

## **HELSINKI WATCH OVERVIEW**

**The East European revolutions of 1989 have had a profound effect on the work of Helsinki Watch. Gratifying beyond our greatest expectations, the transformations in many of the countries in which we have long been involved have also compelled us to reassess our program for the future and to reorder our priorities.**

**Since its inception in 1979, Helsinki Watch has played a special role in Eastern Europe and the USSR. In the countries where we have been most deeply involved – Poland, Hungary, Czechoslovakia and the Soviet Union – our contacts, the "dissidents" whose rights we have long defended, are now helping to shape their countries' futures from positions of power. The Presidents of Hungary, Czechoslovakia and Poland, for example, are each our former colleagues in the human rights struggle, and in these countries, as in the Soviet Union, many former members of Helsinki Committees are now serving as members of the government or Parliament. It has been a thrilling experience to watch this evolution and to see the extent of the goodwill, trust and prestige that we maintain in those countries. There have been many instances that echo the sentiment that Vaclav Havel expressed when he visited the offices of Helsinki Watch during his one-day visit to New York in February 1990: "I feel that I'm here as a friend among friends. I know very well what you did for us and perhaps without you our revolution could not be."**

**This is not a time for self-congratulation, however. Serious problems remain in Helsinki-signatory countries and it is to those problems that we are now directing our energies. In addition to classic human rights problems, the Soviet Union, Yugoslavia, Romania and Bulgaria are all in turmoil, frequently rocked by violence and discontent that can be variously categorized as anti-Communist, interethnic, discriminatory against minorities, nationalist and secessionist. Many of these conflicts have human rights ramifications. Despite greater glasnost in these countries, secrecy and suspicion still set the tone for governments confronting unprecedentedly vocal criticism. In many places, Helsinki Watch is still denied access to information and to the right to visit scenes of upheaval. Our difficulties are compounded by the virtual disappearance of the kind of local human rights groups that in the past helped in the collection of human rights**

information; their members (or those who might have become members of such groups under other circumstances) are now engaged in direct political action.

At the same time, we now have unprecedented opportunity to work directly in countries where in the past we were prevented from conducting overt fact-finding missions and which sometimes denied us entry altogether. During 1990 we sent a series of fact-finding missions to each of the above-mentioned countries, and in two of them, Bulgaria and Romania, we stationed members of the Helsinki Watch staff for lengthy periods. The opportunity to have members of our staff living in these countries, conducting investigations on the spot and organizing fact-finding missions from a local base, has made it possible for us to document a series of human rights violations in Romania and Bulgaria and to produce reports and articles on issues that include the persecution of the Hungarian minority in Romania, the persecution of ethnic Turks in Bulgaria, pre-electoral conditions in both countries, and the situation of the AIDS orphans in Romania.

Helsinki Watch is also devoting a major portion of its activity to monitoring events in the Soviet Union and Yugoslavia. The federal structure in each of these countries appears to be disintegrating in the face of declarations of sovereignty or independence by the fifteen republics of the Soviet Union and the six republics of Yugoslavia. Helsinki Watch has established a program of investigating incidents of violence in the various republics and establishing contacts in these often remote places. It is not always easy from afar to extricate the human rights factors involved in some of the violent conflicts that have erupted in the Soviet Union and Yugoslavia -- what role the government played, or refused to play, in the events. Official information tends to obscure and minimize such events and has proven to be unreliable. It has become increasingly clear to us that we must ascertain through on-the-spot inquiries the facts of each case.

We are now engaged in negotiations to open offices in Yugoslavia and the Soviet Union, which we will use as bases from which to collect information and to launch missions to the various republics. Even without an office in the Soviet Union, however, we have already sent representatives to conduct our own fact-finding in such far-flung Soviet republics as Kazakhstan, Tadzhikistan, Uzbekistan and Azerbaidzhan. We recently published a report and a lengthy article on Kazakhstan, and we sent a follow-up mission to Kazakhstan after the report was published. Reports on Tadzhikistan and Azerbaidzhan are now in preparation, and we are planning missions to Armenia and Moldavia. We have also sent missions to

