUENTLY QUESTIONED HIM REGARDING THE PRESUMED MURDER AND RAPE OF A TEENAGE GIRL. MIKHEEV CONFESSED AFTER POLICE REPORTEDLY BEAT AND ELECTROSHOCKED HIM; WHEN POLICE WANTED HIM TO CONFESS TO FIVE MORE MURDERS, MIKHEEV JUMPED OUT OF THE THIRD-FLOOR WINDOW OF THE INTERROGATION ROOM, BREAKING HIS SPINAL CORD. SEVERAL DAYS LATER, THE GIRL, WHOM MIKHEEV CONFESSED HE MURDERED, TURNED UP IN PERFECT HEALTH.

THE PROCURACY STALLED THE INVESTIGATION INTO MIKHEEV'S TORTURE ALLEGATIONS, CITING—INCREDIBLY—HIS PHYSICAL CONDITION, AND IN GENERAL FAILED TO INVESTIGATE TORTURE COMPLAINTS PROMPTLY AND ADEQUATELY. SUCH INQUIRIES WERE OVERWHELMINGLY SUPERFICIAL AND PLAGUED WITH DELAYS, AND THEREFORE RARELY LED TO FORMAL CRIMINAL INVESTIGATIONS. PROCURATORS GENERALLY FAILED TO INTERVIEW THE COMPLAINANT OR TO QUESTION ALLEGED ABUSERS; INSTEAD, THEY OFTEN FORWARDED COMPLAINTS TO POLICE PRECINCTS, INSTRUCTING THE POLICE CHIEF TO SORT OUT WHAT HAD HAPPENED.

DESPITE A GENERAL CONSENSUS THAT CONDITIONS IN PRETRIAL DETENTION WERE INTOLERABLE, THE GOVERNMENT, AS IN PREVIOUS YEARS, LACKED THE POLITICAL WILL TO TACKLE THE PROBLEM. COMPOUNDING OVERCROWDING IN PRETRIAL FACILITIES, THE PROCURACY CONTINUED ITS WIDESCALE USE OF CUSTODY, OFTEN UNNECESSARILY. FOR EXAMPLE, AS OF THIS WRITING IL'IA HOFFMAN HAD BEEN IN PRETRIAL DETENTION FOR MORE THAN TEN MONTHS ON CHARGES OF LARGE-SCALE COMPUTER FRAUD. DOCTORS CONCLUDED THAT CONDITIONS IN DETENTION DIRECTLY THREATENED HOFFMAN'S LIFE, AS HE SUFFERS FROM ASTHMA. IN PRISON, HOFFMAN CONTRACTED PNEUMONIA THREE TIMES AND THE MEASLES ONCE. THE PROCURACY CLAIMED THAT HOFFMAN MIGHT ATTEMPT TO ABSCOND JUSTICE, DESPITE THE FACT THAT HOFFMAN HAD PUNCTUALLY APPEARED FOR INTERROGATIONS AND EXPERT ASSESSMENTS PRIOR TO HIS ARREST IN NOVEMBER 1998.

THE PROCURACY GENERAL DELAYED FOR ANOTHER FULL YEAR THE RELEASE OF SERGEI MIKHAILOV, WHO IN 1995 WAS WRONGFULLY SENTENCED TO DEATH FOR THE MURDER AND RAPE OF A MINOR. ALTHOUGH A PROCURACY INVESTIGATOR ONCE MORE CONFIRMED THE CONCLUSIONS OF

THREE EARLIER INVESTIGATIONS THAT MIKHAILOV HAD NOT COMMITTED THE CRIME, PROCURACY OFFICIALS FAILED TO INITIATE PROCEEDINGS WITH THE SUPREME COURT TO OVERTURN MIKHAILOV'S CONVICTION. MIKHAILOV HAS BEEN IN PRISON FOR FIVE YEARS.

AS A RESULT OF PRETRIAL DETENTION POLICIES AND OFTEN TOUGH SENTENCING BY COURTS, RUSSIA'S PRISON POPULATION CONTINUED TO INCREASE IN 1999: ACCORDING TO OFFICIAL FIGURES, IT GREW BY 42,000 PRISONERS IN THE FIRST FIVE MONTHS OF THE YEAR. MORE THAN ONE MILLION PEOPLE WERE HELD IN RUSSIA'S PENITENTIARY INSTITUTIONS, ALMOST 10 PERCENT OF WHOM SUFFERED FROM TUBERCULOSIS. PRETRIAL DETENTION CENTERS HELD AROUND 300,000 PEOPLE. ABOUT 80,000 OF THESE INMATES CONTRACTED SERIOUS DISEASES IN DETENTION AND ABOUT 2,000 OF THEM DIED AWAITING FINAL COURT RULINGS.

IN JUNE, THE STATE DUMA PASSED AN AMNESTY, UNDER WHICH UP TO 94,000 PRISONERS COULD BE RELEASED. HOWEVER, ACCORDING TO A MINISTRY OF JUSTICE OFFICIAL, THE REAL NUMBER OF PRISONERS RELEASED IS LIKELY TO BE CLOSER TO 60,000, AS DISCIPLINARY OFFENDERS WILL NOT BE RELEASED. THE MOSCOW CENTER FOR PRISON REFORM REPORTED THAT MANY PLACES VACATED BY THE AMNESTY WERE IMMEDIATELY FILLED WITH NEW INMATES. SOME OFFICIALS APPEARED TO SEE SUCH AMNESTIES, WHICH HAVE BECOME A YEARLY EVENT, AS A SUBSTITUTE FOR REFORM OF DETENTION POLICY.

AS OF THIS WRITING, THE STATE DUMA DID NOT ADOPT A NEW CRIMINAL PROCEDURE CODE TO REPLACE THE SOVIET-ERA CODE. APPARENTLY UNDER PRESSURE FROM HUMAN RIGHTS GROUPS, THE PRESIDENTIAL ADMINISTRATION SENT THE DRAFT CODE TO THE COUNCIL OF EUROPE IN LATE 1998 FOR AN EXPERT ASSESSMENT ON ITS COMPLIANCE WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS. THE COUNCIL OF EUROPE PRESENTED THE RESULTS, WHICH ARE NOT BINDING ON RUSSIA, TO THE ADMINISTRATION IN MID-SEPTEMBER. AT THIS WRITING, THE ASSESSMENT HAD NOT BEEN MADE PUBLIC. IT REMAINED UNCLEAR AS TO WHEN PARLIAMENTARY DEBATE ON THE DRAFT CODE WOULD RESUME.

IN APRIL, THE CONSTITUTIONAL COURT FOUND UNCONSTITUTIONAL SEVERAL PROVISIONS IN THE CRIMINAL PROCEDURE CODE THAT ALLOWED JUDGES TO RETURN CRIMINAL CASES FOR FURTHER INVESTIGATION. BECAUSE RUSSIAN JUDGES ARE UNDER PRESSURE NOT TO ACQUIT CRIMINAL DEFENDANTS, THEY FREQUENTLY REMAND CASES FOR FURTHER INVESTIGATION WHEN THE PROSECUTION HAS NOT PROVEN THE DEFENDANT'S GUILT; THIS CAUSES SEVERE DELAYS, SOMETIMES OF MANY YEARS, WHILE DEFENDANTS LANGUISH IN THE TERRIBLE CONDITIONS OF PRETRIAL DETENTION. THE RULING INSTRUCTED JUDGES TO ISSUE FINAL DECISIONS ON CRIMINAL CASES: CONVICTION OR ACQUITTAL.

SIGNIFICANT PROGRESS WAS MADE TOWARD ABOLISHMENT OF THE DEATH PENALTY. ON FEBRUARY 2, THE CONSTITUTIONAL COURT ISSUED A RULING PROHIBITING ALL COURTS FROM PASSING DEATH SENTENCES. WHILE THE COURT DID NOT FIND THE DEATH PENALTY ITSELF UNCONSTITUTIONAL, IT ARGUED THAT VIOLATIONS OF THE GUARANTEED RIGHT TO A JURY TRIAL REQUIRED THAT COURTS BE BANNED FROM PASSING DEATH SENTENCES. UNDER RUSSIA'S CONSTITUTION, ALL THOSE FACING A POSSIBLE DEATH SENTENCE HAVE THE RIGHT TO HAVE THEIR CASES EXAMINED BY A JURY. HOWEVER, JURY TRIALS HAVE BEEN INTRODUCED IN ONLY NINE OF RUSSIA'S EIGHTY-NINE REGIONS; THEREFORE ONLY A SMALL PERCENTAGE OF DEFENDANTS FACING A POSSIBLE DEATH SENTENCE COULD EXERCISE THEIR CONSTITUTIONAL RIGHT TO A TRIAL BY JURY.

ON JUNE 3, TIMED TO COINCIDE WITH A MAJOR CONFERENCE ON THE DEATH PENALTY SPONSORED BY THE COUNCIL OF EUROPE, PRESIDENT YELTSIN SIGNED A DECREE COMMUTING THE SENTENCES OF THE LAST OF RUSSIA'S 716 DEATH-ROW PRISONERS. IN PRECEDING MONTHS, YELTSIN HAD GRADUALLY COMMUTED THE SENTENCES OF ALL DEATH ROW PRISONERS TO LIFE IMPRISONMENT OR TWENTY-FIVE YEARS.

ABOUT 200,000 CHILDREN WITHOUT PARENTAL CARE WERE IN STATE-RUN ORPHANAGES, WHERE THEY WERE OFTEN EXPOSED TO SHOCKING LEVELS OF CRUELTY AND NEGLECT. BEGINNING WITH INFANCY, ORPHANS CLASSIFIED AS SEVERELY DISABLED WERE SEGREGATED INTO "LYING DOWN" ROOMS IN THE NATION'S 252 ORPHANAGES FOR YOUNG CHILDREN, WHERE THEY WERE CHANGED AND FED BUT ARE BEREFT OF STIMULATION AND LACKING IN MEDICAL CARE.

THOSE LABELED RETARDED OR "OLIGOPHRENIC" (SMALL-BRAINED) FACED ANOTHER GRAVE AND CONSEQUENTIAL VIOLATION OF THEIR RIGHTS AROUND THE AGE OF FOUR. AT THAT TIME, A STATE COMMISSION DIAGNOSED THEM AS "INEDUCABLE," AND WAREHOUSED THEM FOR LIFE IN "PSYCHO-NEUROLOGICAL INTERNATS." AFTER THIS DIAGNOSIS, IT WAS VIRTUALLY IMPOSSIBLE FOR AN ORPHAN TO APPEAL THE DECISION. ACCORDING TO OFFICIAL STATISTICS, IN 1999 SOME 30,000 CHILDREN WERE CONFINED TO THESE LOCKED AND ISOLATED INSTITUTIONS, WHICH WERE LITTLE BETTER THAN PRISONS. THE ORPHANS MIGHT BE RESTRAINED IN CLOTH SACKS, TETHERED TO FURNITURE, AND DENIED STIMULATION, AND WERE SOMETIMES LEFT TO LIE HALF-NAKED IN THEIR OWN FILTH. ORPHANAGE STAFF FREQUENTLY ADMINISTERED POWERFUL SEDATIVES TO CHILDREN WITHOUT MEDICAL ORDERS. IN SOME CASES CHILDREN WHO TRIED TO RUN AWAY WERE SENT TO A PSYCHIATRIC HOSPITAL FOR PUNISHMENT OR TREATMENT.

NOT ONLY DISABLED ORPHANS SUFFERED VIOLATIONS OF THEIR RIGHTS IN RUSSIAN STATE ORPHANAGES. ORPHANS IN "REGULAR" ORPHANAGES FACED THE POSSIBILITY OF BEATINGS, BEING LOCKED IN FREEZING ROOMS FOR DAYS AT A TIME, OR BEING SEXUALLY ABUSED BY

ORPHANAGE STAFF. STAFF ALSO USED PUBLIC HUMILIATION AS A FORM OF PUNISHMENT. IN ONE CASE RESEARCHED IN 1999, AN ORPHAN RECOUNTED HOW A TEACHER FORCED MISCHIEVOUS ORPHANS TO UNDRESS AND STAND IN FRONT OF THE OPEN WINDOW IN FRONT OF A FULL CLASS ROOM.

REGIONAL AUTHORITIES CONTINUED TO HARASS SO-CALLED "NON-TRADITIONAL" RELIGIOUS GROUPS. TACTICS INCLUDED ADMINISTRATIVE HARASSMENT, SUCH AS PRESSURE ON LANDLORDS NOT TO RENT SPACE TO SUCH GROUPS AND EVICTIONS; HOSTILE MEDIA ATTENTION AT THE INSTIGATION OR WITH THE SUPPORT OF REGIONAL OFFICIALS; AND GROUNDLESS INTERROGATIONS BY LAW ENFORCEMENT OFFICIALS. IN AN EXTREME CASE, ST. PETERSBURG AUTHORITIES PROSECUTED MEMBERS OF A SMALL NONTRADITIONAL RELIGIOUS ORGANIZATION AND CONFINED THEM IN A PSYCHIATRIC HOSPITAL FOR SEVERAL WEEKS FOR A PSYCHIATRIC EXPERT ASSESSMENT. SEVERAL RELIGIOUS ORGANIZATIONS AND CLERGYMEN, INCLUDING AN ORTHODOX PRIEST IN PSKOV, REPORTED THAT LOCAL AUTHORITIES AND ORTHODOX CHURCH OFFICIALS TRIED TO OBSTRUCT THEIR CHARITABLE ACTIVITIES.

THE MINISTRY OF JUSTICE CONTINUED TO ADMINISTER THE RE-REGISTRATION PROCESS FOR RELIGIOUS ORGANIZATIONS; MOST LARGE RELIGIOUS GROUPS HAD BEEN REGISTERED AS CENTRALIZED RELIGIOUS ORGANIZATIONS UNDER A 1997 LAW. MEANWHILE, THE CONSTITUTIONAL COURT WAS EXPECTED TO HEAR AN APPEAL AGAINST THE DISCRIMINATORY 1997 LAW ON RELIGION IN LATE 1999.

THE MOSCOW PROCURACY SOUGHT TO USE THE COURTS TO BAN THE MOSCOW BRANCH OF THE JEHOVAH'S WITNESSES, CLAIMING THE RELIGIOUS ORGANIZATION FOMENTS RELIGIOUS STRIFE, CREATES RIFTS IN FAMILIES, AND THREATENS PEOPLE'S LIVES BY PRESSURING THE ILL TO REFUSE MEDICAL HELP. IN MARCH, A MOSCOW COURT REFERRED THE CASE TO AN EXPERT COMMITTEE FOR FURTHER INVESTIGATION. AT THE TIME OF WRITING, IT WAS UNCLEAR WHEN THE COMMITTEE WOULD PRESENT ITS CONCLUSIONS. SIMILAR ATTEMPTS TO CLOSE RELIGIOUS ORGANIZATIONS WERE MADE IN OTHER PARTS OF THE COUNTRY, THOUGH MOSTLY UNSUCCESSFULLY.

A RISE IN THE NUMBER OF ATTACKS ON SYNAGOGUES AND IN ANTI-SEMITIC RHETORIC LED TO AN INCREASINGLY POLITICALLY CHARGED DEBATE ABOUT ANTI-SEMITISM. IN LATE 1999, STATE DUMA DEPUTIES ALBERT MAKASHOV AND VIKTOR ILIUKHIN MADE BLATANTLY ANTI-SEMITIC REMARKS IN PUBLIC, BUT WERE NOT CENSURED BY THE DUMA. ON JULY 14, A NEO-NAZI ACTIVIST STABBED A PROMINENT JEWISH LEADER AT THE CHORAL SYNAGOGUE IN MOSCOW. TWO WEEKS LATER, AN UNDETONATED BOMB WAS DISCOVERED AT ANOTHER MOSCOW SYNAGOGUE.

Defending Human Rights

IN LATE 1999, RUSSIA LOST ONE OF ITS LEADING HUMAN RIGHTS ACTIVISTS AND ANTI-CORRUPTION CAMPAIGNERS, DUMA DEPUTY GALINA STAROVOITOVA, WHO WAS BRUTALLY MURDERED NEAR HER ST. PETERSBURG HOME. AT THE TIME OF WRITING, LAW ENFORCEMENT AGENCIES WERE STILL INVESTIGATING THE MURDER, AND THE EXACT MOTIVES FOR IT REMAINED UNCLEAR.

LOCAL JUSTICE DEPARTMENTS REFUSED TO REGISTER OR RE-REGISTER SEVERAL HUMAN RIGHTS ORGANIZATIONS, OFTEN FOR OUTRAGEOUS REASONS, AND SEVERAL NONGOVERNMENTAL ORGANIZATIONS (NGOs) REPORTED OTHER FORMS OF ADMINISTRATIVE HARASSMENT. THE MOSCOW DEPARTMENT OF JUSTICE REFUSED TO REGISTER ECOLOGY AND HUMAN RIGHTS, A NEW NGO FOUNDED BY OUTSPOKEN ENVIRONMENTALIST ALEKSEI IABLOKOV. THE DEPARTMENT CLAIMED THAT "THE DEFENSE OF HUMAN RIGHTS" IS A GOVERNMENT TASK AND THAT NGOS SHOULD NOT INTERFERE WITH GOVERNMENT ACTIVITIES. INEXPLICABLY, THIS POSITION WAS UPHOLD BY THE MOSCOW CITY COURT. THE KRASNODAR DEPARTMENT OF JUSTICE REFUSED TO RE-REGISTER THE REGIONAL ASSOCIATION FOR THE DEFENSE OF HUMAN RIGHTS, AMONG OTHERS, BECAUSE "IT WAS IMPOSSIBLE TO UNDERSTAND WHAT KIND OF VERIFICATION OF HUMAN RIGHTS VIOLATIONS THIS ORGANIZATION WILL CARRY OUT WHEN CHECKING REPORTS ON HUMAN RIGHTS VIOLATIONS [sic]." ONE OF RUSSIA'S OLDEST NGOS, THE GLASNOST FOUNDATION, WAS ALSO REFUSED RE-REGISTRATION. IN FEBRUARY, THE MOSCOW JUSTICE DEPARTMENT INFORMED THE ORGANIZATION THAT ITS STATUTE DID NOT CONFORM TO SEVERAL ARTICLES OF THE LAW ON PUBLIC ORGANIZATIONS. HOWEVER, THE DEPARTMENT REFUSED TO PROVIDE THE ORGANIZATION WITH A LIST OF SPECIFIC DEFICIENCIES. SEVERAL ACTIVISTS WHO FACED HARASSMENT OR PROSECUTION REPORTED THAT THEY WERE FORCED TO REMOVE THE WORDS "HUMAN RIGHTS" FROM THEIR ORGANIZATIONS' NAMES.

MOSCOW AUTHORITIES TRIED TO EVICT THE HUMAN RIGHTS RESEARCH CENTER FROM ITS OFFICES FOR REASONS THAT WERE UNCLEAR. AT THE TIME OF WRITING, IT REMAINED UNCLEAR WHETHER THE EVICTION WOULD TAKE PLACE.

IN KRASNODAR, VASILII CHAIKIN, A HUMAN RIGHTS ACTIVIST ACCUSED OF SEXUAL INTERCOURSE WITH A MINOR, WAS RELEASED ON APRIL 17, 1999, AFTER TWO FULL YEARS IN PRETRIAL DETENTION AND IMMEDIATELY TAKEN TO THE HOSPITAL FOR HEART PROBLEMS. CRIMINAL PROCEEDINGS AGAINST HIM CONTINUE. IN OCTOBER 1999, VASILII RAKOVICH, CHAIKIN'S LAWYER, WAS ATTACKED BY TWO UNIDENTIFIED MEN AND BEATEN OVER THE HEAD. THE ATTACK APPEARED TO BE RELATED TO CHAIKIN'S CASE.

ON FEBRUARY 27 IN THE REPUBLIC OF MARI EL IN NORTHERN RUSSIA, VIACHESLAV POIDOVEROV, CHAIR OF THE LOCAL HUMAN RIGHTS ORGANIZATION AND A MEMBER OF THE LOCAL PARLIAMENT, WAS BEATEN OUTSIDE HIS HOME. THERE WERE ALLEGATIONS THAT THE INCIDENT WAS CONNECTED TO HIS ANTI-CORRUPTION ACTIVITIES. THE INVESTIGATION INTO THE INCIDENT WAS SUSPENDED IN MAY.