**the various republics of Yugoslavia. We have issued several first-hand reports about the repression of ethnic Albanians in the Kosovo Province of Serbia and have documented recent violence between Serbs and Croats in the Croatian Republic.**

**When it comes to the countries of Eastern Europe and the Soviet Union, Helsinki Watch does not have serious differences with the human rights practices of the United States government. Although our agendas are somewhat different, we share a common wish to assure that the new governments in the area respect human rights and democratic freedoms. We worry at times that the administration may be downplaying human rights concerns in the interests of detente. We are concerned at times that the quiet diplomacy that is being used might have more effect on human rights practices if it were more public. But on the whole, our differences are relatively minor and reflect the fact that Helsinki Watch has a single-purpose human rights agenda while the US government must balance human rights concerns with other policy issues.**

**Helsinki Watch has been more critical about the US government's role in Turkey, where human rights practices have worsened. Helsinki Watch remains concerned about the continued use of torture in Turkey and abridgements of free speech, free press and free association. We continue to urge the US government to use its considerable economic leverage in Turkey to pressure the government to improve its human rights practices. We recently sent our second mission to Eastern Turkey to report on the plight of the Kurds, and we will continue to watch and report on the situation in Eastern Turkey during the months to come.**

**The end of the cold war and the breakdown of the East-West blocs provides Helsinki Watch with new opportunities in the various forums of the Conference on Security and Cooperation in Europe (CSCE), the "Helsinki process," which heretofore has been used exclusively for East-West confrontations, and where non-Warsaw Pact countries such as Yugoslavia, Turkey, Greece and the United Kingdom, despite documented violations of human rights, have never been the recipients of human rights criticism from the West. Now, with the governments of Eastern Europe friendly to the United States and the other changes resulting from East-West detente, there is the possibility of finding support for raising human rights concerns about all countries involved in the Helsinki process.**

**Helsinki Watch will continue to pressure the US government to take a more active role in the CSCE process with regard to the human rights practices of all**

**countries, so that the CSCE will evolve into a genuine multinational arena for the discussion and resolution of human rights problems, in the place of its former role as a forum for acrimonious exchanges between the two blocs. To make the CSCE meetings fulfill this new function will require open discussions about human rights problems in all countries, including the United States.**

**For the 1991 CSCE Human Rights Conference in Moscow, Helsinki Watch, together with the International Helsinki Federation for Human Rights (IHF), is planning to document abuses in a variety of the countries that signed the Helsinki accords. In addition to reporting on the human rights situation in Romania, the Soviet Union, Bulgaria, Yugoslavia and Turkey, we plan to release a series of reports: on prison conditions East and West; on various minority problems; on Gypsies in European countries; and on the situation in Northern Ireland. We also hope in the near future to join an IHF mission to Albania. Albania's application to enter the CSCE provides leverage for us in gaining access and establishing contacts.**

**Currently, our work in the newly established democracies of Poland, Czechoslovakia and Hungary has diminished drastically. Nevertheless, we continue to watch events in these countries and to maintain contacts with the many people we know there. The governments that have come to power there are fragile and inexperienced in the ways of democracy. Beset by economic and social troubles of great magnitude and by the resurgence of long-suppressed ethnic hostilities, even those with the best of intentions may succumb to pressures beyond their control.**

**Our friends in these countries have frequently turned to us for assistance in the building of their democracies. They need books and teachers, assistance in drafting new legislation and constitutions, information about electoral laws, and so forth. Helsinki Watch has been reluctant to become directly involved in such pursuits, however. We know that our strengths are in fact-finding and reporting on human rights abuses and in pressuring governments to change their practices. There are many educators, legal scholars, election experts and others who are eager to share their knowledge with the new governments in Eastern Europe that are in need of such services. Helsinki Watch has tried to refer such requests to the right people, rather than attempt to fulfill them ourselves. However, when it comes to human rights education, i.e., instruction in the human rights work that we know best, we have been directly supportive.**

**Helsinki Watch has encouraged the work of a new Human Rights Center established in Poland by the Polish Helsinki Committee. We are in the process of arranging internships in our offices for a Polish activist attached to the Center and also for a Romanian activist who feels the need for on-the-spot training in human rights work. Helsinki Watch also plans to organize, in the spring of 1991, a series of regional conferences on the methodology of investigating abuses of the past. We plan to bring groups in the USSR, Hungary, Poland, Czechoslovakia, Romania and Bulgaria together with individuals from other parts of the world – from Brazil, Argentina or Chile, for example – who can share their experiences in documenting past abuses. Such documentation, and the need for truth and justice, has long been a concern of all the divisions of Human Rights Watch. This is a form of human rights education that we are well equipped to conduct.**

**In the next few years, Helsinki Watch will monitor the various countries outlined above and, where applicable:**

- o Continue our established program of documenting and publicizing human rights abuses in all Helsinki-signatory countries.**
- o Work to convince governments to establish greater access to information and greater freedom for travel and investigation, both for domestic nongovernmental groups and for those from abroad.**
- o Help the International Helsinki Federation in its work to strengthen and expand the existing network of Helsinki Committees in Eastern and Western Europe.**
- o Document abuses of the past in countries where such documentation is possible, and work to educate individuals in those countries to take over such documentation themselves.**
- o Urge that trials of members of the previous regimes be conducted in accordance with the norms of international law, and send observers to such trials to monitor the procedures.**
- o Document and help protect the rights of ethnic minorities in the various countries that we monitor.**

- o Monitor electoral conditions in countries where there is reason to believe that such conditions will not be fair and open.**
- o Help in efforts to establish greater independence for lawyers and judges.**

\* \* \*

**At the end of 1989, we looked back at a year in which the impossible had become true. Governments long thought to be impervious to change had toppled like a succession of dominoes in the face of mass public protest that, with the exception of Romania, was conducted virtually without violence. The year 1989 was exhilarating, the time of the velvet revolutions.**

**A year later, at the end of 1990, we look back at other, less happy events, equally improbable, that have come to pass. The exhilaration is gone. The prospects are often quite grim.**

**The Soviet Union, its empire dissolving, its internal structures on the verge of anarchy, has become a supplicant, seeking food credits from the West. The Federal Republic of Yugoslavia is disintegrating. Riots and demonstrations have been going on, almost without pause, in Romania, Bulgaria and Albania, where current or former Communists still cling to positions of power. Polish Solidarity has been rent by internal strife. Ethnic conflict is rampant throughout the region. In Czechoslovakia, President Havel has been forced to seek extraordinary powers in his efforts to keep the nation from fragmenting.**

**Helsinki Watch must steer its course through these uncharted waters. Our goal is clear: to promote the cause of human rights by exposing and publicizing violations in all countries, regardless of their political systems or past histories. Now, as never before, we have an opportunity to help and influence the democratic forces in those countries and to drive home the message that the protection of human rights is essential to the creation of free and democratic nations.**

# **BULGARIA**

## **Human Rights Developments**

Despite multiparty elections and a number of reforms, human rights problems persisted in Bulgaria. The "revolution" in Bulgaria was different from the others in Eastern Europe in that it was initiated from above, in a "palace-led" coup. On November 10, 1989, Bulgarian Communist Party chief Todor Zhivkov was forced to step down by the party leadership. During the next year, until November 1990, Bulgaria was governed by the same party, which simply changed its name from Communist to Socialist. The pace of change was correspondingly slow. Parliamentary elections in June, which returned the Socialists to power, were followed by a serious economic crisis that all but paralyzed the new government. Neither the ruling Socialists nor the opposition Union of Democratic Forces (who controlled the presidency) wanted to initiate unpopular measures to streamline the bureaucracy or address the country's enormous economic problems.

A similar paralysis was seen in the lack of leadership on human rights issues. Although many laws at the national level were rewritten to extend human rights to minorities and others, there were few changes at the local level, where administrators were given almost free reign to implement policies as they choose. Many of these local officials were holdovers from the Zhivkov era. Local elections were originally scheduled for the fall of 1990, but were postponed until sometime in 1991.