The Role of the International Community

United Nations

UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON PAID A WEEK-LONG VISIT TO RUSSIA DURING WHICH SHE MET WITH NUMEROUS OFFICIALS, HUMAN RIGHTS ORGANIZATIONS, AND THE OMBUDSMAN, AND VISITED SEVERAL PRISONS AND AN ORPHANAGE. ROBINSON PROPOSED TO THE RUSSIAN GOVERNMENT THE ESTABLISHMENT OF WORKING GROUPS TO EXAMINE DETENTION PRACTICES AND DE-INSTITUTIONALIZATION OF ORPHANS. SHE FURTHERMORE EXPRESSED CONCERN ABOUT WIDESPREAD TORTURE PRACTICES TO THEN-PRIME MINISTER SERGEI STEPASHIN AND RAISED HARASSMENT OF ETHNIC MINORITIES BY MOSCOW POLICE WITH MOSCOW MAYOR YURI LUZHKOV.

INEPLICABLY, UNESCO IGNORED MOSCOW'S MASSIVE HUMAN RIGHTS PROBLEMS AND NOMINATED MOSCOW FOR THE CITY FOR PEACE PRIZE, WHICH IS AWARDED EVERY TWO YEARS TO A MAYOR AND MUNICIPALITY FOR EXCEPTIONAL ACTIONS TAKEN TO DEFEND DEMOCRATIC FREEDOM AND HUMAN RIGHTS AND THE DEVELOPMENT OF CULTURE IN THE WORLD. MOSCOW DID NOT EVENTUALLY WIN THE AWARD.

European Union

THE EUROPEAN UNION (E.U.) ADOPTED A COMMON STRATEGY ON RUSSIA, WHICH CONTAINED VERY WEAK LANGUAGE ON HUMAN RIGHTS AND THE RULE OF LAW. IN OCTOBER, THE E.U. PRESIDENCY EXPRESSED SOME CONCERN FOR CIVILIANS IN CHECHNYA AND FOR THE INTERNALLY DISPLACED. IN JANUARY, THE E.U. PRESIDENCY DELIVERED A DEMARCHE TO THE RUSSIAN MINISTRY OF FOREIGN AFFAIRS REGARDING RISING ANTI-SEMITISM. IT ALSO DISCUSSED ANTI-SEMITIC REMARKS BY HIGH COMMUNIST PARTY OFFICIALS WITH THE LEADERSHIP OF THAT PARTY. NUMEROUS E.U. EMBASSIES SENT MONITORS TO ALEXANDER NIKITIN'S TRIALS IN OCTOBER 1998 AND FEBRUARY 1999. THE SWEDISH EMBASSY SENT A TRIAL MONITOR TO THE FINAL DAY OF GRIGORII PASKO'S TRIAL.

THE EUROPEAN PARLIAMENT ADOPTED A RESOLUTION ON MARCH 11 EXPRESSING CONCERN ABOUT VIOLATIONS OF FREEDOM OF RELIGION, INCREASINGLY FREQUENT ANTI-SEMITIC ACTS, AND CONDITIONS IN THE MILITARY AND PRISONS. IT CALLED ON THE RUSSIAN GOVERNMENT TO COMBAT ACTS OF ANTI-SEMITISM, RACISM, AND INTOLERANCE, TO IMPROVE LIVING CONDITIONS OF SOLDIERS, TO ADOPT LEGISLATION INTRODUCING AN ALTERNATIVE TO MILITARY SERVICE, AND TO IMPROVE CONDITIONS IN PRISONS.

Council of Europe

THE COUNCIL OF EUROPE COMMITTEE FOR THE PREVENTION OF TORTURE VISITED RUSSIA IN LATE 1998 AND AGAIN IN SEPTEMBER 1999 TO INVESTIGATE TORTURE AND ILL-TREATMENT. THE COMMITTEE DELEGATIONS VISITED NUMEROUS POLICE STATIONS, PRETRIAL DETENTION CENTERS, AND OTHER PRISON FACILITIES. THE COMMITTEE PRESENTED THE FINDINGS ON ITS FIRST VISIT TO THE RUSSIAN GOVERNMENT, BUT IT REMAINED UNCLEAR WHETHER THE GOVERNMENT WOULD MAKE THEM PUBLIC.

THE MONITORING COMMITTEE OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE (PACE) VISITED RUSSIA IN MAY 1999 TO EXAMINE THE IMPLEMENTATION OF RUSSIA'S DISCRIMINATORY 1997 LAW ON RELIGION, RELIGIOUS INTOLERANCE, AND ANTI-SEMITISM, BUT WILL PUBLISH ITS FINDINGS ONLY AFTER THE JUNE 2000 PRESIDENTIAL ELECTIONS.

United States

IN LATE OCTOBER, THE CLINTON ADMINISTRATION EXPRESSED CONCERN ABOUT THE INDISCRIMINATE USE OF FORCE IN CHECHNYA. THE U.S. GOVERNMENT RESPONDED TO THE BOMBINGS IN MOSCOW WITH SYMPATHY AND AN OFFER OF INCREASED COOPERATION AND CONSULTATION IN THE FIELD OF COUNTERTERRORISM. WHILE THE U.S. CRITICIZED THE ENSUING EXPULSIONS OF CHECHENS AND OTHERS FROM THE NORTH CAUCASUS FROM MOSCOW, OFFICIAL STATEMENTS IGNORED THE LONG HISTORY OF SUCH DISCRIMINATION IN THE RUSSIAN CAPITAL. THE STATE DEPARTMENT'S SEPTEMBER REPORT ON FREEDOM OF RELIGION ACCURATELY DEPICTED THE SITUATION IN RUSSIA, DESCRIBING THE DISCRIMINATORY 1997 LAW AND VARIOUS FORMS OF HARASSMENT EMPLOYED BY RUSSIAN AUTHORITIES AGAINST "NON-TRADITIONAL" RELIGIONS. IN APRIL, THE SPECIAL REPRESENTATIVE OF THE SECRETARY OF STATE FOR INTERNATIONAL RELIGIOUS FREEDOM, AMBASSADOR ROBERT A. SEIPLE, VISITED MOSCOW AND MET WITH NUMEROUS RELIGIOUS GROUPS, HUMAN RIGHTS ORGANIZATIONS, AND GOVERNMENT OFFICIALS TO DISCUSS RELIGIOUS FREEDOM.

THE STATE DEPARTMENT ISSUED TWO STATEMENTS EXPRESSING CONCERN OVER ANTI-SEMITIC ATTACKS AND CALLING ON THE RUSSIAN GOVERNMENT TO TAKE APPROPRIATE STEPS AGAINST THEIR PERPETRATORS. VLADIVOSTOK AND ST. PETERSBURG CONSULAR OFFICERS MONITORED THE TRIALS AGAINST GRIGORII PASKO AND ALEXANDER NIKITIN, BUT NO PUBLIC STATEMENTS WERE ISSUED.

THE U.S. GOVERNMENT PROVIDED AN ESTIMATED (U.S.) \$10 MILLION IN TRAINING AND TECHNICAL ASSISTANCE TO RUSSIAN LAW ENFORCEMENT AGENCIES. NOTWITHSTANDING AN OBLIGATION TO DO SO UNDER U.S. LAW, NO MEANINGFUL STEPS WERE TAKEN TO ENSURE THAT THE BENEFICIARIES OF THIS ASSISTANCE WERE NOT THOSE RESPONSIBLE FOR TORTURE AND POLICE ABUSE, WHICH IS RAMPANT IN RUSSIA'S CRIMINAL JUSTICE SYSTEM.

Organization for Security and Cooperation in Europe

ON JULY 9, AT A PARLIAMENTARY ASSEMBLY MEETING IN ST. PETERSBURG, THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE ADOPTED A STRONGLY WORDED RESOLUTION CONDEMNING THE PROSECUTION OF ALEXANDER NIKITIN. IT CALLED PROCEEDINGS AGAINST NIKITIN "UNJUSTIFIED" AND URGED THE RUSSIAN AUTHORITIES TO "ENSURE PROPER IMPLEMENTATION OF NECESSARY LEGAL REFORMS RELATED TO THE RULE OF LAW."

International Financial Institutions

MIDYEAR ALLEGATIONS OF WIDESPREAD CORRUPTION AND MONEY-LAUNDERING THAT MAY HAVE TOUCHED FUNDS PROVIDED TO RUSSIA BY INTERNATIONAL FINANCIAL INSTITUTIONS PROVOKED POLICY DEBATES AMONG INTERNATIONAL LENDERS WHO CRITICIZED THE APPROACH TO RUSSIA'S DEVELOPMENT FOR NOT EMPHASIZING POLITICAL AND INSTITUTIONAL REFORM ALONGSIDE ECONOMIC REFORM.

SLOVAKIA

Human Rights Developments

SLOVAKIA SHOWED MARKED PROGRESS IN ITS COMMITMENT TO HUMAN RIGHTS IN 1999, BUT PROBLEMS REMAINED FOR THE NEWLY ELECTED GOVERNMENT, ESPECIALLY IN ITS TREATMENT OF ROMA AND OTHER ETHNIC MINORITIES.

IN ITS FIRST YEAR IN POWER, THE SLOVAK DEMOCRATIC COALITION (SDK), LED BY PRIME MINISTER MIKULAS DZURINDA, IN AN ATTEMPT TO PREPARE SLOVAKIA FOR MEMBERSHIP IN WESTERN EUROPEAN INSTITUTIONS, BEGAN TO ADDRESS THE LEGACY OF HUMAN RIGHTS ABUSES COMMITTED UNDER THE PREVIOUS GOVERNMENT. IN DECEMBER 1999, THE GOVERNMENT CREATED THE NEW POSITION OF DEPUTY PRIME MINISTER FOR HUMAN AND MINORITY RIGHTS AND APPOINTED PAUL CSAKY, A MEMBER OF THE MAIN HUNGARIAN MINORITY PARTY, AS MINISTER.

IN MAY 1999, SLOVAK VOTERS ENDED A YEAR-LONG CONSTITUTIONAL CRISIS DURING WHICH THERE HAD BEEN NO PRESIDENT BY ELECTING RUDOLPH SCHUSTER, THE FORMER MAYOR OF KOJIBICE, AS HEAD OF STATE. THE NEW PARLIAMENT AMENDED THE CONSTITUTION IN JANUARY TO ALLOW FOR DIRECT ELECTION OF THE PRESIDENT AFTER THE PREVIOUS PARLIAMENT REFUSED TO FILL THE POSITION. THE GOVERNMENT PRESENTED A LONG AWAITED PLAN ON ROMA ISSUES IN SEPTEMBER, THOUGH NO MAJOR STEPS WERE TAKEN TO IMPROVE THE CONDITIONS FOR ROMA AS OF THIS WRITING.

IN 1999, WHEN THOUSANDS OF ROMA FLED TO WESTERN EUROPE TO SEEK ASYLUM, SOME EUROPEAN UNION (E.U.) COUNTRIES REINTRODUCED VISA RESTRICTIONS FOR SLOVAK CITIZENS. THIS FOCUSED ATTENTION ON THE CONTINUED FAILURE OF THE SLOVAK GOVERNMENT TO STOP POLICE AND SKINHEAD VIOLENCE AGAINST ROMA AND TO IMPROVE THEIR GENERAL CONDITIONS OF EMPLOYMENT, EDUCATION, AND HEALTH CARE.

ONLY DAYS AFTER DZURINDA'S GOVERNMENT TOOK POWER AT THE END OF OCTOBER 1999, POLICE IN THE TOWN OF HERMANOVCE BEAT, HANDCUFFED, SHUT IN THE TRUNK OF A CAR, AND DETAINED WITHOUT CHARGES TWO ROMA YOUTH. THE NEXT DAY, AROUND TWENTY POLICE OFFICERS RAIDED ROMA HOMES IN THE VILLAGE AND BEAT ROMA RESIDENTS WHILE THEY WERE STILL IN BED. SIMILARLY, ON JANUARY 14, TWO UNDERCOVER POLICE OFFICERS IN THE EASTERN SLOVAK CITY OF KOJIBICE TORMENTED ROMA FAMILIES IN AN APARTMENT BLOCK, YELLING RACIAL EPITHETS AND POINTING REVOLVERS AT THE HEADS OF SOME RESIDENTS. THE OFFICERS REPORTEDLY FORCED THREE ROMA TEENAGE SISTERS TO DISROBE AND ACCUSED THEM OF HAVING INCESTUOUS RELATIONS.

THOUGH GOVERNMENT OFFICIALS SPOKE PUBLICLY OF THE NEED TO IMPROVE RELATIONS AMONG SLOVAKIA'S MINORITY GROUPS, MUCH OF THE PUBLIC DISCOURSE ON THE ISSUE SERVED TO INFLAME ETHNIC TENSION. SLOVAK NATIONAL PARTY (SNS) LEADER JAN SLOTA, WHO ALSO

SERVED AS PARLIAMENTARY VICE CHAIRMAN OF THE SLOVAK SECURITY SERVICE, SAID AT A MARCH RALLY THAT THE WAY TO DEAL WITH ETHNIC HUNGARIANS IS TO "SEND IN TANKS AND FLATTEN BUDAPEST." AT THE SAME RALLY HE SAID ROMA "STEAL, ROB, AND PLUNDER."

POLICE AND LOCAL OFFICIALS FAILED TO CURB ATTACKS AND HARASSMENT BY SKINHEAD GROUPS AGAINST ROMA AND OTHER ETHNIC MINORITIES. ON JULY 24, SKINHEADS ATTACKED THREE CHINESE RESIDENTS OF THE CAPITAL BRATISLAVA ON A CITY BUS, BRUTALLY BEATING A CHINESE DIPLOMAT INTO A COMA. IN SEPTEMBER, SKINHEADS IN KOJBICE, EASTERN SLOVAKIA, ALLEGEDLY STUFFED ROMA MAILBOXES WITH RACIALLY PROVOCATIVE APPEALS. ROMA AND CHINESE RESIDENTS COMPLAINED THAT THESE TYPES OF ATTACKS WERE COMMONPLACE, AND THAT POLICE DID NOTHING TO CATCH THE PERPETRATORS. THE BRITISH EMBASSY IN BRATISLAVA REPORTED TWO ATTACKS ON ITS CITIZENS OF ASIAN DESCENT IN 1999.

PROSECUTION OF SKINHEAD CRIMES REMAINED LAX, AND JUDGES REFUSED TO CONVICT PERPETRATORS UNDER RACIALLY MOTIVATED CRIMES STATUTES. IN MAY, A JUDGE IN BANSKA BYSTRICA, CENTRAL SLOVAKIA, THREW OUT THE RACIALLY MOTIVATED CRIMES CHARGE AGAINST A SKINHEAD WHO WAS ACCUSED OF VERBALLY AND PHYSICALLY ASSAULTING A ROMA UNIVERSITY STUDENT. THE JUDGE BASED HIS DECISION ON THE PRECEPT THAT THERE ARE ONLY THREE RACES, BLACK, WHITE, AND YELLOW, AND THE ASSAILANT AND VICTIM WERE OF THE SAME RACE. THE ASSAILANT WAS CONVICTED ON A SEPARATE CHARGE OF HOOLIGANISM.

AFTER YEARS OF PRESSURE FROM LOCAL MINORITY GROUPS AND WESTERN EUROPEAN BODIES, SUCH AS THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) AND THE COUNCIL OF EUROPE, THE GOVERNMENT PASSED A LAW THAT WENT INTO EFFECT ON SEPTEMBER 1, GUARANTEEING THE USE OF MINORITY LANGUAGES IN OFFICIAL STATE BUSINESS. THE LARGEST HUNGARIAN POLITICAL PARTY OPPOSED THE LAW, SAYING IT DID NOT GO FAR ENOUGH IN PROTECTING THEIR LANGUAGE, AND TWO OPPOSITION RIGHT-WING PARTIES, THE MOVEMENT FOR A DEMOCRATIC SLOVAKIA (HZDS) AND SNS, GATHERED 380,000 SIGNATURES IN SUPPORT OF A REFERENDUM TO REPEAL THE LAW. PRESIDENT SCHUSTER REFUSED TO CALL THE REFERENDUM, HOWEVER, SAYING THAT TO DO SO VIOLATED SLOVAKIA'S CONSTITUTION, WHICH BARS REFERENDUMS ON HUMAN RIGHTS OR MINORITY POLICY.

Defending Human Rights

IN MARCH, THE BUDAPEST-BASED EUROPEAN ROMA RIGHTS CENTER AND LOCAL COUNSEL FILED A COMPLAINT AT THE EUROPEAN COURT FOR HUMAN RIGHTS CHALLENGING TWO-YEAR-OLD DECREES THAT BANNED ROMA FROM ENTERING OR SETTLING IN THE VILLAGES OF NAGOV AND ROKYTOVCE. PREVIOUS ATTEMPTS BY THE KOJBICE-BASED OFFICE OF LEGAL DEFENSE FOR ETHNIC MINORITIES TO CHALLENGE THE ORDINANCES IN DOMESTIC COURTS FAILED. IN MID-APRIL, SLOVAK DEPUTY PRIME MINISTER LASZLO NAGY ORDERED THE TWO EASTERN SLOVAK VILLAGES TO REPEAL THE DISCRIMINATORY LAWS.

The Role of the International Community

Organization for Security and Cooperation in Europe (OSCE)

OSCE COMMISSIONER ON NATIONAL MINORITIES MAY VAN DER STOEL STRONGLY URGED SLOVAKIA TO PASS A LONG AWAITED MINORITY LANGUAGE LAW, WHICH WENT INTO FORCE IN SEPTEMBER. IN A VISIT TO BRATISLAVA THAT COINCIDED WITH THE LANGUAGE LAW'S ENACTMENT, VAN DER STOEL MET WITH SLOVAKIA'S DEPUTY PRIME MINISTER FOR HUMAN AND MINORITY RIGHTS, PAL CSÁKY, AND EXPRESSED CONCERN ABOUT ROMA ISSUES.

Council of Europe

IN SEPTEMBER, THE PARLIAMENTARY ASSEMBLY REWARDED SLOVAKIA FOR ITS PROGRESS—IN PARTICULAR, THE ENACTMENT OF THE MINORITY LANGUAGE LAW—BY VOTING TO TERMINATE ITS MONITORING PROCEDURE FOR THE COUNTRY. IT SIGNALLED, HOWEVER, THAT OTHER MECHANISMS WOULD BE EMPLOYED TO MONITOR FURTHER PROGRESS.

European Union

THE EUROPEAN UNION'S (E.U.) REGULAR REPORT ON SLOVAKIA'S ACCESSION APPLICATION, WHICH WAS PUBLISHED AT THE END OF 1999, CRITICIZED POLICE TREATMENT AND PROTECTION OF ROMA AND EMPHASIZED THE GOVERNMENT'S NEED TO INSTITUTE MAJOR REFORM IN ITS POLICY ON ROMA IF IT IS TO GAIN E.U. MEMBERSHIP. STILL, THE E.U. PRAISED PASSAGE OF THE MINORITY LANGUAGE LAW AND THE ELECTION OF A PRESIDENT AND ANNOUNCED IN OCTOBER THAT SLOVAKIA WOULD JOIN THE GROUP OF COUNTRIES ACTIVELY NEGOTIATING FOR E.U. MEMBERSHIP.

United States

THE UNITED STATES STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999* CRITICIZED SLOVAKIA'S FAILURE TO PROTECT THE ROMA POPULATION FROM SKINHEAD ATTACKS AND THE WIDESPREAD PROBLEM OF DOMESTIC VIOLENCE AGAINST WOMEN. THE U.S. FINANCED AN ESTIMATED U.S. \$3 MILLION TO RETROFIT SLOVAKIA'S MILITARY IN PREPARATION FOR POSSIBLE NATO MEMBERSHIP. HUMAN RIGHTS ADVOCATES EXPRESSED CONCERN THAT THIS UPGRADING WOULD LEAVE SLOVAKIA WITH A CACHE OF OBSOLETE WEAPONS THAT MIGHT THEN BE SOLD TO ABUSIVE REGIMES AROUND THE WORLD (SEE ARMS DIVISION CHAPTER).

TAJIKISTAN

Human Rights Developments

THE PEACE PROCESS BETWEEN THE TAJIK GOVERNMENT AND THE UNITED TAJIK OPPOSITION (UTO) MADE SIGNIFICANT PROGRESS IN 1999, PAVING THE WAY FOR A SEPTEMBER CONSTITUTIONAL REFERENDUM, NOVEMBER PRESIDENTIAL ELECTIONS AND PARLIAMENTARY ELECTIONS PLANNED FOR 2000. BUT THESE POLITICAL ADVANCES WERE NOT ACCOMPANIED BY GREATER HUMAN RIGHTS PROTECTIONS. THE PERSONAL SECURITY OF MOST CITIZENS REMAINED PRECARIOUS DUE TO OVERALL LAWLESSNESS, HIGH LEVELS OF CRIMINAL AND POLITICAL VIOLENCE, HOSTAGE-TAKING, AND UNPROFESSIONALISM AND CORRUPTION IN LAW ENFORCEMENT AGENCIES AND THE JUDICIARY. IN ANTICIPATION OF THE NOVEMBER PRESIDENTIAL ELECTIONS, THE GOVERNMENT SOUGHT TO RESTRICT THE ACTIVITIES OF POLITICAL PARTIES, OBSTRUCTED THE REGISTRATION OF OPPOSITION CANDIDATES, AND IMPOSED ADDITIONAL CURBS ON THE MEDIA.

ON THE POLITICAL FRONT, AGREEMENTS BETWEEN THE PARTIES ON PROPOSED AMENDMENTS TO THE CONSTITUTION, THE DECLARATION BY THE UTO OF THE DISBANDMENT OF ITS ARMED UNITS, THE APPOINTMENT OF MANY UTO MEMBERS TO GOVERNMENT POSTS AS STIPULATED IN THE PEACE AGREEMENT, AND THE AMNESTY OF APPROXIMATELY 5,000 UTO FIGHTERS, LED TO THE LEGALIZATION OF UTO POLITICAL PARTIES, A CONSTITUTIONAL REFERENDUM, AND PRESIDENTIAL AND PARLIAMENTARY ELECTIONS SLATED FOR NOVEMBER 1999 AND 2000 RESPECTIVELY. ACCORDING TO OFFICIAL INFORMATION, THE SEPTEMBER 26 CONSTITUTIONAL REFERENDUM WAS PASSED BY AN OVERWHELMING 92 PERCENT MAJORITY, BUT UNOFFICIALLY THE BALLOT WAS MARRED BY WIDESPREAD PROXY AND OPEN VOTING, FALSIFICATION OF VOTER REGISTRATION LISTS, AND NUMEROUS TECHNICAL AND PROCEDURAL FLAWS. THE ADOPTION OF THE AMENDMENTS LED TO A CLEAR EXPANSION OF PRESIDENTIAL POWERS, AS THE TERM OF THE PRESIDENT WAS EXTENDED FROM FIVE TO SEVEN YEARS, AND A TWO-CHAMBER PARLIAMENT WAS ESTABLISHED IN WHICH 75 PERCENT OF THE UPPER CHAMBER WAS TO BE ELECTED BY INDIRECT VOTE THROUGH LOCAL PARLIAMENTS (ALREADY LED BY PRESIDENTIAL APPOINTEES), WITH THE REMAINING 25 PERCENT TO BE APPOINTED BY THE PRESIDENT. THE CHANGES ALSO PERMITTED THE FUNCTIONING OF RELIGION-BASED POLITICAL PARTIES.

THE LAW ON PRESIDENTIAL ELECTIONS REQUIRED SIGNATURES CONSTITUTING 5 PERCENT OF THE ELECTORATE FOR NOMINATION OF CANDIDATES, AN EXCESSIVELY PROHIBITIVE FIGURE; IT ALSO LACKED ADEQUATE PROVISIONS FOR MEDIA ACCESS AND COVERAGE. AMIDST WIDESPREAD EXPECTATIONS THROUGHOUT THE POPULATION THAT THE BALLOT WOULD BE SERIOUSLY FLAWED AND THAT NO SUBSTANTIAL CHANGES WOULD BE FORTHCOMING, THE PRESIDENTIAL ELECTIONS NONETHELESS RISKED BECOMING A FARCEICAL PROCEDURE WHEN IN MID-OCTOBER THE THREE OPPOSITION CANDIDATES DECIDED TO BOYCOTT THE POLL. THEY CLAIMED THAT LOCAL GOVERNMENT OFFICIALS HAD PREVENTED THEM FROM COLLECTING THE SIGNATURES NECESSARY FOR CANDIDATE REGISTRATION. IN A LAST-MINUTE EFFORT TO PRESERVE THE VENEER OF THE DEMOCRATIC PROCEDURE, THE GOVERNMENT GRANTED THE ISLAMIC RENAISSANCE PARTY CANDIDATE REGISTRATION JUST TWO WEEKS BEFORE THE ELECTIONS.

THE GOVERNMENT ALSO SOUGHT TO HALT OR IMPEDE THE ACTIVITIES OF POLITICAL PARTIES, MAINLY BY CHARGING PARTY MEMBERS WITH VIOLATIONS OF THE LAW ON POLITICAL PARTIES. AS OF THIS WRITING, THE AGRARIAN PARTY AND THE NATIONAL UNITY PARTY HAD BEEN BANNED, THE REGISTRATION OF THE PARTY OF JUSTICE AND PROGRESS HAD BEEN ANNULLED, THE ACTIVITIES OF THE PARTY OF ECONOMIC AND POLITICAL REVIVAL OF TAJIKISTAN WERE SUSPENDED, AND THE NATIONAL MOVEMENT PARTY OF TAJIKISTAN HAD BEEN DENIED REGISTRATION. THE LEADERSHIP OF THESE PARTIES REPORTED THREATS AND HARASSMENT OF PARTY MEMBERS BY THE AUTHORITIES. THERE WERE ALSO REPORTS THAT MEMBERS OF LOCAL GOVERNMENT ADMINISTRATIONS WERE FIRED OR DEMOTED WHEN THEY REFUSED TO JOIN THE PEOPLE'S DEMOCRATIC PARTY OF TAJIKISTAN, THE PRESIDENT'S PARTY.

MEDIA FREEDOMS ALSO REMAINED SEVERELY CURBED. INDEPENDENT JOURNALISTS AND MEDIA FACED KILLINGS AND UNPROSECUTED VIOLENCE AS WELL AS PRE-PUBLICATION CENSORSHIP, ARBITRARY DENIAL TO PRINT AT GOVERNMENT PRINTING HOUSES, MONITORING AND "COUNSELLING" OF PRESS SERVICES BY THE AUTHORITIES, AND BURDENSOME LICENSING PROCEDURES. GIVEN THESE DIFFICULTIES, MANY

PRACTICED SELF-CENSORSHIP. AS ELECTIONS APPROACHED, ONLY ONE INDEPENDENT NEWSPAPER CONTAINING SUBSTANTIAL POLITICAL INFORMATION WAS IN PRINT, NO INDEPENDENT RADIO STATIONS HAD BEEN LICENSED TO OPERATE, AND INDEPENDENT TELEVISION AND TELEVISION PRODUCTION STATIONS CONTINUED TO EXPERIENCE GOVERNMENT HARASSMENT. THE RARE FEW WHO PUBLISHED CRITICAL POLITICAL VIEWS SUFFERED THREATS OR PROFESSIONAL HARASSMENT FROM THE AUTHORITIES.

THE JUDICIARY CONTINUED TO OPERATE UNDER HEAVY POLITICAL INFLUENCE. PRIME EXAMPLES INCLUDED THE TRIALS OF THOSE ARRESTED IN CONNECTION WITH THE FALL 1998 ARMED REBELLION IN LENINABAD, IN WHICH THERE WAS CREDIBLE TESTIMONY OF FORCED CONFESSIONS AND THE INTIMIDATION OF JUDGES. LOCAL AND INTERNATIONAL OBSERVERS AT THE TRIAL OF THE MURDERERS OF FOUR UNITED NATIONS MISSION TO TAJIKISTAN (UNMOT) PERSONNEL IN JULY 1998 RECOUNTED TORTURE OF THE ACCUSED AND FLAGRANT VIOLATIONS OF BASIC LEGAL PRINCIPLES.

ASSAULTS, KILLINGS, EXTORTION, AND ABDUCTIONS THROUGHOUT THE COUNTRY IN 1999 WERE EMBLEMATIC OF AN UNCONTROLLED CULTURE OF VIOLENCE; MANY OF THESE CRIMES WERE CONDUCTED BY MEMBERS OF THE SECURITY FORCES OR PRO-GOVERNMENT, UTO, OR UNALIGNED ARMED FACTIONS. HIGH-PROFILE ASSASSINATIONS IN 1999 INCLUDED THAT OF TOLIB BOBOEV, FORMER DEPUTY PROCURATOR GENERAL OF TAJIKISTAN AND ALLY OF OUTCAST NORTHERN POLITICAL LEADER ABDUMALIK ABDULLOJONOV. SAFARALI KENJAIEV, CHAIRMAN OF THE SOCIALIST PARTY OF TAJIKISTAN, WAS ASSASSINATED IN DUSHANBE, AMID WIDESPREAD SPECULATION THAT HE WAS TO POSE HIS CANDIDACY IN THE PRESIDENTIAL ELECTIONS, AND MINISTRY OF INTERIOR PRESS CENTER CHIEF JUMAKHONA KHOTAMI WAS ALSO GUNNED DOWN IN DUSHANBE.

IN JULY, APPROXIMATELY 1,600 UZBEK NATIONALS WHO HAD FLED POLITICAL AND RELIGIOUS PERSECUTION IN UZBEKISTAN WERE THREATENED WITH IMMINENT EXPULSION BACK TO THAT COUNTRY. WHEN ARMED MEMBERS OF THAT GROUP SUBSEQUENTLY FLED INTO KYRGYZSTAN, THEY TOOK LOCAL AND INTERNATIONAL HOSTAGES, AND THERE WERE CREDIBLE REPORTS THAT TAJIK NATIONALS TOOK UP ARMS TO JOIN THEM IN KYRGYZSTAN. ALTHOUGH THE GOVERNMENT ANNOUNCED IN AUGUST 1999 THAT ALL OF THE UZBEK NATIONALS HAD LEFT THE COUNTRY, THERE WERE CREDIBLE REPORTS AT THE TIME OF WRITING THAT THEY REMAINED IN THE KARATEGIN VALLEY. THE EVENTS YET AGAIN RESTRICTED ACCESS BY INTERNATIONAL HUMANITARIAN AID GROUPS TO THE IMPOVERISHED KARATEGIN VALLEY.

Defending Human Rights

THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) CONTINUED TO BE DENIED ACCESS TO PRISONERS IN ACCORDANCE WITH ITS STANDARD PROCEDURES, AND INTERVENTIONS BY OTHER INTERNATIONAL ORGANIZATIONS IN THE PRISONS WERE LIMITED, EXACERBATING ALREADY DRASTIC CONDITIONS AND THE PLIGHT OF HIGH NUMBERS OF DETAINEES LANGUISHING IN PRE-TRIAL DETENTION. THE GOVERNMENT AND THE INTERNATIONAL COMMUNITY INCREASED THEIR SUPPORT OF LOCAL NONGOVERNMENTAL WOMEN'S ORGANIZATIONS THROUGH THE SPONSORSHIP OF MANY SEMINARS ON WOMEN'S ISSUES, AND A CAMPAIGN AGAINST VIOLENCE AGAINST WOMEN WAS CONDUCTED IN A PROMINENT DUSHANBE-BASED RUSSIAN-LANGUAGE NEWSPAPER. LOCAL MONITORING REMAINED AT A MINIMUM. HOWEVER, THE NONGOVERNMENTAL FUND IN MEMORY AND DEFENCE OF THE JOURNALISTS OF TAJIKISTAN PUBLICLY PROTESTED RESTRICTIONS ON THE MEDIA AND SECURED THE RELEASE OF ILLEGALLY-DETAINED JOURNALISTS. IN LATE 1998, TAJIKISTAN RATIFIED THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND ITS FIRST OPTIONAL PROTOCOL, AND THE INTERNATIONAL COVENANT ON ECONOMIC AND SOCIAL RIGHTS.

The Role of the International Community

OFF THE RECORD, REPRESENTATIVES OF THE MAJOR INTERNATIONAL ORGANIZATIONS AND LENDING INSTITUTIONS IN THE COUNTRY WITHOUT EXCEPTION ACKNOWLEDGED THAT ELECTORAL CONDITIONS WERE HOPELESSLY FLAWED FROM THE OUTSET. HOWEVER, AS OF THIS WRITING, NO KNOWN CONDITIONS HAD BEEN IMPOSED ON FUNDING. THE WORLD BANK GAVE CREDITS TOTALING U.S. \$95 MILLION FOR STRUCTURAL REFORMS, DISASTER RELIEF, EDUCATIONAL REFORM, REHABILITATION OF PRIVATE FARMS, AND ORGANIZATIONAL SUPPORT TO THE CIVIL SERVICE, AND THE ASIAN DEVELOPMENT BANK GAVE CLOSE TO \$40 MILLION IN CREDITS FOR IMPROVEMENTS TO THE EDUCATION, HEALTH, AND SOCIAL SERVICES SECTORS, AND FOR REFORM IN THE ENERGY AND TRANSPORT SECTORS.

United Nations

THE UNITED NATIONS MISSION TO TAJIKISTAN (UNMOT) CONTINUED TO FOCUS ITS EFFORTS ON THE IMPLEMENTATION OF THE GENERAL AGREEMENT, WAS INSTRUMENTAL IN RESOLVING CRISES BETWEEN THE TWO PARTIES TO THE AGREEMENT, AND GEARED ITS ACTIVITIES TOWARD THE HOLDING OF ELECTIONS. BUT SLOW PROGRESS ON THE UNMOT MURDER TRIAL FORCED THE MISSION TO RESTRICT ITS ACTIVITIES FOR SECURITY REASONS TO DUSHANBE UNTIL JUNE. SOON AFTERWARD, IT RE-OPENED ITS FIELD OFFICES IN KHOROG, KURGAN-TIUBE, AND KHUJAND, CLOSED SINCE JULY 1999. THE GARM OFFICE, WHICH HAD ALSO BEEN CLOSED AT THAT TIME, REMAINED INOPERATIVE AS OF THIS

writing. Despite credible allegations of basic violations of due process from local and international experts who attended the murder trial, the UN. made no comment.

The United Nations High Commissioner for Refugees (UNHCR) assisted in the repatriation of approximately 6,000 refugees from Turkmenistan, Kyrgyzstan, and Kazakhstan, but was unable due to security conditions to respond swiftly to the potential expulsion of approximately 1,600 Uzbek nationals from Tajik territory. United Nations Office of Project Services (UNOPS) launched a major job creation project, mainly involving the rehabilitation of public facilities and infrastructure, for hundreds of demobilized UTO fighters in the Karategin Valley.

Organization for Security and Cooperation in Europe (OSCE)

The OSCE mission in 1999 greatly increased its outreach to local NGOs, journalists, and politicians, sponsored effective conferences on the ombudsman's institution, the electoral law, and women's issues, and organized training for journalists.

The mission established women's support groups in the south and organized country-wide seminars on women's issues. Several high-profile OSCE representatives visited Tajikistan, underscoring the OSCE's focus on elections preparation, but not one of the officials made use of the opportunity to denounce publicly the worsening human rights situation or deplore the lack of minimum conditions for free and fair elections. The mission maintained internationally-staffed field offices in Kurgan-Tube, Shaartuz, and Dusti, and a locally-staffed office in Garm, and made periodic visits to the Leninabad region, but as of this writing had still not opened an office in the latter area.

Republic of Uzbekistan

Uzbekistan continued to accuse Tajikistan of harboring Islamic militants responsible for attacks in Uzbekistan, and was blamed by the Tajik government and the UTO for bombing Tajik territory when providing military support to the Kyrgyz offensive against Uzbek militants in the south of Kyrgyzstan. The two countries signed an agreement to cooperate in fighting terrorism, political and religious extremism, and drug-trafficking, and Uzbekistan upgraded its Dushanbe diplomatic mission to an embassy. Border crossings for Tajik citizens, and passenger and automobile transportation, continued in general to be arduous and erratic.

Russian Federation

In 1999, President Rakhmonov called Russia "the only reliable partner and guarantor of stability and security in Tajikistan," paving the way for Russia to open a permanent military base. Russia and Tajikistan signed cooperation agreements on defense, arms, and narcotics smuggling, as well as to counter Islamic fundamentalism.

United States

United States embassy international staff continued to be based in Almaty for security reasons. The absence of a full diplomatic staff weakened the U.S. political profile in the country, as well as its ability regularly and effectively to raise human rights violations with the government as it had in previous years. The U.S. nonetheless continued to be one of the major funders of international NGOs working in the country, and the State Department's *Country Reports on Human Rights Practices for 1998* provided an unbiased review of the immense scope of abuse in the country.

TURKEY

Human Rights Developments

The Turkish government failed to build on the very modest progress of the preceding two years. Apparently genuine intentions to enact reform were not turned into practical measures permanently to ungag journalists, release prisoners of opinion, protect detainees from torture, or account for the "disappeared." Government ministers seemed to be hostages to the system they nominally controlled while progress was impeded by vested interests within the state and in particular the military, still an overriding political force. The chief of general staff openly instructed the government that leftist

SEPARATISM AND POLITICAL ISLAM ARE THE PRINCIPAL PUBLIC ENEMIES OF TURKEY. POLITICAL PARTIES AND ORGANIZATIONS REFLECTING THESE BELIEFS WERE PROSECUTED OR CLOSED DOWN, AND THEIR MEMBERS DETAINED, ILL-TREATED, OR OTHERWISE HARASSED.

HIGH-RANKING JUDGES ELOQUENTLY CONDEMNED THE JUDICIARY'S LACK OF INDEPENDENCE AND THE FLAWED CONSTITUTION IMPOSED BY THE MILITARY IN 1982. THEY ALSO CRITICIZED THE PROSECUTIONS AND IMPRISONMENTS ARISING FROM LAWS WHICH CONFLICT WITH TURKEY'S OBLIGATIONS UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS. INTENSE DEBATE ON HUMAN RIGHTS WAS STIMULATED WHEN ABDULLAH Ocalan WAS BROUGHT TO TURKEY IN FEBRUARY, AND THROUGHOUT HIS SUBSEQUENT TRIAL, BUT THE LIMITS TO FREE EXPRESSION CONSTRAINED ARGUMENT ON THE POLITICAL, CULTURAL, AND LANGUAGE RIGHTS OF THE KURDISH MINORITY.

BRUTAL PUNITIVE SECURITY OPERATIONS, MARKED BY ALLEGATIONS OF TORTURE AND EXTRAJUDICIAL EXECUTION, WERE CARRIED OUT IN THE CITIES AND COUNTRYSIDE, THOUGH LESS FREQUENTLY THAN IN RECENT YEARS. THIS REFLECTED A LESSENING IN ACTIVITY BY ARMED OPPOSITION GROUPS. DEATH IN POLICE DETENTION PERSISTED BECAUSE THE GOVERNMENT FAILED TO TAKE THE KEY STEPS TO COMBAT TORTURE.

IN JANUARY, PRESIDENT DEMIREL ASKED BILENT ECEVIT, LEADER OF THE DEMOCRATIC LEFT PARTY (DSP) AND CARETAKER PRIME MINISTER SINCE NOVEMBER, TO FORM A NEW GOVERNMENT, PENDING ELECTIONS WHICH TOOK PLACE IN APRIL. NO PARTY WON AN OVERALL MAJORITY, BUT THE DSP AND THE EXTREME RIGHT-WING NATIONAL ACTION PARTY (MHP), BOTH STRONGLY NATIONALIST, FORMED A COALITION, WITH BILENT ECEVIT CONTINUING AS PRIME MINISTER AND THE MOTHERLAND PARTY (ANAP) AS A THIRD PARTNER.