In late November, mass demonstrations and a general strike brought about the resignation of Prime Minister Andrei Lukanov. In December, a coalition government was formed, the first successful attempt at multiparty rule since the downfall of Zhivkov.

The June parliamentary elections were marked by allegations of physical violence, widespread voter intimidation and some election irregularities. There was also an unequal distribution of resources to parties competing with the party in power. The Socialist (formerly Communist) Party retained control of newsprint and offices, and strictly limited such resources to opposition parties.

Minorities experienced serious human rights problems in 1990, and it was unclear how much the central government was prepared to do to remedy these difficulties. On December 29, 1989, the government reversed Zhivkov's assimilation policy and announced that everyone in Bulgaria would be free to choose his or her name, religion and language. In 1990, legislation was enacted to implement this new policy. However, the initial legislation adopted (the Law on Names) contained many flaws and raised questions about the government's commitment to its new policy. Passed by the National Assembly in March, the law allowed citizens whose names had been forcibly changed during the assimilation campaign to restore their former names. But applicants were required to use a judicial procedure to change their names, and after December 31, 1990, to pay a fee for the procedure. Many individuals whose names had been forcibly changed during the assimilation campaign objected to this procedure. They argued -- with good cause -- that their names had been taken away by an administrative (non-judicial) procedure, and thus they should be able to restore their names by a simple administrative procedure rather than a cumbersome judicial one. Applicants were also required to retain the traditional Bulgarian name endings (ov, ev, ova, eva), to which many objected. In November, Parliament enacted new legislation to respond to these concerns, allowing the use of an administrative procedure to restore names that had been forcibly changed, deferring fees for this process until 1995, and permitting names without traditional Bulgarian endings.

In March, the National Assembly passed the Law on Political Parties, part of which bans the formation of political parties on ethnic or religious lines. Its effect was felt in the aftermath of the June elections, in which many ethnic Turks supported the Movement for Rights and Freedoms, a political movement, led by an ethnic Turk, which advocates human rights for all Bulgarians, including cultural rights for ethnic Turks. Leaders of both the Socialist Party and the Union of Democratic Forces cited the Law on Political Parties in seeking to ban the Movement's 23 deputies from sitting in the Assembly as representatives of the Movement. However, by the end of 1990, this attempt had not succeeded.

In November, a Sofia district court invoked the Law on Political Parties to deny the Democratic Roma Union (an organization that defends Gypsy rights) registration as a political party. The Roma Union had sought registration to be able to participate in local elections.



**An amendment to Article 52 of the Bulgarian Constitution was adopted in March which some legal experts argued prohibits the formation of social and cultural organizations on ethnic or religious lines. The amendment reads: "Organizations that endanger the sovereignty, the territorial integrity of the country and the unity of the nation, incite racial, national, ethnic or religious intolerance or violate personal rights and freedoms, as well as fascist organizations and organizations striving to achieve their purpose through violence, are prohibited." In June, the Blagoevgrad regional court denied the Ilinden United Macedonian Organization (an unofficial association which defends the cultural and human rights of Macedonians living in Bulgaria) permission to register as an organization. As a result of this ruling, the Petric mayor and police prevented Ilinden members from gathering petition signatures in October. The same grounds were cited to prevent Ilinden members from holding a congress in August; one Ilinden member was fined 300 leva (the average monthly salary) for attempting to organize and hold the congress.**

**Those who support such restrictions on the formation of political and cultural groups argued that Bulgaria is a small country which needs to maintain its national identity, particularly since the country has frequently been dominated by foreign powers, notably the Soviet Union and the Ottoman Empire. Mincho Minchev, the speaker of the Fatherland Party of Labor, explained his concerns to Helsinki Watch:**

**IlIn the past 45 years, the Bulgarian nation lost much of its patriotism. In 50 to 60 years, it is possible that the Bulgarian national will not exist. If at this historical moment we do not unite, I fear we will be doomed. We are for the rights of the individual, but not for the differentiation of separate groups within the country because this would lead to a split of the nation. We are against the generation of separate ethnic identities. We would like to see everyone in Bulgaria call himself a Bulgarian.**