THE CONFLICT BETWEEN THE KURDISH WORKERS' PARTY (PKK) AND GOVERNMENT FORCES HAS SHAPED TURKISH POLITICAL HISTORY SINCE 1984 AND THEREFORE THE CAPTURE AND TRIAL OF ABDULLAH Ocalan, LEADER OF THE PKK, WAS THE DOMINATING FACT OF THE YEAR. EXPELLED FROM SYRIA IN NOVEMBER, HE SOON THEREAFTER APPEARED IN ITALY, WHERE HE STAYED UNTIL JANUARY, WHEN HE WAS ALLOWED TO FLEE ITALIAN CUSTODY. HE WAS FINALLY ABDUCTED FROM KENYA BY TURKISH SPECIAL FORCES IN FEBRUARY AND TRANSPORTED TO TURKEY TO STAND TRIAL.

ABDULLAH Ocalan WAS CHARGED WITH TREASON AND TRIED AT A SPECIAL ANNEXE OF ANKARA STATE SECURITY COURT ESTABLISHED, FOR REASONS OF SECURITY, ON IMRALI ISLAND IN THE SEA OF MARMARA. THE INVESTIGATION AND TRIAL DID NOT MEET INTERNATIONAL STANDARDS. THE INITIAL INTERROGATION CONTRAVENED TURKISH AND INTERNATIONAL LAW, AND THE PRISONER'S ACCESS TO LEGAL COUNSEL WAS UNSATISFACTORY. INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS CRITICIZED THE PRESENCE OF A MILITARY JUDGE ON THE PANEL THAT WOULD PRESIDE OVER Ocalan's TRIAL, POINTING OUT THAT THIS HAD BEEN CRITICIZED BY THE EUROPEAN COURT OF HUMAN RIGHTS (*INCAL V. TURKEY*, 1998) AS A BREACH OF THE RIGHT TO A FAIR AND INDEPENDENT TRIBUNAL. IN JUNE, THE TURKISH CONSTITUTION WAS CHANGED TO REMOVE THE MILITARY JUDGE FROM SECURITY COURT TRIALS, INCLUDING Ocalan's.

IN JUNE, ABDULLAH Ocalan WAS SENTENCED TO DEATH UNDER ARTICLE 125 OF THE TURKISH PENAL CODE, PENDING APPEAL. TURKEY HAS NOT CARRIED OUT A DEATH SENTENCE SINCE 1984.

IN SEPTEMBER, THE PKK ANNOUNCED ITS INTENTION TO ABANDON THE ARMED STRUGGLE. AS OF THIS WRITING, IT WAS UNCLEAR WHETHER OR NOT THIS DECLARATION WOULD BE IMPLEMENTED.

INTERNATIONAL GOVERNMENTAL ORGANIZATIONS (AND SOME COMMENTATORS WITHIN TURKEY) URGED THE TURKISH GOVERNMENT TO TAKE ADVANTAGE OF THE CAPTURE OF ABDULLAH Ocalan AND RECENT MILITARY SUCCESS AGAINST THE PKK AS AN OPPORTUNITY TO GRANT POLITICAL, CULTURAL, AND LANGUAGE RIGHTS TO THE KURDISH MINORITY. HOWEVER, NO PROGRESS WAS MADE ON LANGUAGE OR CULTURAL RIGHTS. DURING THE COURSE OF ABDULLAH Ocalan's TRIAL, THE PEOPLE'S DEMOCRACY PARTY (HADEP), A LEGAL POLITICAL PARTY WITH A MAINLY KURDISH MEMBERSHIP VIEWED BY THE AUTHORITIES AS CLOSE TO THE PKK, WAS SUBJECTED TO REPEATED BRUTAL POLICE RAIDS.

HADEP NARROWLY ESCAPED CLOSURE BY THE CONSTITUTIONAL COURT ON GROUNDS OF "SEPARATISM" PRIOR TO THE APRIL ELECTIONS, WHEN ELECTORATE AND CANDIDATES WERE SUBJECTED TO SEVERE INTIMIDATION. BALLOTS CAST FOR HADEP WERE DESTROYED IN AT LEAST ONE CONSTITUENCY. THE PARTY FAILED TO SECURE ANY PARLIAMENTARY SEATS BUT GAINED CONTROL OF THIRTY-SEVEN LOCAL AUTHORITIES IN THE SOUTHEAST, INCLUDING DIYARBAKIR.

IN FEBRUARY, THE DEMOCRATIC MASS PARTY (DKP), ANOTHER PARTY WITH A LARGELY KURDISH MEMBERSHIP, WAS THE FIFTEENTH POLITICAL PARTY TO BE CLOSED DOWN BY THE CONSTITUTIONAL COURT SINCE TURKEY RETURNED TO CIVILIAN RULE IN 1983. THE PARTY'S PROGRAM (WHICH URGED RECOGNITION OF MINORITY RIGHTS WITHIN THE EXISTING STATE OF TURKEY) WAS DEEMED TO HAVE INCLUDED SEPARATIST PROPAGANDA.

IN MAY, THE CONSTITUTIONAL COURT PROSECUTOR BROUGHT AN ACTION TO CLOSE THE ISLAMIST VIRTUE PARTY (FAZILET), SUCCESSOR TO THE WELFARE PARTY (REFAH) WHICH WAS CLOSED IN JANUARY 1998. THIS INITIATIVE WAS PRECIPITATED BY NEWLY ELECTED FAZILET DEPUTY MERVE KAVAKCI'S ATTEMPT TO TAKE HER PARLIAMENTARY OATH WHILE WEARING A FULL HEADSCARF. ALTHOUGH THERE WAS NO LEGAL BASIS TO DENY HER THE RIGHT TO WEAR A HEADSCARF WITHIN THE PARLIAMENT BUILDING, HER ACTION WAS DENOUNCED BY THE PRIME MINISTER

as an affront to the secular state, and she was unable to take her oath. Regulations barring university students, civil servants, lawyers, and judges from wearing the headscarf while on government premises were made more restrictive and applied more widely. Those who protested headscarf restrictions risked prosecution. In March, Sadi Carsancakli, lawyer and president of the Istanbul branch of Mazlum-Der, was indicted for "incitement" at Istanbul State Security Court under Article 312 of the Turkish Penal Code, along with sixteen women and several journalists, for organizing and participating in a nationwide nonviolent demonstration against the headscarf restrictions in October 1998.

In March, Fazilet mayor of Istanbul Recep Tayyip Erdogan, sentenced to ten months of imprisonment under Article 312, went to prison. His offense had been to read a few lines from a poem which contained no advocacy of violence and which had, in fact, been approved by the Education Ministry. He was released in July, with remission, but the conviction results in a lifetime political ban, apparently the chief motivation for the prosecution.

Political influence over the judicial process and constraints on free expression were strongly criticized by two high-ranking judges. In March, the president of the Constitutional Court Ahmet Necdet Sezer stated that the constitution imposed unacceptable restrictions on the basic freedoms of Turkish citizens—including limits on language rights—and called for harmonization of Turkish domestic law with the European Convention. In September, at the official opening of the judicial year and in the presence of the president and prime minister, the president of the Appeal Court Dr. Sami Selcuk rated the legitimacy of the constitution as "almost zero" and expressed the hope that Turkey would not enter the 21st century under a regime which continues to "crush minds and stifle voices." Those present applauded the speech but neglected to take steps to remedy the shortcomings of the constitution or lift the legislation limiting expression. In May, Prime Minister and former newspaperman Bulent Ecevit expressed regret when journalist Oral Calislar was sentenced to twenty months of imprisonment under Article 9 of the Anti-Terror Law for conducting interviews with Kurdish political leaders, but his administration's only gesture towards freedom of expression was, in September, to suspend for three years all sentences imposed on writers and broadcasters.

Even this unsatisfactory measure, which resulted in the release of about a dozen journalists and writers, did not apply to those who had been prosecuted for public speeches.

Esber Yagmurdereli, a lawyer who has been in prison since June 1998 because of a speech he made at an HRA meeting in 1991, therefore remained in Cankiri prison. As a result of a 10-month sentence under Article 9 of the Anti-Terror Law he lost remission on an earlier life sentence imposed by a martial law court after an unfair trial, and has twenty-two more years to serve.

Local courts confiscated newspapers and books almost daily. Mehmet's Book - Soldiers who have fought in the southeast tell their stories by journalist Nadire Mater, for example, was confiscated in June by an Istanbul court for "insulting the armed forces."

Torture was widespread. Detainees accused of theft and other common criminal offenses reported torture, and in one case died in police custody. As in previous years, those interrogated for offenses under the Anti-Terror Law were particularly at risk. Many detainees reported sexual assault and there were three allegations of rape in custody. Muzaffer Cinar, a HADEP official, was detained in July and interrogated in incommunicado detention for eight days at Siirt police headquarters on suspicion of supporting the PKK. After his release without charge, he reported that he had been beaten, that his testicles been pulled using a noose, that he had been suspended by the arms and hosed with cold water under pressure. He stated that police officers detained his wife and threatened to rape her. Medical and photographic evidence of widespread grazing and bruising corroborate his account. At the time of writing, no prosecution had been opened against the alleged torturers.

There were seven reported deaths in custody during the year. Suleyman Yeter, dockers' union official and one of nineteen plaintiffs in an ongoing trial of eight police officers who had allegedly tortured and raped detainees in 1997, was again detained during a police raid on the magazine *Dayanisma* (Solidarity) in March. He died during the third day of incommunicado interrogation at Istanbul police headquarters. While the chief of police announced that "preliminary findings indicate a heart attack," medical examination revealed that Suleyman Yeter had wounds on both sides of his head and to his chin, and extensive bruising to the rest of his body. At the time of writing, no charges had been issued related to his death.

ONE OF THE FIRST ACTIONS OF BİLENT ECEVİT'S NEW GOVERNMENT WAS TO ISSUE A CIRCULAR ANNOUNCING THAT PRIORITY WOULD BE GIVEN TO HUMAN RIGHTS AND WARNING THAT POLICE STATIONS WOULD BE SUBJECT TO IMPROMPTU CHECKS. UNFORTUNATELY, THE URGENT AND ENERGETIC SUPERVISION PROMISED IN THE CIRCULAR FAILED TO MATERIALIZE. BLINDFOLDING CONTINUED TO BE ROUTINE, AND SAFEGUARDS FOR THE PROTECTION OF CHILDREN IN CUSTODY WERE FREQUENTLY IGNORED. INCOMMUNICADO DETENTION, CONDEMNED BY UNITED NATIONS (U.N.) AND COUNCIL OF EUROPE SPECIALISTS AS A MAJOR FACTOR IN TORTURE, WAS NOT ABOLISHED.

THERE WERE NO VERIFIED REPORTS OF "DISAPPEARANCE," BUT THE AUTHORITIES CONTINUED TO IGNORE DEMANDS FOR INVESTIGATION OF THE PATTERN OF "DISAPPEARANCES" FROM THE MID-1990S. THE SATURDAY MOTHERS, RELATIVES OF THE "DISAPPEARED" WHO WHO HAVE HELD A VIGIL IN ISTANBUL EVERY SATURDAY SINCE 1995, WERE FINALLY FORCED OFF THE STREET IN MAY BY WEEKLY DETENTIONS, HARASSMENT, ILL-TREATMENT AND PROSECUTION ON MANIFESTLY TRUMPED UP CHARGES. MEANWHILE, THE EUROPEAN COURT OF HUMAN RIGHTS CONTINUED TO INVESTIGATE OUTSTANDING CASES. IN JULY, IT FOUND THE TURKISH GOVERNMENT RESPONSIBLE FOR THE TORTURE AND DEATH OF AHMET ÇAKICI, WHO "DISAPPEARED" IN THE CUSTODY OF GENDARMES IN DIYARBAKIR PROVINCE IN 1993, AND IN SEPTEMBER, THE COURT VISITED TURKEY TO QUESTION WITNESSES TO THE "DISAPPEARANCE" OF KENAN BİLGİN AT ANKARA POLICE HEADQUARTERS IN 1994.

CASES OF ILL-TREATMENT IN PRISONS MAINLY AROSE WHEN POLICE OR GENDARMES WERE PERMITTED ACCESS TO PRISONERS DURING TIMES OF UNREST, OR WHEN TRANSFERRING PRISONERS TO OTHER PRISONS, TO THE HOSPITAL, OR TO COURT. THERE WERE REPORTS FROM A NUMBER OF PRISONS, INCLUDING THE NEWLY OPENED SOĞANLIK SPECIAL CLOSED PRISON IN ISTANBUL, THAT INMATES WERE HELD IN SMALL-GROUP ISOLATION, KNOWN TO BE A THREAT TO PRISONERS' MENTAL AND PHYSICAL HEALTH. AT SOĞANLIK PRISONERS HELD UNDER THE ANTI-TERROR LAW ARE KEPT IN A SOCIAL AND PHYSICAL ENVIRONMENT THAT IS DRASTICALLY LIMITED AND MONOTONOUS WITH NO OUT OF CELL TIME. HUMAN RIGHTS WATCH, WHILE RECOGNIZING THAT THE TURKISH PRISON SYSTEM'S MOVE AWAY FROM TRADITIONAL LARGE WARDS MAY HAVE BENEFITS FOR THE PRISON POPULATION, URGED THE JUSTICE MINISTRY NOT TO IMPOSE SMALL-GROUP ISOLATION ON ANY CLASS OF PRISONERS.

COMPARED TO PAST YEARS, THERE WERE FEWER REPORTS OF ATTACKS ON CIVILIANS AND KILLING OF PRISONERS BY ILLEGAL ARMED ORGANIZATIONS. FOLLOWING THE DEATH SENTENCE IMPOSED UPON ITS LEADER, THE PKK CARRIED OUT "PUNITIVE" BOMBINGS AND OTHER ATTACKS WHICH CLAIMED CIVILIAN LIVES. PKK MEMBERS MACHINE-GUNNED A RIGHT-WING CAFE IN ELAZIG IN JULY KILLING FERHAN BULUT, SÜKRÜ TUNA, İDRİS YETER AND BİLAL COMERT. THE ORGANIZATION FORMALLY CALLED OFF SUCH ATTACKS LATER THAT MONTH.

Defending Human Rights

HUMAN RIGHTS WORKERS WERE HARASSED, ILL-TREATED, PROSECUTED, AND OBSTRUCTED IN THEIR LEGITIMATE ACTIVITIES. IN FEBRUARY, THE OFFICE OF THE CHIEF OF GENERAL STAFF MADE A PUBLIC STATEMENT THAT HUMAN RIGHTS WERE PARTIAL AND OPERATED AS A WING OF ARMED ORGANIZATIONS. SIMILAR GROUNDLESS ACCUSATIONS HAD PROVOKED AN ATTACK ON AKIN BİRDAL, PRESIDENT OF THE HUMAN RIGHTS ASSOCIATION, IN 1998, AS A RESULT OF WHICH HE REMAINS PARTIALLY PARALYZED. HIS IMPRISONMENT THIS YEAR WAS A GRAVE SHOCK AND AFFRONT TO THE HUMAN RIGHTS COMMUNITY. AKIN BİRDAL WAS CONVICTED UNDER ARTICLE 312 OF THE TURKISH PENAL CODE FOR A 1996 SPEECH REFERRING TO "THE KURDISH PEOPLE" AND BEGAN SERVING A ONE YEAR SENTENCE IN JUNE. AKIN BİRDAL FORFEITED HIS HRA PRESIDENCY AND SERVED THREE AND A HALF MONTHS IN PRISON UNTIL HIS SENTENCE WAS SUSPENDED ON HEALTH GROUNDS IN SEPTEMBER.

THE DIYARBAKIR HRA BRANCH REMAINED CLOSED ON THE ORDERS OF THE LOCAL GOVERNOR FOR THE THIRD SUCCESSIVE YEAR. THE GAZİANTEP BRANCH WAS TEMPORARILY CLOSED FOR THREE MONTHS IN JULY. THE BURSA BRANCH REOPENED IN JUNE AFTER HAVING BEEN CLOSED FOR SEVEN MONTHS BECAUSE IT HAD HOSTED A HUNGER STRIKE, AND THE SANLIURFA BRANCH RE-OPENED AFTER CLOSURE FOR MORE THAN A YEAR, WHEN THE APPEAL COURT OVERTURNED THE LOCAL GOVERNOR'S DECISION THAT THE BRANCH HAD EXCEEDED THE TERMS OF ITS STATUTE.

THREE İZMİR HRA MEMBERS AND ITS PRESIDENT ERCAN DEMİR WERE CONVICTED OF HOLDING AN "UNAUTHORIZED DEMONSTRATION" BY MAKING A PRESS STATEMENT ABOUT UNREST IN A LOCAL PRISON IN 1996 AND SENTENCED TO TERMS OF IMPRISONMENT OF MORE THAN A YEAR. THEY ARE AT LIBERTY, PENDING APPEAL.

OTHER HUMAN RIGHTS ORGANIZATIONS WERE ALSO TARGETED. IN JANUARY, THE SANLIURFA BRANCH OF THE ASSOCIATION FOR HUMAN RIGHTS AND SOLIDARITY WITH THE OPPRESSED (MAZLUM-DER) WAS CLOSED INDEFINITELY ON THE ORDER OF THE LOCAL GOVERNOR, PENDING THE OUTCOME OF A PROSECUTION FOR A CALENDAR WHICH ALLEGEDLY CONTAINED STATEMENTS INSULTING TO THE ORGANS OF STATE. THEIR MALATYA BRANCH WAS CLOSED IN MAY AND OTHER BRANCHES WERE RAIDED BY POLICE.

IN SEPTEMBER, MEHMET ALİ İRTEMCELİK, STATE MINISTER RESPONSIBLE FOR HUMAN RIGHTS, MADE A PUBLIC STATEMENT THAT SEEMED TO PROMISE A CHANGE OF APPROACH, WHEN HE EXPRESSED A WISH TO "STRIKE A SOUND AND HONEST COMMUNICATION" WITH

NONGOVERNMENTAL ORGANIZATIONS (NGOs) DEALING WITH HUMAN RIGHTS. AS OF THIS WRITING, IT WAS UNCLEAR WHETHER OR NOT THIS REPRESENTED A GENUINE NEW INITIATIVE.

The Role of the International Community

THE CAPTURE, TRIAL, AND SENTENCING OF ABDULLAH OCALAN PROVOKED RESPONSES FROM MANY GOVERNMENTS AND WAS INTENSELY SCRUTINIZED BY INTERNATIONAL GOVERNMENTAL ORGANIZATIONS.

IN MARCH THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE VISITED ABDULLAH OCALAN ON IMRALI ISLAND TO EXAMINE THE CONDITIONS OF CUSTODY AND METHODS OF INTERROGATION. THE COMMITTEE WAS SATISFIED THAT HE WAS NOT BEING SUBJECTED TO TORTURE, BUT RAISED CONCERN ABOUT HIS ACCESS TO LEGAL COUNSEL AND THE ISOLATED CHARACTER OF HIS CONFINEMENT.

THE EUROPEAN PARLIAMENT, THE EUROPEAN UNION, THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, AND THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS SENT DELEGATES TO ATTEND OCALAN'S TRIAL. WHEN THE COURT HANDED DOWN A DEATH SENTENCE, THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE REMINDED PRESIDENT DEMIREL THAT IN 1997 HE HAD JOINED OTHER HEADS OF STATE IN A PLEDGE TO ABOLISH THE DEATH PENALTY.

Council of Europe

THE POLITICAL, INVESTIGATIVE, AND JUDICIAL ARMS OF THE COUNCIL OF EUROPE WERE CLOSELY AND ACTIVELY ENGAGED WITH HUMAN RIGHTS DEVELOPMENTS IN TURKEY.