**While such concerns with maintaining the nation's territorial integrity are widespread in Bulgaria, Helsinki Watch is concerned that they not be addressed by denying freedom of association for all Bulgarians, including Bulgaria's minorities.**

**Sometimes less abstract concerns, such as simple prejudice or a desire to maintain power, seemed to motivate those who denied minorities their rights,**

particularly on the local level. During the parliamentary election campaign, local officials frequently intimidated minorities into casting their ballots for the Socialist Party.<sup>188</sup> Rumors were spread – particularly in Gypsy communities – that pensions would be reduced or rents raised for those who did not vote for the Socialist candidates. Many Gypsies, not trusting the secret ballot, believed these rumors.

Ethnic tensions rose to the surface as the rigid social control once exercised by the state apparatus loosened. The economic crisis probably exacerbated this tendency and led some Bulgarians to use minorities as scapegoats. For example, the Gypsy community was widely blamed for profiteering on the black market from shortages of food and consumer goods. In most instances, the Bulgarian government did nothing to refute these allegations, and sometimes it even instigated them. For example, the state-controlled television and radio broadcast frequent reports criticizing the Gypsy community for black-market activities, even though many ethnic Bulgarians also trade on the black market. So far, the new government has done little to reduce ethnic tension or to try to heal the wounds that have been created over centuries, particularly during the latter years of Zhivkov's rule.

Bulgaria had other human rights problems unrelated to minorities. State Security (the secret police) continued to monitor the activities of human rights activists and those who were working to promote minority rights. In Preslav, for example, secret police reportedly intimidated those campaigning during the pre-electoral period for the Movement for Rights and Freedoms. In the Pirin mountain region, secret police closely monitored the Macedonian group Ilinden and harassed its activists. For example, several dozen Ilinden members were denied exit visas when they attempted to attend a Macedonian meeting in Yugoslavia. Many opponents of the government reported suspicious interference with their telephone and mail services and speculated that State Security was responsible.

In September, President Zhelev pardoned several dozen political prisoners who had been sentenced under the Zhivkov regime. At the end of 1990, there were still some 28 prisoners in jail who may have been imprisoned for political reasons. Nearly all were ethnic Turks. The President's office, as well as

---

<sup>188</sup> The electoral process was marred by many irregularities which may have affected the outcome of the voting in certain districts.

**the Parliament's Commission on Human Rights, were investigating these cases further, and the President seemed prepared to extend additional pardons for those found to be confined for having exercised their right to peaceful expression.**

**No trials were held in 1990 of those responsible for human rights abuses under the Zhivkov regime, even though several newspapers and independent groups collected information on the sites of mass graves and on labor camps to which political opponents were sent from the 1940s to the 1960s. Zhivkov himself has been the focus of a criminal investigation into his role in the unlawful imprisonment of political opponents. The government also announced in early 1990 that it would examine the 1978 killing of Bulgarian exile and journalist Georgi Markov, who was allegedly shot with a poison pellet in London by someone carrying an umbrella. However, the investigation appeared to be stagnant at the end of 1990. No other investigations into Zhivkov-era abuses had been announced at year's end.**

**Although on April 3 the Bulgarian Constitution was amended in several respects to respond to the dramatic political changes of the previous November, the Constitution is still problematic from a human rights point of view. For example, the prohibition on certain ethnic and religious organizations quoted above is an unjustifiably broad restriction on freedom of association. On July 30, the National Assembly established a commission to prepare a new draft by the end of 1990, but the commission took no visible action because the National Assembly was preoccupied with the country's economic crisis and other issues deemed to be more pressing.**

**On the positive side, the press was free to criticize the government, and many large, peaceful demonstrations took place without government interference.**

## **US Policy**

**The Bush administration demonstrated strong interest in the June 10 parliamentary elections and on several occasions expressed its hope that Bulgaria would hold "free and fair elections." Indeed, most of the administration's**

public statements relating to human rights issues focused on the fairness of the parliamentary electoral process. In public fora, the administration failed to address other human rights issues adequately, including the situation of the minorities, past abuses, and invasion of privacy by State Security.