THE TURKISH GOVERNMENT FINALLY GAVE PERMISSION FOR PUBLICATION IN FEBRUARY OF THE REPORT OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE ON THE COMMITTEE'S VISIT TO TURKEY IN OCTOBER 1997. THIS REPRESENTED A SIGNIFICANT ACKNOWLEDGEMENT OF THE PROBLEM OF TORTURE, AND PROGRESS TOWARDS OPENNESS – THOUGH SEVERAL OTHER REPORTS REMAINED UNPUBLISHED. THE REPORT CONFIRMED THAT TURKEY WAS “MOVING IN THE RIGHT DIRECTION” BUT REGRETTED THAT THE COMMITTEE HAD, AS IN PREVIOUS VISITS, RECEIVED MANY REPORTS OF TORTURE, CORROBORATED IN SOME CASES BY MEDICAL EVIDENCE. IN MARCH, THE TURKISH AUTHORITIES ALSO GAVE THE COMMITTEE PERMISSION TO PUBLISH OBSERVATIONS FROM ITS VISIT THAT MONTH TO ABDULLAH OCALAN (SEE ABOVE). DURING THAT VISIT, THE COMMITTEE ALSO INSPECTED ISTANBUL POLICE HEADQUARTERS AND REPORTED IN A TONE OF SOME EXASPERATION THAT IT HAD AGAIN FOUND CREDIBLE EVIDENCE THAT TORTURE WAS STILL BEING INFLICTED THERE.

IN AN UNPRECEDENTED RESOLUTION IN JUNE, THE COMMITTEE OF MINISTERS CENSURED TURKEY FOR “REPEATED AND SERIOUS VIOLATIONS” COMMITTED BY ITS SECURITY FORCES, AND EXPRESSED IMPATIENCE THAT THERE HAD BEEN “NO SIGNIFICANT IMPROVEMENT.”

AS OF SEPTEMBER, OVER NINE THOUSAND PETITIONS AGAINST TURKEY WERE UNDER CONSIDERATION BY THE EUROPEAN COURT OF HUMAN RIGHTS. THE COURT HANDED DOWN DECISIONS IN A SERIES OF CASES REPRESENTING A WIDE VARIETY OF VIOLATIONS COMMITTED BY THE TURKISH AUTHORITIES: VIOLATIONS OF FREEDOM OF SPEECH, IMPRISONMENT FOR EXPRESSION OF NONVIOLENT OPINIONS, AND VIOLATIONS OF THE RIGHT TO LIFE, INCLUDING ONE “DISAPPEARANCE” CASE.

European Union

IN NOVEMBER, THE EUROPEAN UNION (E.U.) COMMISSION PRODUCED ITS FIRST REGULAR REPORT ON TURKEY'S PROGRESS TOWARDS ACCESSION. THE COMMISSION COMMENTED ON THE “PERSISTENT VIOLATIONS OF HUMAN RIGHTS,” THE “GREAT FAILINGS IN THE WAY MINORITIES ARE TREATED” AND THE “LACK OF REAL CIVILIAN CONTROL OVER THE ARMY.”

IN MARCH, IN RESPONSE TO AN INFUX OF ASYLUM SEEKERS FROM IRAQ AND SURROUNDING COUNTRIES, THE EUROPEAN PARLIAMENT PASSED A RESOLUTION WHICH REFERRED TO THE INSTABILITY CAUSED BY TURKISH INCURSIONS INTO NORTHERN IRAQ, AND CALLED FOR THE TURKISH GOVERNMENT TO “SEEK A POLITICAL SOLUTION TO THE KURDISH PROBLEM.”

IN JUNE, THE E.U. PRESIDENCY CONDEMNED THE IMPRISONMENT OF AKIN BIRDAL AND CALLED FOR THE SENTENCE TO BE DEFERRED AT LEAST ON HUMANITARIAN GROUNDS IN VIEW OF HIS POOR HEALTH.

SIGNIFICANT DIFFERENCES BETWEEN THE E.U. AND TURKEY ON ISSUES THAT INCLUDE TURKEY'S HUMAN RIGHTS RECORD KEPT TURKEY OUTSIDE THE E.U. ENLARGEMENT PROCESS.

United Nations

TWO THEMATIC MECHANISMS PUBLISHED THEIR REPORTS ON VISITS TO TURKEY MADE DURING 1998. THE FINDINGS OF THE SPECIAL RAPPORTEUR ON TORTURE COMPLEMENTED THOSE OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE. THE EXTENT OF TORTURE

was unambiguously stated as "widespread" and in some areas "systematic," to the extent that it is a pervasive technique used "regardless of approval or disapproval at higher levels of the public service." The report of the U.N. Working Group on Enforced and Involuntary Disappearances, by contrast, was disappointing. Relatives of the disappeared had hoped that the working group's visit would uncover the truth in at least a small number of individual cases, and draw some conclusions about the general pattern. Instead, the working group failed to make a clear determination in a single case — even where there was a strong body of evidence of security force responsibility. Its description of the volume of reported disappearances in Turkey (not less than a hundred in the 1990s and perhaps several hundred) as "relatively low" betrayed a certain complacency in their approach.

The Organization for Security and Cooperation in Europe (OSCE)

In March, at the Permanent Council in Vienna, the Representative on Freedom of the Media Freimut Duve urged Turkey to adopt "a more liberal attitude" in the application of laws currently used to inhibit political discussion, but expressed appreciation of Turkey's otherwise energetically pluralist media landscape.

As of this writing, Turkey was planning to host the OSCE's Summit of Heads of State and Government in Istanbul in mid-November. Officials of the OSCE's member states expressed the hope that the summit would prove a catalyst for needed reform in Turkey.

United States

In various statements, the United States government contrasted the Turkish authorities' public commitment to respect for human rights with their lack of determination to combat persistent and serious violations. The State Department's *Country Reports on Human Rights Practices for 1999* communicates the "substantial but indirect influence" exercised by the military over politics and its role in inhibiting free expression in Turkey. The report reflects the breadth and gravity of violations committed by government security forces, from torture and forcible evacuation to extrajudicial execution, and shows how those who torture or kill in the name of the state escape prosecution.

Assistant Secretary of State for Democracy, Human Rights, and Labor, Harold Hongju Koh stated, during a tour of Turkey in August, that there could be "no purely military solution to Kurdish issues. Any enduring solution must lie in the expansion of democracy, and in bold and imaginative political, social, and economic measures to foster full democratic political participation for all of Turkey's citizens and to promote broader freedom of expression on the Southeast." This view met bitter criticism and warm praise from different quarters of the media. Harold Koh visited Ankara Central Closed prison to meet the Kurdish former member of parliament Leyla Zana where she is serving a fifteen year sentence on charges of separatism, and also Akın Birdal.

U.S. Congress approved delivery, beginning in July, of fifty Sikorsky S-70 Black Hawk utility helicopters. This class of helicopter has been used to commit human rights violations in Turkey, including "disappearance." Human Rights Watch pressed the U.S. government to insist that effective systems are put in place to ensure end-use monitoring of this equipment.

TURKMENISTAN

Human Rights Developments

In 1999, the government of Turkmenistan intensified its unrelenting repression against its own citizens, launching a campaign to control or to stop the activities of all civil and religious associations as well as individual dissidents. With parliamentary elections scheduled for December, the state continued to suppress even the most benign political expression.

One political prisoner died in custody; the government released two political prisoners, but imprisoned several others for their political views.

On September 9, political prisoner Khoshali Garaev, age thirty-seven, died under extremely suspicious circumstances. Garaev had been in custody since 1994. Prison officials reportedly had transferred Garaev to solitary confinement on September 9 and claimed they found him hanging the next morning. Garaev's family rejected this explanation, stating that

not only was Garaev in relatively good health, but that since he had served much of his term in solitary confinement he was not likely to be distraught by the isolation. His wife noted further that in recent letters and during a June 1999 visit, Garaev was in good spirits. Garaev's co-defendant, Mukhametkuli Aimuradov, who was also sentenced to a long additional term at the end of 1998, is known to be in poor health and is being denied adequate medical treatment.

Turkmenistan added to the ranks of its political prisoners in August with the sentencing of two men who expressed a desire to run in parliamentary elections. Dr. Pirikuli Tangrykuliev received an eight-year sentence for alleged financial improprieties. Arrested in June, Tangrykuliev, a former Supreme Soviet deputy and critic of President Niazov's government, was held for six weeks without charge. On August 5 a court sentenced Ayli Meredov, a former government education official, to five years in prison, but released him from custody under an amnesty after Mr. Meredov signed a statement confessing to the "crime." He is ineligible to run for elected office for ten years under Turkmenistan's election law.

Shakhrat Rozmetov, whose only crime was to attempt to meet with foreign diplomats, was sentenced to three years of imprisonment for "hooliganism." At his trial witnesses openly stated that authorities had coerced their testimony against him. In January the government freed the last two living members of the eight men imprisoned for participation in a July 1995 demonstration, Gulgeldy Annaniyov and Kurbanmurad Mammednazarov, after Annaniyov made a televised statement of "repentance."

In June, the government demanded the re-registration of many nongovernmental organizations. According to unofficial reports, the Ministry of Justice revoked at least fifteen NGO registrations. In January, the National Security Committee (KNB) broke up a meeting of journalists intending to form an independent professional association, detained some of the participants, and threatened others.

Only Russian Orthodox and Sunni Muslim confessions enjoy legal status, while the state denied registration to other confessions. Harassment of those faithful who defied this ban intensified in 1999. Baptists, Seventh Day Adventists, and Pentacostals were all subject to increased persecution: police and security forces forcibly entered their private homes without warrants and broke up prayer meetings, confiscated religious literature, and threatened worshipers with the loss of their jobs. In August, Baptist pastor Shagildy Atakov was sentenced to four years in prison and fined the equivalent of U.S. \$12,000 for alleged financial misdealings, but more likely for his religious activity. In September, officials summoned Pastor Korobov, head of the Evangelical Baptists in Turkmenistan and threatened to arrest him if all worship services did not cease. Also in August, KNB officers destroyed a Hare Krishna temple and forcibly deported a Krishna leader. Three Jehovah's Witnesses imprisoned for conscientious objection to military service were freed early in the year.

Free expression is non-existent, thanks to a government monopoly on the media. Foreign media outlets, such as newspapers from Russia, were often confiscated from private citizens at the border. Turkmen correspondents for Radio Liberty reported that they work under constant surveillance and in fear of arrest: KNB officials questioned Saparmurad Ovezberdiyev, a stringer, after his meetings with international human rights monitors. The KNB warned several journalists not to meet with an advisor to the OSCE Special Representative on Freedom of the Media who visited Turkmenistan in April.

Amnesties in February reportedly freed 3,000 prisoners, while at the end of the year the government promised to free 6,000 to 12,000 more. Witnesses recounted that torture in prisons and pre-trial detention is routine. On December 31, Turkmenistan announced a moratorium on carrying out the death penalty.

Turkmenistan curtailed freedom of movement with its withdrawal from the CIS visa-free regime early in 1999; later restrictions made obtaining an exit visa more difficult for Turkmen citizens.

Defending Human Rights

Turkmenistan has no formal nongovernmental human rights monitoring groups. Groups such as the Russian Community (*Russkaya Obshchina*), which attempted to protect the rights of its ethnic brethren, were consistently denied registration and faced serious harassment. On January 21, KNB officers arrested its co-chairman, Viacheslav Mamedov, but released him on February 3 after forcing him to sign a statement promising not to engage in any "political activities" or to speak to the press. Mamedov's co-chairman, Anatolii Fomin, remained in Russia after learning that he faced arrest upon his return to Turkmenistan.

THE GOVERNMENT ALSO ATTEMPTED TO CURTAIL THE ABILITY OF INTERNATIONAL ORGANIZATIONS TO MONITOR HUMAN RIGHTS. ON FEBRUARY 3, TURKMEN AUTHORITIES DEPORTED SASHA PETROV, DEPUTY DIRECTOR OF HUMAN RIGHTS WATCH'S MOSCOW OFFICE, FOR DISTRIBUTING HUMAN RIGHTS MATERIALS. PETROV HAD BEEN PART OF A FACT-FINDING MISSION THAT VISITED THE COUNTRY AT THE INVITATION OF THE TURKMEN GOVERNMENT. BEFORE THE MISSION ARRIVED, SECURITY FORCES CONTACTED MANY OF THE DELEGATION'S NONGOVERNMENTAL INTERLOCUTORS AND WARNED THEM NOT TO HAVE CONTACT WITH THE MONITORS, AND DURING THE MISSION, SECURITY FORCES SUMMONED AND DEBRIEFED THOSE WHO MET WITH THE MONITORS.

TURKMEN SECURITY OFFICIALS DEPORTED RUSSIAN HUMAN RIGHTS MONITORS VITALII PONOMAREV AND NIKOLAI MITROKHIN AFTER INITIALLY ALLOWING THEM ENTRY INTO THE COUNTRY. THEY WERE SAID TO BE AMONG THE TWENTY-FIVE RUSSIAN JOURNALISTS ON A PERSONA NON GRATA LIST BANNED FROM TURKMENISTAN.

The Role of the International Community

Organization for Security and Cooperation in Europe (OSCE)

THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) CENTER IN ASHGABAD OPENED IN FEBRUARY. AS OF THIS WRITING, TURKMENISTAN HAS NOT AGREED TO THE MEMORANDUM OF UNDERSTANDING WITH THE OSCE'S OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (ODIHR), WHICH WOULD ALLOW THE CENTER TO BEGIN CARRYING OUT ITS MISSION. THE ODIHR REPRESENTATIVE IN ASHGABAD OBSERVED THE SUPREME COURT APPEAL OF DR. TANGRYKULIEV IN AUGUST.

THE OSCE SPECIAL REPRESENTATIVE ON FREEDOM OF THE MEDIA STRONGLY CRITICIZED TURKMENISTAN BEFORE THE PERMANENT COUNCIL IN MAY, NOTING THAT ALTHOUGH THE CONSTITUTION OF TURKMENISTAN GUARANTEES FREEDOM OF EXPRESSION, THANKS TO OVERWHELMING REPRESSION "WE COULD FIND NO PERSON WILLING TO AVAIL HIMSELF OF THAT PRIVILEGE."

European Union

THE EUROPEAN UNION (E.U.) MADE STATEMENTS PRAISING TURKMENISTAN FOR SUSPENDING THE DEATH PENALTY AND EXPRESSING CONCERN ABOUT THE ARREST OF DR. TANGRYKULIEV. THE RATIFICATION PROCESS FOR THE PARTNERSHIP AND COOPERATION AGREEMENT WITH TURKMENISTAN CONTINUES TO BE SUSPENDED DUE TO HUMAN RIGHTS CONCERNS.

United States

THE U.S. EMBASSY IN ASHGABAD CLOSELY MONITORED VIOLATIONS OF BASIC RIGHTS IN TURKMENISTAN AND REPORTED THEM COMPREHENSIVELY IN THE STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES* IN 1999. THE *ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM* LIKEWISE DESCRIBED TURKMENISTAN'S PROHIBITION OF FREE WORSHIP FOR MINORITY RELIGIONS. THESE EFFORTS AS WELL AS THE ATTENTION PAID TO HUMAN RIGHTS BY HIGH-LEVEL DELEGATIONS, INCLUDING THAT OF ENERGY SECRETARY BILL RICHARDSON, WERE TOTALLY UNDERCUT, HOWEVER, BY CONTINUED PROMISES OF FINANCIAL SUPPORT FOR THE CONSTRUCTION OF THE TRANS-CASPIAN PIPELINE WITHOUT ANY HUMAN RIGHTS CONDITIONS ATTACHED. THE U.S. RELEASED THE THIRD FRANCHE OF A GRANT TO CARRY OUT A FEASIBILITY STUDY FOR THE PIPELINE DURING THE SAME WEEK THAT DR. TANGRYKULIEV WAS SENTENCED. CONGRESS ALLOCATED U.S. \$102.9 MILLION IN EXPORT-IMPORT BANK GUARANTEES FOR TURKMENISTAN IN 1999.

UNITED KINGDOM

Human Rights Developments

CONTINUING DISAGREEMENT OVER DISARMING PARAMILITARY GROUPS STALLED IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT AND THREATENED TO IMPEDE PROGRESS ON THE AGREEMENT'S HUMAN RIGHTS PROVISIONS. PETER MANDELSON REPLACED MARJORIE MOWLAM AS SECRETARY OF STATE FOR NORTHERN IRELAND IN OCTOBER, CAUSING CONCERN IN THE HUMAN RIGHTS COMMUNITY THAT THERE WOULD BE A SETBACK IN THE HUMAN RIGHTS PROGRESS MADE DURING MOWLAM'S TENURE.

CONTINUING POLICE ABUSE AND THE REFORM OF THE ROYAL ULSTER CONSTABULARY (RUC) WERE THE MOST SIGNIFICANT HUMAN RIGHTS ISSUES IN NORTHERN IRELAND IN 1999. THE INDEPENDENT COMMISSION ON POLICING FOR NORTHERN IRELAND (POLICING COMMISSION) ISSUED ITS REPORT ON POLICE REFORM IN SEPTEMBER DESPITE THE POLITICAL IMPASSE BUT FAILED TO ADDRESS SEVERAL KEY HUMAN RIGHTS

CONCERNS. FRESH ALLEGATIONS OF COLLUSION IN THE 1999 MURDER OF BELFAST LAWYER PATRICK FINUCANE AND CONCERNS ABOUT THE INVESTIGATION INTO THE MARCH 1999 MURDER OF HUMAN RIGHTS LAWYER ROSEMARY NELSON LED TO RENEWED EFFORTS TO PRESS THE GOVERNMENT TO RESPOND TO PERSISTENT POLICE INTIMIDATION OF DEFENSE LAWYERS, AN ISSUE IGNORED IN THE POLICING COMMISSION'S REPORT. THE DIRECTOR OF PUBLIC PROSECUTIONS' (DPP) FAILURE TO CALL FOR PROSECUTIONS IN TWO CONTROVERSIAL POLICE ABUSE CASES EXACERBATED THE LACK OF PUBLIC CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM, UNDERScoreD THE NEED FOR POLICE ACCOUNTABILITY, AND RAISED SERIOUS CONCERNS ABOUT THE PROSECUTOR'S INDEPENDENCE. NATIONALIST DEMONSTRATORS CHARGED THE RUC WITH THE EXCESSIVE USE OF PHYSICAL FORCE WHEN PROTESTERS WERE BRUTALLY REMOVED WHILE BLOCKING A ROAD DURING THE ANNUAL MARCHING SEASON.

IN SEPTEMBER, THE POLICING COMMISSION—ESTABLISHED BY THE GOOD FRIDAY AGREEMENT AND CHAIRED BY CURRENT EUROPEAN UNION COMMISSIONER FOR EXTERNAL AFFAIRS CHRIS PATTEN—RELEASED ITS REPORT ON POLICE REFORM. THE REPORT CALLED FOR “A HUMAN RIGHTS-BASED APPROACH” TO POLICING AND RECOMMENDED RENAMING THE FORCE THE “NORTHERN IRELAND POLICE SERVICE”; A NEW OATH, INCLUDING A PLEDGE TO UPHOLD FUNDAMENTAL HUMAN RIGHTS; NEW CODES OF ETHICS AND PRACTICE BASED ON THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR); HUMAN RIGHTS TRAINING FOR OFFICERS; ESTABLISHMENT OF A CIVILIAN OVERSIGHT POLICE BOARD; AND THE CREATION OF A NEW COMPLAINTS SYSTEM BASED ON A PREVIOUS REPORT RECOMMENDING AN INDEPENDENT POLICE OMBUDSMAN.

THE REPORT CALLED ON MEMBERS OF THE CATHOLIC AND NATIONALIST COMMUNITIES—LONG DISAFFECTED FROM THE RUC DUE TO THE FORCE'S RECORD OF PERSISTENT HUMAN RIGHTS VIOLATIONS—TO JOIN THE FORCE BUT DID NOT LAY THE GROUNDWORK FOR BUILDING CONFIDENCE IN A “NEW” POLICING SERVICE PRIMARILY BECAUSE IT FAILED TO RECOMMEND A SCREENING PROCESS TO KEEP ABUSIVE OFFICERS FROM CONTINUING TO SERVE ON THE FORCE. FOR EXAMPLE, THE COMMISSION RECOMMENDED CLOSING THE NOTORIOUS “HOLDING CENTERS”—SPECIALLY DESIGNATED DETENTION FACILITIES FOR POLITICAL SUSPECTS—BUT DID NOT REQUIRE THAT DETECTIVES WHO OPERATED WITHIN THOSE CENTERS BE HELD ACCOUNTABLE FOR EGREGIOUS, WELL-DOCUMENTED PHYSICAL AND PSYCHOLOGICAL ABUSE OF DETAINEES OVER THE LAST THREE DECADES. THE REPORT ALSO FAILED TO ADDRESS THE PAST MISCONDUCT OF THE RUC SPECIAL BRANCH, THE UNIT RESPONSIBLE FOR DEALING WITH POLITICAL VIOLENCE. CREDIBLE ALLEGATIONS OF SPECIAL BRANCH COLLUSION WITH LOYALIST PARAMILITARIES IN THE 1999 MURDER OF BELFAST SOLICITOR PATRICK FINUCANE HAVE FUELED URGENT CALLS FOR THE BRITISH GOVERNMENT TO ESTABLISH AN INDEPENDENT JUDICIAL INQUIRY INTO THE KILLING. THE COMMISSION ALSO FAILED TO RECOMMEND THE REPEAL OF EMERGENCY LAWS THAT HAVE PROVIDED COVER FOR THE ABUSIVE PRACTICES OF THE RUC, TO BAN THE USE OF POTENTIALLY LETHAL PLASTIC BULLETS, AND TO RECOMMEND MEASURES TO COMBAT THE WELL-DOCUMENTED SYSTEMATIC INTIMIDATION OF DEFENSE LAWYERS BY RUC OFFICERS.

IN FEBRUARY 1999, BRITISH IRISH RIGHTS WATCH SUBMITTED A CONFIDENTIAL REPORT TO THE BRITISH GOVERNMENT CONTAINING NEW EVIDENCE OF COLLUSION BETWEEN THE RUC AND THE LOYALIST PARAMILITARIES WHO MURDERED DEFENSE LAWYER PATRICK FINUCANE IN 1999.

IN APRIL, JOHN STEVENS, DEPUTY COMMISSIONER OF THE LONDON METROPOLITAN POLICE, WAS ENLISTED TO REOPEN THE FINUCANE MURDER INVESTIGATION. IN JUNE, THE STEVENS TEAM ARRESTED WILLIAM STOBIE AND CHARGED HIM WITH FINUCANE'S MURDER. STOBIE SUBSEQUENTLY CLAIMED IN COURT THAT HE WAS AN INFORMER FOR THE SPECIAL BRANCH AT THE TIME OF THE MURDER—HE TOLD THE POLICE ON TWO OCCASIONS THAT A PERSON WAS TO BE SHOT AND THE WHEREABOUTS OF THE MURDER WEAPONS AFTER THE KILLING—BUT THE POLICE FAILED TO TAKE ACTION. A JUNE 27 *SUNDAY TRIBUNE* ARTICLE ALLEGED THAT STOBIE WAS CHARGED WITH ARMS POSSESSION IN 1991 BUT THREATENED THE DPP THAT HE WOULD EXPOSE PUBLICLY RUC COMPLICITY IN THE FINUCANE MURDER IF PROSECUTED. THE DPP SUBSEQUENTLY OFFERED NO EVIDENCE AGAINST STOBIE AND HE WAS FOUND “NOT GUILTY” OF THE CHARGES.

THE AUTHOR OF THE *SUNDAY TRIBUNE* ARTICLE, ED MOLONEY, WAS SERVED WITH A COURT ORDER UNDER THE PREVENTION OF TERRORISM ACT IN JULY REQUIRING HIM TO SURRENDER NOTES FROM 1990 INTERVIEWS WITH STOBIE, UPON WHICH THE JUNE 1999 ARTICLE WAS BASED. HUMAN RIGHTS ORGANIZATIONS PROTESTED THE ORDER ARGUING THAT IT COULD RESULT IN A “CHILLING EFFECT” ON REPORTING ON GOVERNMENTAL ACCOUNTABILITY AND THAT COERCING JOURNALISTS WHO EXPLORED COLLUSION—WHILE SHIELDING THE POLICE FROM A FULL JUDICIAL INQUIRY INTO THE FINUCANE MURDER—CONTRIBUTED TO THE PERCEPTION THAT THE GOVERNMENT HAD SOMETHING TO HIDE.

MOLONEY CHALLENGED THE COURT ORDER AT AN AUGUST HEARING DURING WHICH IT WAS REVEALED THAT STOBIE WAS ACTUALLY ARRESTED IN 1990 FOR QUESTIONING IN THE FINUCANE MURDER. A MEMBER OF THE STEVENS TEAM TESTIFIED THAT STOBIE ADMITTED TO THE POLICE THEN THAT HE WAS THE QUARTERMASTER FOR THE PARAMILITARY GROUP RESPONSIBLE FOR THE MURDER AND A POLICE INFORMER AT THE TIME, AND THAT HE HAD SUPPLIED THE MURDER WEAPONS AND LED THE POLICE TO THEM AFTER THE KILLING. STOBIE THUS ADMITTED TO THE POLICE IN 1990 THE ROLE THAT WAS ALLEGED IN THE INDICTMENT AGAINST HIM IN 1999. THIS ACCOUNT CONTRASTS SHARPLY WITH A PRIOR STATEMENT BY THE DPP THAT DURING QUESTIONING IN 1990, STOBIE DENIED INVOLVEMENT IN THE MURDER. STOBIE

was granted bail on October 5, 1999. At the time of this writing, a decision on Ed Moloney's challenge to the court order requiring him to surrender his notes is pending.

The DPP came in for heavy criticism in early August when he decided not to prosecute criminally several police officers involved in the 1994 assault on David Adams, then a detainee at Castlereagh Holding Centre. In 1999, the Belfast High Court awarded Adams U.S. \$50,000 in a civil action after finding that RUC officers lied under oath about their involvement in the assault on Adams. The court held that "all the principle injuries suffered by the plaintiff were the result of assaults by police officers and ...were not occasioned or contributed to by resistance on [Adams'] part." Human rights organizations urgently called for the DPP to offer a public explanation of the decision not to prosecute the officers for what appeared to amount to torture.

In another case of alleged police misconduct, the DPP decided on September 30 not to prosecute the officers present at the brutal assault on Robert Hamill, a Catholic man attacked by a mob of loyalists in Portadown in April 1997. Hamill subsequently died from serious head trauma. The Hamill family and witnesses to the attack alleged that the officers sat in a police vehicle twenty feet from the scene and failed to assist Hamill. The family is considering a private prosecution. The RUC commenced an internal investigation into the killing to determine whether disciplinary charges should be leveled against the officers. Protesters demonstrating against an Apprentice Boys march on Belfast's Lower Ormeau Road on August 14, 1999, alleged that they were brutally removed from the road by police. The following week, the RUC raided homes on the road and arrested community leaders and others involved in the protests. Gerard Rice, spokesperson for the Lower Ormeau Concerned Community, was detained and charged with incitement to violence, reportedly for chanting civil rights slogans during the demonstration.

Defending Human Rights

On March 15, human rights lawyer Rosemary Nelson was killed in a car bomb attack near her home in Lurgan. A loyalist paramilitary group called the Red Hand Defenders claimed responsibility for the murder. Nelson represented clients detained under the emergency laws and was one of Northern Ireland's most prominent human rights defenders.

In recent years, Nelson had become the target of a campaign of harassment by the RUC. In September 1999, she testified before the U.S. House of Representatives Subcommittee on International Operations and Human Rights that RUC officers had threatened her personal safety and leveled death threats against her through warnings made directly to her clients. Nelson complained to the Independent Commission for Police Complaints (ICPC). The results of the ICPC's initial investigation were made public on March 22—one week after the murder—and concluded that RUC officers interviewed by the ICPC were hostile and evasive, and that "the behaviour and attitudes displayed by police officers in the course of interviews was such as to be seriously damaging to the credibility of the investigation itself." In response, the RUC chief constable appointed an English police investigator to review the original RUC investigation. Predictably, he found the investigation "adequate." Subsequently, a commentary by the chairman of the ICPC was leaked to the press in which he complained about a seriously negative attitudinal approach by RUC officers "possibly tolerated by the organisation" and severely criticized the police complaints system for practices that favor RUC officers and could be perceived as the "outrageous, systematic undermining of the investigative process."

Given abundant evidence of RUC antipathy toward Rosemary Nelson, human rights groups called for an independent investigation of her killing free of RUC involvement. The RUC chief constable appointed Colin Port, deputy chief constable of Norfolk Constabulary, to conduct the investigation but Port maintained that RUC involvement was critical to the success of the investigation. Public confidence in the investigation has been severely undermined by the RUC's involvement.

The Role of the International Community

United Nations

In November 1999, the U.N. Committee Against Torture (CAT) expressed concern over the continuation of emergency laws in Northern Ireland; recommended the closure of detention centers for political suspects; called for a ban on plastic bullets; and urged the "reconstruction" of the RUC in conformity with the objectives of the Good Friday Agreement.

In his January 1999 report, the U.N. Special Rapporteur on the Independence of Judges and Lawyers Param Cumaraswamy emphasized the ongoing intimidation of defense lawyers in Northern Ireland. The report alleged that the RUC exhibited "complete indifference" to credible reports by nongovernmental organizations of lawyer intimidation and that the chief constable had "allowed the situation to deteriorate." The special rapporteur called again for an independent inquiry into Patrick Finucane's murder.

The special rapporteur's assessment of steady deterioration in the situation of defense lawyers was proven correct by the murder of lawyer Rosemary Nelson. In oral comments to the Human Rights Commission in April, Cumaraswamy stated that he raised the issue of Nelson's personal security and the threats on her life in communications to the U.K. government. He expressed hope that RUC involvement in the Nelson murder investigation "would not affect or taint the impartiality and credibility of the investigation" given the fact that Nelson had lodged complaints against RUC officers and she expressed no confidence in the RUC investigatory mechanism.

U.N. High Commissioner for Human Rights Mary Robinson spoke at a memorial service for Nelson held during the April 1999 Commission on Human Rights session.

Europe

In a January 20, 1999, letter to the newly established Northern Ireland Human Rights Commission, Council of Europe Secretary General Daniel Tarschys underscored the centrality of human rights protection to the Northern Ireland peace process. On March 16, 1999, Tarschys expressed "deep sadness" at Rosemary Nelson's killing and supported the call for an "independent and transparent" investigation into her murder.

The European Parliament passed a resolution on April 15, 1999, condemning the murder of Rosemary Nelson and calling for an independent police investigation of the murder, free of RUC participation.

United States

The U.S. House of Representatives passed a resolution in March condemning Rosemary Nelson's killing, calling for a murder investigation "totally independent" of the RUC, and renewing its call for an independent judicial inquiry into Patrick Finucane's murder.

The U.S. House Committee on International Relations held a hearing on policing in Northern Ireland on April 22. Victims of human rights violations and representatives of human rights organizations gave testimony regarding RUC abuses. The record of the hearing was submitted to the Policing Commission in July.

The U.S. House of Representatives voted in July to stop funding RUC training and exchange programs in the U.S. as part of the American Embassy Security Act of 1999. The act required the U.S. secretary of state to "take all appropriate steps" to ensure that RUC members do not participate in any educational or exchange programs unless the president certifies that independent investigations into the murders of defense attorneys Rosemary Nelson and Patrick Finucane have been initiated by the U.K. government.

In September, the House Subcommittee on International Operations and Human Rights held an open meeting focusing on the Policing Commission report. Commission chairperson, Chris Patten, testified. Members of the committee expressed concern over the absence in the report of an accountability mechanism for past human rights abuses by the RUC and the report's failure to call for the repeal of emergency legislation and a ban on plastic bullets.

The U.S. State Department's *Country Reports on Human Rights Practices for 1998* was disturbingly lacking in criticism of the U.K. government and contained several critical errors both of fact and interpretation. Instead of casting him as a defense lawyer or human rights lawyer for political suspects, the report described Patrick Finucane as "counsel to many IRA suspects" thus associating him with the views of his clients. The report also failed to report that in late 1998 the U.N. Committee Against Torture called for a ban on plastic bullet use and for the closure of Castlereagh Holding Centre. The report frequently recorded the U.K. government's justifications for dubious measures to address political violence without including any counter-arguments.

UZBEKISTAN

Human Rights Developments

Human rights protections in Uzbekistan deteriorated rapidly and dramatically in 1999. Following the explosion of five bombs in the capital on February 16, police detained thousands of men. Police and security forces particularly targeted members of the political opposition and independent Muslims. Among the arrested were hundreds of members of Hizb-ut-Tahrir (Party of Liberation), an unregistered Islamic organization.

Nineteen men were sentenced to death following patently unfair show trials for their alleged participation in the February 16 bombings or other acts of violence. Others were given lengthy prison terms. Courts also doled out harsh sentences for members of Hizb-ut-Tahrir. Some were convicted purely on the basis of their religious beliefs while others had allegedly fabricated charges of narcotics or weapons possession brought against them.

Police and security forces used brutal tactics in carrying out the campaign. They systematically tortured defendants, using barbaric methods such as electric shock, beatings with batons, and temporary suffocation with a plastic bag, coined "the bag of death." There were several credible reports that authorities also threatened to rape defendants' family members if they did not sign self-incriminating statements.

The family members of independent religious or political leaders were singled out for harsh treatment by authorities. Female relatives of independent Imam Obidhon Nazarov, believed to be in hiding since March 1998, were briefly detained, as was the wife of an associate of Nazarov, Imam Tulkun Ergashev. Male relatives of Nazarov were imprisoned on allegedly fabricated charges, and it was reported that the imam's youngest brother, Abdumalik Nazarov, was sent to a prison in Karakalpakstan, said to be designed for religious prisoners and known as "the place from which no one returns." Relatives of men sought in connection with the February 16 bombings reported being detained and even tortured. At least two fathers were reportedly imprisoned because of charges against their sons. This was part of the implementation of the government's collective punishment policy in which, according to the minister of internal affairs, "fathers will suffer, too."

Azim Khodjaev, the father of two young men sought for alleged Islamic extremism, was convicted and imprisoned in Karakalpakstan. His body was returned to his family around July 14 and reportedly showed hideous signs of torture, including extracted fingernails. In July, authorities at the prison also reportedly tortured to death Jurakhon Azimov, a leader of the political opposition group, the Popular Movement Birlík (Unity), in Andijan. He had been sentenced to sixteen years in prison on May 5 after a trial that reportedly relied wholly on fabricated evidence of his "anti-state activities." Azimov's family saw his body after it was removed from the Karakalpakstan prison and reported that the left half of his face was smashed in beyond recognition, and his body was covered with large bruises and razor-blade cuts. Officials gave the cause of death as heart failure. Authorities in that prison reportedly tortured to death at least six other men in 1999.

Other shocking reports of death from torture came to light in 1999. Human Rights Watch viewed the body of Furkhat Usmanov, a young man who died in detention. His body showed unmistakable signs of torture, including severe bruising all over his body. Heart failure was the official cause of death. Usmanov (age forty-two) had been detained just eleven days before his death for alleged possession of a Hizb-ut-Tahrir pamphlet. Other reports of deaths in custody, including those of a young Hizb-ut-Tahrir member in Tashkent, and two other orthodox Muslims in the Fergana Valley, followed the same pattern. The body of independent Imam Kobil Muradov spoke volumes of the treatment he apparently endured in pretrial detention. His injuries reportedly included broken ribs and a broken collarbone, missing teeth, and extensive bruising. Authorities gave disparate and unconvincing explanations for his death, first claiming that he had fallen from his bunk and later that fellow prisoners had beaten him to death.

The release in August of five Christians unjustly imprisoned in 1999 was seen as a positive development, although the timing of the releases appeared to be calculated to coincide with publication of the U.S. government's report on religious freedom. Those released included Rashid Turibayev of the Full Gospel Church in the Autonomous Republic of Karakalpakstan and two of his fellow worshippers, Parakhmat Yangibayev and Eset Tanishev, all charged with illegal possession of narcotics.

Authorities also accused Turibayev of violating a May 1998 law that imposed severe restrictions on permissible religious practice. That law also banned proselytism, the charge on which Ibrahim Yusupov, the head of a Pentecostal congregation

INTASHKENT, WAS CONVICTED. BUKHARAN PASTOR NA'IL ASANOV OF THE CHURCH OF CHRIST, WHO HAD BEEN CONVICTED IN JUNE FOR ALLEGED ILLEGAL POSSESSION OF NARCOTICS, WAS RELEASED TOGETHER WITH YUSUPOV IN LATE AUGUST.

SECULAR FIGURES AS WELL AS RELIGIOUS ONES FELL VICTIM TO STATE REPRESSION. DISREGARDING ALLEGATIONS OF TORTURE, AN UZBEK COURT ON AUGUST 18 CONVICTED SIX MEN BECAUSE OF THEIR ALLEGED AFFILIATION WITH ERK (FREEDOM), A POLITICAL PARTY FOUNDED IN 1990 AND BANNED BY UZBEK AUTHORITIES IN DECEMBER 1992. ITS LEADER, MUHAMMAD SOLIH, WAS THE ONLY CANDIDATE TO RUN AGAINST PRESIDENT ISLAM KARIMOV IN THE PRESIDENTIAL ELECTIONS OF 1991 AND WAS FORCED INTO EXILE IN 1994. THE MEN—MUHAMMAD BEKJANOV, RASHID BEKJANOV (SOLIH'S BROTHERS), KOBIL DIEROV, MAMADALI MAHMUDOV, NE'MAT SHARIPOV, AND IUSUF RUZIMURADOV WERE SENTENCED TO PRISON TERMS RANGING FROM EIGHT TO FIFTEEN YEARS FOR PARTICIPATION IN A "CRIMINAL SOCIETY" AND FOR USING THE MASS MEDIA TO INSULT PUBLICLY THE PRESIDENT OF UZBEKISTAN, AMONG OTHER CHARGES. THE GOVERNMENT PUBLICLY IMPLICATED SOLIH AS A CONSPIRATOR IN THE BOMBINGS, A CHARGE HE DENIED.

FREEDOM OF EXPRESSION AND OF THE PRESS CONTINUED TO BE SEVERELY RESTRICTED. THERE WERE NO INDEPENDENT LOCAL JOURNALISTS OR MEDIA OUTLETS FUNCTIONING IN THE COUNTRY. GOVERNMENT-CONTROLLED MEDIA WERE USED AS RELENTLESS PROPAGANDA TOOLS TO DISCREDIT INDEPENDENT MUSLIM GROUPS, HUMAN RIGHTS ACTIVISTS, AND MEMBERS OF THE POLITICAL OPPOSITION IN UZBEKISTAN AND ABROAD.

THE UZBEK GOVERNMENT DEALT ANOTHER BLOW TO FREEDOM OF INFORMATION IN 1999 WHEN IT RECENTRALIZED ALL INTERNET PROVIDERS IN THE COUNTRY UNDER ONE GOVERNMENT UMBRELLA AGENCY. THE MOVE, ESTABLISHING A GOVERNMENT MONOPOLY ON THAT MEDIUM, WAS PRESUMABLY DESIGNED TO CONTROL ACCESS TO AND MONITOR INTERNET COMMUNICATIONS.

Defending Human Rights

IN 1999, THE UZBEK GOVERNMENT CLAMPED DOWN ON HUMAN RIGHTS ACTIVISTS WITH UNPRECEDENTED VIGOR AND BRUTALITY. OVER A DOZEN HUMAN RIGHTS DEFENDERS WERE DETAINED, BEATEN, OR OTHERWISE HARASSED. GOVERNMENT-CONTROLLED LOCAL AND NATIONAL MEDIA ROUTINELY BROADCAST AND PRINTED PROPAGANDA TO DISCREDIT RIGHTS DEFENDERS AS "SUPPORTERS OF TERRORISM," "TRAITORS," AND "ENEMIES OF THE STATE." THE GOVERNMENT'S CAMPAIGN APPEARED DESIGNED TO SILENCE ACTIVISTS' CRITICISM OF OFFICIAL POLICY AND STOP THE FLOW OF INFORMATION TO FOREIGN GOVERNMENTS, MEDIA, AND OTHER OBSERVERS.

IN JUNE, AKHMADHON TURAKHONOV, A MEMBER OF THE INDEPENDENT HUMAN RIGHTS ORGANIZATION OF UZBEKISTAN (IHRU), DIED IN PRISON, APPARENTLY FROM DIABETES THAT WENT UNTREATED, FOLLOWING HIS CONVICTION IN MARCH ON POLITICALLY MOTIVATED AND WHOLLY SPURIOUS CHARGES.