The administration played a positive role in attempting to foster free and fair electoral conditions in June. As early as February, Secretary of State James Baker visited Bulgaria and met with leaders of the ruling Socialist Party and the primary opposition group, the Union of Democratic Forces. He discussed pre-election conditions and expressed the US government's concern that the electoral process be fair. The administration continued to monitor campaign conditions through the US embassy in Sofia and, ten days before election day, issued a three-page statement noting the following:

- o In many instances, the electoral lists reportedly contained numerous errors.**
- o The principle of party parity had not been strictly observed in the formation of electoral commissions, especially at the regional level.**
- o There had been a number of allegations of physical violence and psychological intimidation against members of various parties, in particular, a number of allegations showing "a consistent pattern of intimidation in provincial areas by members of local government against elements of the population."**
- o There was an unequal distribution of resources available to the competing parties in the pre-electoral period, such that "the resources of the ruling party are vastly superior to those of the opposition, and not enough has been done to offset these advantages."**

The State Department called upon the Bulgarian Central Election Commission, the government, and the major political parties to resolve these problems prior to election day. On June 5, to highlight its concerns in a dramatic way, the State Department announced that the US Ambassador to Bulgaria had flown to Copenhagen to make a personal report on pre-election conditions to Secretary of State Baker.

Several days before June 10, President Bush announced that he would

send a presidential mission to observe the elections, again signaling the administration's concern over their fairness. The presence of the observer team helped serve to deter further acts of intimidation against voters, but it undoubtedly was insufficient to erase the fear generated by past intimidation. Its impact might have been greater if the administration had announced the plans to send it earlier, if the team had stayed in Bulgaria for more than two days, and if the team had included the June 17 parliamentary run-off elections within its mandate.

On June 21, State Department spokesman Richard Boucher assessed the election results. He noted that the process had been marred by "irregularities and serious inequities," which "may have had a significant effect on the outcome of the voting." The State Department asked the Bulgarian authorities to investigate all electoral irregularities promptly, and to hold accountable those guilty of intentional misconduct.

The administration has made few public comments on the minorities question. In its June 21 statement on the elections, the State Department noted that diverse viewpoints were represented by the parties that had won the parliamentary elections, "including minorities," and that this was "an important and welcome step" in the process of building a democracy.

Earlier in the year, just after the Bulgarian government announced that it was reversing Zhivkov's policy of forced assimilation, State Department spokesman Boucher publicly welcomed the decision. He called it a "significant step forward in Bulgaria's respect for human rights and in honoring its commitments under the Conference for Security and Cooperation in Europe agreements." However, the State Department issued no public protest about the attacks against the Movement for Rights and Freedoms later in the year, or about the human rights problems of Gypsies and Macedonians.

When President Zhelev visited the United States in October, President Bush announced that the US government would provide 100,000 tons of feedcorn to Bulgaria. The US President made no public statement on Bulgaria's lingering human rights problems.

## **The Work of Helsinki Watch**

**Helsinki Watch focused its efforts in 1990 on the rights of minorities, including ethnic Turks, Pomaks, Macedonians and Gypsies, as well as on constitutional reform and electoral conditions. Helsinki Watch maintained a full-time representative in Bulgaria for much of the year.**

**Helsinki Watch placed a special emphasis on the rights of minorities, both because it is by far the most serious human rights problem in Bulgaria and because neither of the two major political parties have focused on this issue. On several occasions, Helsinki Watch raised its human rights concerns about the plights of the minorities with government officials, such as President Zhelev's adviser on nationality problems and representatives of the Interior Ministry. Helsinki Watch also met frequently with members of the National Assembly's Commission on Human Rights.**

**Helsinki Watch has focused considerable attention on the situation of the Turkish and Pomak minorities which have continued to experience human rights abuses since Zhivkov's assimilation campaign was initiated against them in the 1970s. In February, a Helsinki Watch mission traveled to Bulgaria to investigate continuing ethnic tensions. The mission met with representatives of the Turkish and Pomak communities and with Ahmet Dogan, the chairman of the Movement for Rights and Freedoms. Helsinki Watch issued a newsletter in March which expressed its deep concern about the plight of the Turkish and Pomak minorities. It noted that although conditions had improved somewhat for the Turks and Pomaks after the new government reversed Zhivkov's assimilation policy, significant human rights problems remained. Helsinki Watch called upon the Bulgarian government to guarantee the cultural and religious rights of all of its citizens.**