CHAIRMAN OF THE IHRU, MIKHAIL ARDZINOV, WAS SAVAGELY BEATEN AND DETAINED FOR OVER TWELVE HOURS BY OFFICERS OF THE MINISTRY OF INTERNAL AFFAIRS. THEY LEVIED THE SPURIOUS CHARGE OF "HOOLIGANISM" AGAINST HIM. AUTHORITIES DENIED ARDZINOV ACCESS TO A LAWYER OR MEDICAL EXAM AND CONFISCATED HIS PASSPORT, OFFICE EQUIPMENT, AND ARCHIVE OF HUMAN RIGHTS DOCUMENTS.

A MEDICAL EXAM CONDUCTED BY A U.S. EMBASSY DOCTOR THE DAY AFTER HIS RELEASE FOUND THAT ARDZINOV HAD SUFFERED BROKEN RIBS, CONTUSED KIDNEYS, AND A CONCUSSION, IN ADDITION TO CUTS AND BRUISES TO THE FACE.

ON SEPTEMBER 29, A DISTRICT COURT CONDEMNED ARDZINOV'S COLLEAGUE, ISMOIL ADYLOV, TO SIX YEARS IN PRISON. THE TRIAL WAS BASED ON WHOLLY SPURIOUS CHARGES THAT ADYLOV POSSESSED HIZB-UT-TAHRIR LEAFLETS AND THAT HE WAS GUILTY OF ANTI-CONSTITUTIONAL ACTIVITIES BECAUSE OF THE IDEAS CONTAINED IN THOSE LEAFLETS. EYEWITNESSES REPORTED THAT POLICE HAD PLANTED THE RELIGIOUS LITERATURE IN ADYLOV'S HOME AT THE TIME OF ARREST. AUTHORITIES HELD HIM INCOMMUNICADO FOR OVER TWENTY-FOUR HOURS AND DENIED HIM ACCESS TO AN ATTORNEY DURING THE INITIAL PERIOD OF DETENTION. AUTHORITIES CONTINUED TO DENY HIM MEDICAL TREATMENT IN DETENTION FOR A CHRONIC KIDNEY AILMENT.

JUST DAYS AFTER THE ARREST OF ADYLOV IN JULY, ANOTHER IHRU MEMBER, MAHEBUBA KASYMOVA, WAS CONDEMNED TO FIVE YEARS IN PRISON. HER TRIAL, ON ALL COUNTS A FARCE THAT LASTED LESS THAN THREE HOURS, FELL FAR SHORT OF INTERNATIONAL STANDARDS. THE PRESIDING JUDGE DENIED KASYMOVA THE RIGHT TO COUNSEL OF HER CHOICE, FAILED TO HEAR KEY WITNESSES, AND IGNORED EXCULPATING TESTIMONY. THE PRIMARY CHARGE AGAINST KASYMOVA WAS THAT SHE HAD HIDDEN A "CRIMINAL," RAVSHAN HAMIDOV, WHO WAS ARRESTED AT HER HOME IN MAY. WITNESSES TO THE ARREST REPORTED THAT THE POLICE HAD PLANTED RELIGIOUS LEAFLETS, NARCOTICS, AND A GRENADE AMONG HAMIDOV'S BELONGINGS PRIOR TO HIS ARREST, RAISING SERIOUS DOUBTS ABOUT THE CHARGES AGAINST HIM. IN ANY CASE, THE STATE PRESENTED NO EVIDENCE THAT KASYMOVA KNEW OR SHOULD HAVE KNOWN ABOUT HAMIDOV'S ALLEGED ILLEGAL ACTIVITY.

IN SEPTEMBER 1998, AUTHORITIES ARRESTED MUIDIN KURBANOV, A MEMBER OF THE HUMAN RIGHTS SOCIETY OF UZBEKISTAN (HRSU) CHAPTER IN JIZAK. POLICE BEAT HIM REPEATEDLY AND QUESTIONED HIM ABOUT HIS HUMAN RIGHTS ORGANIZATION AND THE WHEREABOUTS OF IMAM OBIDHON NAZAROV. ON THE BASIS OF FABRICATED CHARGES, A JUDGE SENTENCED HIM, WITHOUT A LAWYER OR PROSECUTOR PRESENT,

to three years in prison. Kurbanov was released from prison in January 1999 under a presidential amnesty decree. Authorities in Jizak have since repeatedly harassed Kurbanov and threatened to charge him with membership in the Islamic organization Hizb-ut-Tahrir.

In October 1998, Tolib Yakubov, executive director of the HRSU, was brutally attacked by unidentified men while in Warsaw to attend the Organization for Security and Cooperation in Europe (OSCE) implementation meeting. It was believed the attack, which sent Yakubov to the hospital with severe injuries, was in retaliation for his outspoken criticism of Uzbekistan's rights record. In 1999, Yakubov reported that authorities forced him to attend a public "hate rally" they had organized in his home town, in which neighbors and local government officials showered him with insults and labeled him an "enemy of the state." On April 11, Haibbai Yakubov, an HRSU member in Khorezm province, was detained for three hours by officers of the Urgench district police station. An investigator questioned Yakubov about his human rights activities and threatened to jail him if he did not name all who had sought his help. When Yakubov refused, a masked officer wielding a nightstick reportedly beat him repeatedly before he was finally released.

On July 16, Haibbai Yakubov accompanied a Human Rights Watch researcher on a field mission to the Autonomous Republic of Karakalpakstan. They were denied access to their destination and ordered to turn back to Khorezm. On the return trip, Yakubov and the Human Rights Watch researcher were repeatedly detained by police in Karakalpakstan and Khorezm. In the city of Khiva, the head of the police's criminal investigation team threatened to put Yakubov in jail. When asked what charges he could possibly bring, he reportedly responded, "We'll find something."

On the night of March 4, officers in plain clothes entered the home of independent activist Mukhtabar Akhmedova, confiscated her computer and other office equipment, and detained her. At the local police station, authorities accused her of assisting "Islamic terrorists" and sentenced her to ten days of administrative detention. Following her strenuous protests, the police released the sixty-year-old woman after twenty-four hours. First, however, they forced her to attend the public meeting they had organized in which she was labeled an "enemy of the state" and accused of complicity in the February 16 bombings. As of this writing, Akhmedova was at liberty; however, police threatened to charge her with anti-constitutional activities and refused to return her belongings.

The Role of the International Community

United Nations

International press reported in September that High Commissioner for Human Rights Mary Robinson met with Muhammad Solih, the exiled leader of the Uzbek opposition party Erk. During the meeting she reportedly expressed her deep concern regarding accounts of arrests and convictions of political and religious dissidents in Uzbekistan and stated that her office would conduct a mission to the country to investigate the allegations.

In May, the United Nations Working Group on Enforced or Involuntary Disappearances considered the cases of six men—Mahmudov, Dierov, Sharipov, M. Bekjanov, R. Bekjanov, and Ruzimuradov—whose whereabouts were then unknown. The working group submitted these cases to the government of Uzbekistan and called on the proper officials to investigate the cases and ensure the protection of the men's rights. (For details on the fate of the six men, see above.)

Organization for Security and Cooperation in Europe (OSCE)

Although the OSCE increased its engagement in Central Asia, and in Uzbekistan in particular, the organization's message on human rights was not consistent. In April, OSCE Representative on Freedom of the Media Freimont Due visited Uzbekistan, after which he reported to the Permanent Council that "there is, in Uzbekistan, a near absence of independent media," due in part to "the insidious effects of 'structural censorship'." He also recounted his surprise visit to a government office where he found officials "perusing newspapers paragraph by paragraph for unacceptable coverage."

In May, the director of the Office for Democratic Institutions and Human Rights, Ambassador Gerard Stoudman, headed a delegation to Uzbekistan to assess conditions for upcoming parliamentary and presidential elections. The delegation concluded that the Uzbek government needed to undertake numerous reforms, including the registration of opposition parties and the establishment of independent media, in order to approach international standards. In meetings with

PRESIDENT KARIMOV AND OTHER OFFICIALS, STODMAN OBTAINED ASSURANCES THAT THE OSCE CENTRAL ASIA LIAISON OFFICE WOULD BE PROVIDED WITH THE CORRECT NAMES, PLACES OF DETENTION, AND CHARGES OF ALL DETAINEES AND ARRESTEES—DATA NOT PREVIOUSLY AVAILABLE. UNFORTUNATELY, THE OFFICE FAILED TO FOLLOW UP WITH THE GOVERNMENT AND HAD NOT RECEIVED THE PROMISED INFORMATION AS OF THIS WRITING. THE CHAIRMAN-IN-OFFICE, DURING HIS VISIT TO UZBEKISTAN IN OCTOBER, APPARENTLY ALSO FAILED TO MAKE ANY PROGRESS ON THE OSCE INITIATIVE TO OBTAIN ACCESS FOR INDEPENDENT INTERNATIONAL MONITORS TO PRISONS AND OTHER PLACES OF DETENTION. AS OF OCTOBER, NO INTERNATIONAL MONITORS HAD ACCESS TO UZBEKISTAN'S PRISONS, BELIEVED TO BE AMONG THE WORST IN THE REGION.

OSCE CHAIRMAN-IN-OFFICE KNUT VOLLEBECK APPOINTED AMBASSADOR WILHELM HOYNCK AS HIS PERSONAL REPRESENTATIVE TO DEVELOP PROPOSALS FOR COORDINATED AND ENHANCED OSCE ENGAGEMENT IN CENTRAL ASIA. HOYNCK VISITED UZBEKISTAN IN JUNE AND MET WITH SEVERAL GOVERNMENT OFFICIALS. UNFORTUNATELY, HE DECLINED TO MEET WITH ANY LOCAL OR INTERNATIONAL HUMAN RIGHTS OBSERVERS IN THE COUNTRY. CHAIRMAN-IN-OFFICE VOLLEBECK VISITED UZBEKISTAN IN EARLY OCTOBER, THOUGH HE FAILED TO PRESS HUMAN RIGHTS CONCERNS WITH THE SAME VIGOR AS THE ODHR DELEGATION.

THE CENTRAL ASIA LIAISON OFFICE IN TASHKENT CONTINUED ITS MONITORING OF HUMAN RIGHTS IN UZBEKISTAN, MAKING PARTICULAR USE OF REPORTS FROM LOCAL AND INTERNATIONAL NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS AND PARTICIPATING IN SOME TRIAL MONITORING ACTIVITIES.

European Union

ON THE OCCASION OF THE UZBEK FOREIGN MINISTER'S ADDRESS TO THE OSCE PERMANENT COUNCIL MEETING IN JULY, THE EUROPEAN UNION (E.U.) ISSUED A DEMARCHE ON HUMAN RIGHTS ABUSES THAT INCLUDED A STRONG DENUNCIATION OF THE BEATING OF RIGHTS DEFENDER MIKHAIL ARDZINOV AND THE ONGOING ARRESTS OF POLITICAL AND RELIGIOUS DISSIDENTS. IN THE SEPTEMBER PERMANENT COUNCIL DEBATE ON THE HOYNCK REPORT, THE E.U. AGAIN EMPHASIZED THE IMPORTANCE OF HUMAN RIGHTS IMPROVEMENTS.

NEVERTHELESS, THE MEMBER STATES OF THE E.U. PUT INTO EFFECT ITS PARTNERSHIP AND COOPERATION AGREEMENT WITH THE REPUBLIC OF UZBEKISTAN ON JULY 1, 1999, IGNORING THE RAPIDLY DETERIORATING HUMAN RIGHTS SITUATION IN UZBEKISTAN. THIS AGREEMENT, WHICH SPECIFIES RESPECT FOR HUMAN RIGHTS AS AN ESSENTIAL ELEMENT, AWARDED UZBEKISTAN PREFERENTIAL TRADE STATUS AND OTHER POTENTIAL ECONOMIC BENEFITS, DESPITE THE COUNTRY'S ABYSMAL HUMAN RIGHTS RECORD. IN SEPTEMBER, THE E.U. HELD ITS FIRST COOPERATION COUNCIL MEETING WITH UZBEKISTAN TO CONSIDER THAT COUNTRY'S COMPLIANCE WITH THE AGREEMENT. MEMBER STATES WERE EXPECTED TO RAISE CONCERNS REGARDING UZBEKISTAN'S POOR HUMAN RIGHTS RECORD, INCLUDING EGREGIOUS CASES OF TORTURE AND DEATH IN DETENTION.

United States

SENIOR GOVERNMENT OFFICIALS EXPRESSED DISMAY AT UZBEKISTAN'S CONTINUED PRACTICES OF ARBITRARY AND DISCRIMINATORY ARRESTS OF RELIGIOUS MUSLIMS AND OTHER FORMS OF RELIGIOUS PERSECUTION. STEPHEN SESTANOVICH, AMBASSADOR-AT-LARGE FOR THE NEWLY INDEPENDENT STATES (NIS), VISITED UZBEKISTAN AS PART OF THE BIENNIAL MEETING OF THE UNITED STATES-UZBEKISTAN JOINT COMMISSION. HE ARTICULATED U.S. CONCERNS REGARDING THE LACK OF PROGRESS ON HUMAN RIGHTS ISSUES. ALSO PART OF THE DELEGATION, THE AMBASSADOR-AT-LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, ROBERT SEIPLE, MET WITH GOVERNMENT OFFICIALS TO URGE THEM TO REGISTER UNREGISTERED RELIGIOUS GROUPS. HE DISCUSSED ABUSES AGAINST RELIGIOUS MINORITIES AND ORTHODOX MUSLIMS WITH RELIGIOUS LEADERS AND HUMAN RIGHTS ORGANIZATIONS. THE U.S. DEPARTMENT OF STATE'S ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM FOR 1999, ISSUED IN SEPTEMBER, WAS SHARPLY CRITICAL OF UZBEKISTAN'S RECORD. THE REPORT STATED CATEGORICALLY THAT "[T]HE GOVERNMENT'S RECORD ON RESPECT FOR THE RIGHT OF RELIGIOUS FREEDOM WORSENERD DURING THE PERIOD COVERED BY THIS REPORT" AND THAT "[T]HE MOST SERIOUS ABUSES OF THE RIGHT TO RELIGIOUS FREEDOM WERE COMMITTED AGAINST MUSLIM BELIEVERS."

DESPITE HARSH CRITICISM OF UZBEKISTAN'S DEPLORABLE RIGHTS RECORD AND CHARACTERIZATION OF THE GOVERNMENT AS "AUTHORITARIAN," THE U.S. ALLOTTED AN ESTIMATED U.S.\$30 MILLION IN ASSISTANCE TO UZBEKISTAN IN 1999, A MAJOR INCREASE FROM THE \$22 MILLION IN AID GIVEN IN 1998. THE APPROPRIATIONS REQUEST FOR THE YEAR 2000 SIGNIFIED ANOTHER LEAP TO \$40 MILLION, A NEAR DOUBLING OF U.S. ASSISTANCE DURING A TWO-YEAR PERIOD.

FEDERAL REPUBLIC OF YUGOSLAVIA

Human Rights Developments

THE FEDERAL GOVERNMENT OF YUGOSLAVIA DOMINATED BY PRESIDENT SLOBODAN MILOSEVIC CONTINUED ITS BRAZEN DISRESPECT FOR HUMAN RIGHTS AND INTERNATIONAL LAW DURING 1999, PROMPTING THE INDICTMENT OF MILOSEVIC, THREE HIGH SERBIAN OFFICIALS, AND A YUGOSLAV ARMY OFFICIAL BY THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY) FOR CRIMES AGAINST HUMANITY.

THE MOST EGREGIOUS ABUSES TOOK PLACE IN KOSOVO DURING THE NATO BOMBING PERIOD FROM MARCH TO JUNE WHEN SERBIAN AND YUGOSLAV FORCES CONDUCTED A BRUTAL "ETHNIC CLEANSING" CAMPAIGN IN WHICH THOUSANDS OF ETHNIC ALBANIANS WERE KILLED. BUT THESE FORCES ALSO COMMITTED MANY SERIOUS ABUSES IN KOSOVO BEFORE THE NATO BOMBING OF YUGOSLAVIA BEGAN IN MARCH, INCLUDING SUMMARY EXECUTIONS AND INDISCRIMINATE ATTACKS ON CIVILIANS.

ABUSES ALSO TOOK PLACE AFTER NATO ENTERED KOSOVO IN JUNE, BUT THIS TIME THE VICTIMS WERE SERBS, ROMA, AND OTHER MINORITIES WHO DID NOT DEPART WITH THE GOVERNMENT FORCES, AS WELL AS SOME ALBANIANS CONSIDERED COLLABORATORS WITH THE YUGOSLAV GOVERNMENT. VENGEFUL ALBANIANS, SOME OF THEM KOSOVO LIBERATION ARMY (KLA) SOLDIERS, HARASSED, BEAT, ABDUCTED, AND SOMETIMES KILLED CIVILIANS WHO STAYED BEHIND. THE INTERNATIONAL COMMUNITY PRESENT IN KOSOVO LACKED BOTH THE MECHANISMS AND THE POLITICAL WILL TO PROTECT THE ENDANGERED POPULATIONS OR TO STOP THE EXODUS OF SERBS AND ROMA THAT ENSUED.

ETHNIC SERBS WERE ALSO SUBJECTED TO PERSECUTION BY THE MILOSEVIC GOVERNMENT IN 1999. THROUGHOUT THE YEAR, JOURNALISTS, OPPOSITION POLITICIANS, AND CIVIL SOCIETY ACTIVISTS WERE HARASSED, IMPRISONED, AND SOMETIMES BEATEN DUE TO THEIR ANTI-GOVERNMENT ACTIVITIES OR OPINIONS. ONE PROMINENT JOURNALIST, SLAVKO CURUVIJA, WAS MURDERED IN APRIL, AND THE POLICE USED EXCESSIVE VIOLENCE AGAINST ANTI-GOVERNMENT STREET PROTESTERS IN OCTOBER.

THE MOST SERIOUS ABUSES CLEARLY TOOK PLACE IN KOSOVO. AFTER EIGHT MONTHS OF INTERNAL ARMED CONFLICT BETWEEN GOVERNMENT FORCES AND THE KLA, IN WHICH AN ESTIMATED 2,000 ETHNIC ALBANIAN CIVILIANS WERE KILLED, A CEASE-FIRE WAS DECLARED IN OCTOBER 1998, AND INTERNATIONAL MONITORS FROM THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) WERE DEPLOYED. THE MONITORS HELPED ALLEVIATE TENSIONS IN THE PROVINCE AND PROVIDED ETHNIC ALBANIANS WITH A CERTAIN SENSE OF SECURITY. BUT BY EARLY 1999, AN INCREASING NUMBER OF VIOLENT INCIDENTS WERE BEING REPORTED, SOME OF THEM PROVOKED BY THE KLA.

ON JANUARY 15, SERBIAN SPECIAL FORCES ATTACKED THE VILLAGE OF RACAK, KILLING FORTY-FIVE PERSONS. ALTHOUGH THE ATTACK MIGHT HAVE BEEN PROVOKED BY A KLA AMBUSH OF THREE SERBIAN POLICEMAN A FEW DAYS BEFORE, GOVERNMENT FORCES RESPONDED BY INDISCRIMINATELY SHOOTING AT CIVILIANS, TORTURING DETAINEES, AND COMMITTING SUMMARY EXECUTIONS. THE EVIDENCE SUGGESTS THAT SPECIAL POLICE FORCES HAD DIRECT ORDERS TO KILL VILLAGE INHABITANTS OVER THE AGE OF FIFTEEN.

THE MASSACRE IN RACAK, WELL DOCUMENTED BY THE OSCE MISSION, INSPIRED THE INTERNATIONAL COMMUNITY TO ASSUME A MORE DETERMINED POSITION VIS-A-VIS THE SERBIAN AND YUGOSLAV GOVERNMENTS' POLICY OF VIOLENCE IN KOSOVO. NATO INCREASED ITS THREATS OF MILITARY ACTION, MADE NUMEROUS TIMES BEFORE, IF ATTACKS ON CIVILIANS DID NOT STOP.

THOSE THREATS WERE IMPLEMENTED AFTER THE FAILED SERBIAN-KOSOVAR ALBANIAN NEGOTIATIONS IN RAMBOUILLET, FRANCE, THAT TOOK PLACE IN FEBRUARY. SERBIAN AND YUGOSLAV FORCES TOOK ADVANTAGE OF THE NEGOTIATING PERIOD TO EXPAND THEIR PRESENCE IN KOSOVO, APPARENTLY IN PREPARATION FOR A MAJOR OFFENSIVE. THE MILITARY CAMPAIGN BEGAN ON MARCH 19, THE DAY THE OSCE WITHDREW FROM KOSOVO. NATO BOMBING OF YUGOSLAVIA COMMENCED FIVE DAYS LATER.

THE FOLLOWING SEVENTY-EIGHT DAYS SAW A WELL STRATEGIZED AND IMPLEMENTED CAMPAIGN OF "ETHNIC CLEANSING" BY SERBIAN AND YUGOSLAV FORCES IN WHICH MORE THAN 900,000 ETHNIC ALBANIANS WERE FORCED OUT OF THE PROVINCE, MOSTLY INTO ALBANIA OR MACEDONIA, CAUSING SERIOUS CRISES IN BOTH OF THOSE COUNTRIES. ON MANY OCCASIONS, GROUPS OF ALBANIANS WERE SYSTEMATICALLY EXECUTED BY SERBIAN SPECIAL POLICE OR PARAMILITARIES. MOST OF THE VICTIMS WERE MILITARY-AGE MEN, APPARENTLY AN ATTEMPT TO ERADICATE THE KLA, BUT DOZENS OF WOMEN AND CHILDREN WERE ALSO KILLED. IN SOME CASES, LARGE FAMILIES WERE EXECUTED IN THEIR HOMES, WHICH WERE THEN SET ON FIRE.

SERBIAN AND YUGOSLAV FORCES TARGETED SOME PROMINENT ALBANIANS FOR KILLING. ON MARCH 25, THE POLICE DETAINED AND EXECUTED BAJRAM KELMENDI, A WELL-KNOWN HUMAN RIGHTS LAWYER, AND HIS TWO SONS. FEHMI AGANI, AN IMPORTANT AND MODERATE POLITICIAN, WAS KILLED ON MAY 6 AS HE TRIED TO FLEE TO MACEDONIA.

Throughout Kosovo, villages were systematically cleansed, with long columns of displaced persons led along roads, into cities, and then out of the country. The vast majority of Albanians were robbed of their valuables, including their identity papers, and many were beaten. Looting and the burning of civilian property usually followed.

Serbian police and paramilitaries, as well as Yugoslav soldiers, also committed rape against ethnic Albanian women. Despite the social taboos associated with rape, some women reported being dragged out of refugee columns and assaulted; in other cases women were separated from the village's men and held for as much as three days in private houses where they were sexually abused. The United States (U.S.) and British (U.K.) governments reported rape camps in Dakovica and Pec, but no hard evidence emerged to support those claims.

NATO and the United Nations (U.N.) estimated that 10,000 Albanians were killed between March and June, but the precise death toll is still unknown. Approximately 1,500 people were still missing as of September; many of them were known to have been taken into custody by government forces between March and June. At least 2,000 other Kosovar Albanians were known to be in Serbian prisons as of October on charges of terrorism or anti-state activities. Abuse in detention was common, especially in the first days of custody, and very few of the detainees were provided access to a lawyer or family visits.

All of the security and military forces in Kosovo cooperated closely with one another to carry out the systematic campaign of ethnic cleansing. While the Yugoslav Third Army in Kosovo, headed by General Nebojsa Pavkovic, was less implicated in the more serious war crimes, such as executions, it clearly participated in the shelling of civilian targets and helped organize the mass expulsions. Most of the egregious abuses in Kosovo were committed by Serbian special police forces, anti-terrorist units, or paramilitaries, some of whom had fought in the Bosnia conflict between 1991 and 1995. There was a clear criminal element in the campaign with security forces and paramilitary volunteers—some of whom were released in March from Serbian prisons—allowed, and even encouraged, to target wealthy Albanians, steal, and loot as a reward for their actions. The systematic nature of the campaign, and the intensity of the violence, left no doubt as to the criminal responsibility of Serbia and Yugoslavia's political and military leadership, including President Milosevic, who was indicted by the ICTY for crimes against humanity on May 27. Others indicted by the tribunal included Chief of the Yugoslav Army's General Staff Colonel General Dragoljub Ojdanic and Serbian Minister of the Interior Vlastko Stojiljkovic.

After a gradual intensification of NATO bombing, NATO and FRY military leaders signed a military technical agreement on June 9 that stipulated the withdrawal of all government forces from Kosovo. Serbian and Yugoslav troops began withdrawing the next day, and NATO troops entered the province on June 12. As of October, 50,000 NATO troops, known as Kosovo Force (KFOR), were in Kosovo as peacekeepers and the United Nations Mission in Kosovo (UNMIK) was in the process of establishing civic institutions and planned ultimately to organize elections.

On June 20, KLA leaders agreed to a wide-scale demilitarization by September 19. After last minute negotiations on September 20, the KLA agreed to transform itself into a lightly armed Kosovo Protection Corps, meant to deal with natural disasters and civic emergencies, although KLA leaders continued to present the corps to their constituents as a defensive force. Military head of the KLA, Agim Ceku, became chief of the corps.

Ethnic Albanian refugees returned to a devastated Kosovo almost immediately after the withdrawal of Serbian and Yugoslav forces, and soon began a series of revenge attacks against the region's minority populations. A wave of arson and looting of Serb and Roma homes quickly deteriorated into harassment and beatings of individuals. Most serious was a spate of abductions and murders of Serbs

since mid-June, including the massacre of fourteen Serb farmers in Staro Gracko village on July 23.

Some of the perpetrators were traumatized Albanians eager for revenge; others were criminal gangs, including men from Albania, taking advantage of the lawless atmosphere in post-war Kosovo. But members of the KLA were also directly implicated in much of the violence. The KLA leadership condemned the revenge attacks on a number of occasions but did not take the necessary measures to bring its soldiers under control. The international community also failed to provide Kosovo's minority populations with adequate protection (see section on the international community).

A new wave of displaced Serbs and Roma from Kosovo met a cool reception in Serbia, which was already hosting approximately 550,000 refugees, the vast majority of them Serbs from Croatia and Bosnia. As of this writing, the Serbian government continued to make it difficult for displaced persons from Kosovo to register their children in Serbian schools, and some local authorities were not willing to provide communal spaces for collective centers. As a discriminated ethnic

GROUP, THE ROMA WERE PARTICULARLY SUSCEPTIBLE TO MISTREATMENT BY SERBIAN AUTHORITIES. THE MONTENEGRIN GOVERNMENT WAS MORE ACCOMMODATING AND, AS OF SEPTEMBER, APPROXIMATELY 10,000 ROMA FROM KOSOVO WERE IN REFUGEE CAMPS THERE. ON AUGUST 16, 105 ROMA DIED WHEN A SMUGGLER'S BOAT EN ROUTE TO ITALY CAPSIZED IN THE ADRIATIC SEA.

THE END OF THE KOSOVO WAR SHIFTED ATTENTION BACK TO THE YUGOSLAV DOMESTIC SCENE, PARTICULARLY THE MILOSEVIC GOVERNMENT'S EFFORTS TO REMAIN IN POWER AND RELATIONS WITH THE FEDERATION'S SECOND REPUBLIC, MONTENEGRO, WHICH WAS OPENLY CRITICAL OF THE MILOSEVIC GOVERNMENT. THE FRACTURED POLITICAL OPPOSITION IN SERBIA BEGAN A SERIES OF ANTI-GOVERNMENT DEMONSTRATIONS IN JULY AND AGAIN IN SEPTEMBER. IN MONTENEGRO, THE GOVERNMENT PROPOSED A RESTRUCTURING OF THE FEDERATION TO ALLOW THE REPUBLIC MORE AUTONOMY, AND, AS OF THIS WRITING, A TANGIBLE INDEPENDENCE MOVEMENT WAS GAINING MOMENTUM.

THE SERBIAN AND YUGOSLAV GOVERNMENTS RESPONDED TO DEVELOPMENTS IN SERBIA WITH VIOLENCE AND BY RESTRICTING THE WORK OF OPPOSITION POLITICIANS, CRITICAL MEDIA OUTLETS, AND CIVIL SOCIETY ACTIVISTS. AS OF SEPTEMBER 30, THE GOVERNMENT HAD USED VIOLENCE AGAINST DEMONSTRATORS ON TWO OCCASIONS, BEATING PROTESTERS IN BELGRADE WHO WERE OFFERING NO RESISTANCE TO THE POLICE. A NUMBER OF OTHER POLITICAL ACTIVISTS WERE ARRESTED IN SEPTEMBER AND OCTOBER.

SUCH HARASSMENT HAD ALREADY BEGUN EARLIER WHEN THE GOVERNMENT DECLARED A STATE OF WAR IN MARCH. A NUMBER OF JOURNALISTS, OPPOSITION POLITICIANS, AND HUMAN RIGHTS ACTIVISTS WERE FORCED TO FLEE THE COUNTRY, OR SOUGHT REFUGE IN MONTENEGRO DURING THE WAR.

THROUGHOUT 1999, THE STATE-RUN TELEVISION AND RADIO CONTINUED TO BROADCAST GOVERNMENT PROPAGANDA, ESPECIALLY AGGRESSIVE DURING THE WAR, WHILE POLICE REPRESSION AND LEGAL ACTIONS STYMIED INDEPENDENT JOURNALISTS. MORE THAN A DOZEN JOURNALISTS OR EDITORS WERE FINED FOR VIOLATING SERBIA'S DRACONIAN PUBLIC INFORMATION LAW, WHICH IS IN CLEAR VIOLATION OF FREEDOM OF EXPRESSION STANDARDS IN BOTH SERBIAN AND INTERNATIONAL LAW. ON MARCH 24, THE AUTHORITIES CONFISCATED INDEPENDENT RADIO B-92'S TRANSMITTER AND BRIEFLY DETAINED THE RADIO'S EDITOR. ON APRIL 2, LOCAL AUTHORITIES TOOK OVER THE STATION AND APPOINTED ITS OWN STAFF TO CONTINUE BROADCASTS, BUT ON JULY 28 THE STATION BEGAN BROADCASTING FROM ANOTHER LOCATION UNDER THE NAME B2-92. A NUMBER OF OTHER MEDIA OUTLETS, SUCH AS RADIO TELEVISION CACAK AND THE NEWSPAPER *GLAS JAVNOSTI*, EXPERIENCED RESTRICTIONS DURING THE YEAR.

THE MOST VIOLENT ATTACK WAS THE APRIL 11 MURDER BY UNKNOWN INDIVIDUALS OF SLAVKO CURUJISA, EDITOR OF *DNEVNI TELEGRAF* AND THE MAGAZINE *EVROPLJANIN*, BOTH BASED IN BELGRADE. CURUJISA, ONCE CLOSE TO MILOSEVIC'S POWERFUL WIFE MIRA MARKOVIC, HAD BEEN OPENLY CRITICAL OF THE YUGOSLAV GOVERNMENT. A COMMENTARY ON THE STATE-RUN TV NEWS THREE DAYS BEFORE HIS DEATH ACCUSED HIM OF SUPPORTING THE NATO BOMBING. DOZENS OF OTHER JOURNALISTS WERE HARASSED BY THE POLICE, AND SOME WERE BEATEN DURING THE YEAR, INCLUDING FIVE JOURNALISTS WHO WERE BEATEN AT AN ANTI-GOVERNMENT DEMONSTRATION ON SEPTEMBER 29.

POLICE ABUSE WAS ANOTHER ESSENTIAL ELEMENT OF MILOSEVIC'S GRIP ON POWER. STUDENT ORGANIZATIONS, SUCH AS OTPOR (RESISTANCE), THE INDEPENDENT TRADE UNION NEZAVISNOST, AND SOME OPPOSITION POLITICAL ACTIVISTS WERE ALL VICTIMS OF VIOLENCE BY THE POLICE DURING THE YEAR.

Defending Human Rights

YUGOSLAVIA HAS MANY HUMAN RIGHTS ORGANIZATIONS WORKING ON A SPECTRUM OF ISSUES, FROM LEGAL REFORM TO MINORITY RIGHTS. THE HUMANITARIAN LAW CENTER AND THE HELSINKI COMMITTEE IN SERBIA WERE, BY FAR, THE MOST PROGRESSIVE IN REPORTING ON ATROCITIES IN KOSOVO. OTHER SERBIAN HUMAN RIGHTS GROUPS WERE LESS VOCAL DURING THE NATO CAMPAIGN, A PERIOD OF INTENSE GOVERNMENT PRESSURE, OR THEY FOCUSED ON GOVERNMENT RESTRICTIONS AGAINST THE MEDIA OR THE POLITICAL OPPOSITION. THE MONTENEGRIN HELSINKI COMMITTEE MONITORED THE TREATMENT OF KOSOVAR ALBANIAN REFUGEES IN MONTENEGRO.

MANY HUMAN RIGHTS ACTIVISTS IN SERBIA AND MONTENEGRO EXPERIENCED PRESSURE AND HARASSMENT, INCLUDING POLICE INTERROGATIONS, BUT THERE WERE NO REPORTS OF STATE VIOLENCE. THE HEAD OF THE COUNCIL FOR HUMAN RIGHTS IN LESKOVAC, DOBROSAV NESIC, WAS IMPRISONED FOR ONE MONTH IN MAY FOR ACCUSING THE LOCAL STATE-RUN RADIO STATION OF PRIMITIVISM. ON MAY 29, THREE WORKERS FOR THE HUMANITARIAN ORGANIZATION CARE, TWO AUSTRALIANS AND ONE YUGOSLAV, WERE FOUND GUILTY OF ESPIONAGE. THE FOREIGNERS WERE PARDONED ON SEPTEMBER 1, BUT THE YUGOSLAV, BRANKO JELEN, WAS STILL IN PRISON SERVING A SIX-YEAR SENTENCE.

HUMAN RIGHTS GROUPS IN KOSOVO WERE UNDER CONSTANT PRESSURE FROM SECURITY FORCES, AND MANY ACTIVISTS WERE FORCED TO FLEE OR WERE EXPELLED FROM KOSOVO IN THE SPRING. SOME ACTIVISTS OF THE COUNCIL FOR THE DEFENSE OF HUMAN RIGHTS AND FREEDOMS WERE KILLED, INCLUDING THE LAWYER BAJRAM KELMENDI. A NUMBER OF OTHERS REMAINED IN PRISON AS OF THIS WRITING.

The Role of the International Community

North Atlantic Treaty Organization (NATO)

AFTER REPEATED THREATS OF military action, NATO began bombing Yugoslavia on March 24, despite the lack of U.N. Security Council approval. Aside from standard military objects, NATO targeted bridges and a few tunnels, oil storage facilities, refineries, civil-military factories, television and radio transmitters, and electrical transformer stations and high voltage towers. Not all of these were appropriate military targets under international humanitarian law.

ALTHOUGH ACCORDING TO THE U.S. DEFENSE DEPARTMENT, there were only twenty incidents in which Yugoslav civilians died from bombing, research conducted by Human Rights Watch concluded that the number of civilian casualties was at least four times higher, although the number of deaths was only a third of the 2,000 casualties reported by the Yugoslav government.

NATO troops entered Kosovo on June 12 as Serbian and Yugoslav forces were departing, and approximately 50,000 troops were in Kosovo as of mid-September. Concerns about the safety of KFOR's troops, a lack of experience in law enforcement functions, and, above all, a shortage of available personnel frequently rendered KFOR units unable and unwilling to take the initiatives necessary to build confidence among Serbs and Roma in Kosovo, most of whom fled the province.

United Nations

ON JUNE 10, the United Nations Security Council adopted Resolution 1244, which authorized the deployment of an international civilian administration in Kosovo. By mid-September, the U.N. Mission in Kosovo (UNMIK) had approximately 950 personnel to organize a civil administration, coordinate humanitarian assistance, promote democratization and institution-building, and foster economic reconstruction.

UNMIK's key failure was its inability to protect Kosovo's non-Albanian population from revenge attacks. The U.N.'s civilian police force was very slow to deploy, largely because individual countries were remiss in providing personnel, leaving KFOR to undertake certain police functions. By mid-September, UNMIK had 1,300 civilian police, and that number was expected to double by November. An Ad Hoc Task Force on Minorities was established with KFOR and other agencies on the ground in an attempt to coordinate protection efforts, but it was unable to stem the tide of Serbs and Roma fleeing the province.

THE U.N.'s human rights mechanisms were active throughout the year. The high commissioner for human rights, Mary Robinson, traveled to Kosovo, regularly briefed the human rights commission, and issued numerous statements and two reports. A senior representative from her office was placed in the office of Bernard Kouchner, head of UNMIK. The special rapporteur for Bosnia and Herzegovina, Croatia, and Yugoslavia, Jiri Dienstbier, also visited the region.

AFTER A SLOW START, the International Criminal Tribunal for the Former Yugoslavia (ICTY) began intensively investigating war crimes committed in Kosovo, eventually leading to the May indictment of Milosevic and four other top officials. ICTY teams were in Macedonia and Albania during the refugee crisis and, after June, they were in Kosovo collecting information to amend and expand those indictments.

Organization for Security and Cooperation in Europe (OSCE)

THE OSCE PLAYED an active role in Yugoslavia, beginning with the Kosovo Verification Mission deployed in November 1998, which reported publicly on the massacre in Racak (see above). The mission pulled out in March before NATO bombing, and returned in June with NATO forces. As of September, 968 OSCE staff were working on human rights monitoring, media development, and the rule of law. The OSCE was also responsible for running the police training academy which began training the future Kosovo police force.

European Union

AFTER YEARS OF equivocating half-steps, the European Union (E.U.) took measures against the Milosevic government in mid-1998, banning investment in Serbia and flights by Yugoslav Airlines, and freezing Serbian and Yugoslav government funds abroad. In April 1999, after the commencement of NATO bombing, the E.U. significantly strengthened its sanctions and

added an oil embargo against Yugoslavia and a visa ban on more than three hundred of Milosevic's political, military, and economic allies.

After the war, Yugoslavia was excluded from the E.U.-led Stability Pact for South Eastern Europe as long as Milosevic remained in power, although the E.U. committed to provide economic and political support to Montenegro and Kosovo. In September, the E.U. also announced targeted aid to Serbian cities run by opposition forces.

The E.U. supported Montenegro by providing approximately 40 million Euro (U.S. \$42 million) in 1998-1999, as well as 15.7 million Euro (U.S. \$16.7 million) in humanitarian assistance to deal with the 64,000 IDPs from Kosovo. The E.U. did provide 35.2 million Euro (\$37.4 million) to Serbia for humanitarian assistance and, as of September, it was contemplating 137 million Euro (\$145.6 million) for the reconstruction of Kosovo.

United States

In addition to its substantial contribution to the NATO air campaign and KFOR, the United States government committed considerable resources to investigating and reporting on war crimes in Kosovo. The State Department published regular reports on abuses and FBI investigators were later sent to Kosovo to collect evidence for the ICTY. In April, the U.S. government gave \$500,000 to the tribunal for outreach. In May, the U.S. extended sanctions against Yugoslavia to include a ban on oil sales and a freeze on the Serbian government's assets in the United States. Substantial funds were also provided for refugee assistance in the region during the conflict and post-war reconstruction, including a temporary resettlement program for Kosovar refugees in the U.S.

After the Kosovo war, President Clinton announced that Serbia would receive no aid as long as Milosevic remained in power. Approximately \$10 million, however, was earmarked for the independent media, local nongovernmental organizations (NGOs), and the labor movement in Serbia. In June, the U.S. offered a reward of up to \$5 million for information leading to the arrest or conviction of persons indicted by the ICTY.

Relevant Human Rights Watch Reports:

Deepening Authoritarianism: The Purge of the Universities, 1/99

A Week of Terror in Drenica, 2/99

Ticking Time Bombs: NATO's Use of Cluster Munitions, 4/99

"Ethnic Cleansing" in the Glogovac Municipality, 7/99

Abuses Against Serbs and Roma in Kosovo, 9/99