**In May and June, another Helsinki Watch mission followed up on the situation of the Turkish and Pomak minorities and visited numerous regions with Muslim populations, including Kurdzhali, Djebel, Orlyak Perperek, Gotse Delchev, Tolbunin, Sumen, Preslav, Kaolinovo and Todor Ikonovovo. The mission participants spoke with ethnic Turks, Pomaks and Bulgarians, and with government officials. They examined not only the human rights problems of the ethnic minorities, but also the situation of the Bulgarians who live in predominantly Turkish regions and also experience human rights problems.**

**In August, Helsinki Watch issued a newsletter on the continuing human**

rights problems and tensions in the Turkish and Pomak provinces. The newsletter focused on a number of human rights violations. One section described cases of local officials who discriminated against minorities in contradiction of central government policy. Helsinki Watch recommended that local elections be held as soon as possible to replace old mayors and local councils, and that adequate minority representation be established on local council committees that have responsibility for such matters as education, delivery of social services, and allocation of public resources. Another section focused on the new opportunities for minorities to participate in politics, and recommended that the National Assembly increase these opportunities by rescinding the portion of the Law on Political Parties that banned political parties from forming on ethnic or religious lines. The newsletter described some of the shortcomings of the Law on Names, enacted in March, and recommended that the law be amended to allow Turks and Pomaks to reclaim their names through a simple administrative procedure, and to enable them to take their names without traditional Bulgarian endings. Another section focused on the relations between ethnic Turks and Bulgarians, and noted that the assimilation campaign had produced deep tensions and psychological wounds in regions cohabitated by these two ethnic groups. The newsletter noted that these "lingering tensions may prove to be the most difficult problem for the new government to solve." It recommended that a special commission be appointed to examine the causes of the assimilation campaign, and that the results be made public. It also recommended that the National Assembly adopt a law to prohibit managers and workers in state-owned enterprises from discriminating against minorities, and that the government investigate and prosecute alleged violations of civil rights.

In the fall, Helsinki Watch began an investigation of the situations of the Macedonian and Gypsy minorities, two groups that have received little attention in the international human rights community despite the significant human rights problems that they face. In November, a Helsinki Watch mission visited Blagoevgrad to meet with members of Ilinden, a Macedonian group, and visited Sliven and the Fakulteta region in Sofia, which have large Gypsy populations. While in Sliven, the Helsinki Watch representatives met with the mayor and other local officials to discuss problems that the Gypsies were having with social services, housing and education. They also met with several members of the National Assembly who have an interest in the Gypsy issue, including Manush Romanov, chairman of the Democratic Roma Union, and the Bulgarian Minister for Higher Education. Helsinki Watch will continue to investigate the problems of the Macedonian and Gypsy minorities in Bulgaria, and plans to issue newsletters

describing their situations in early 1991.

Helsinki Watch also sent two missions early in 1990 to examine pre-election conditions. In February, Helsinki Watch representatives met with human rights activists and leaders of several political parties to explore changes in the political scene and to examine pre-election conditions. An article on these topics, "The Bulgarian Difference," appeared in *The New York Review of Books* on May 17. In March, Helsinki Watch issued a newsletter describing the numerous privileges and advantages enjoyed by the Communist Party and calling on the government to ensure that the June elections would be free and fair.

In May, a Helsinki Watch mission again evaluated pre-election conditions. The members visited numerous cities and villages, including Kurdzhali, Sliven, Pernik and Trun. They also met with the Chairman of the Central Election Commission and with the Procurator General. A special "Election Report" was issued by Helsinki Watch from Bulgaria in June, describing significant human rights violations in the pre-election process, particularly in the provinces. The report recommended that the Bulgarian government and the Socialist Party ensure free electoral conditions, noting that they had a special obligation to do so because of their responsibility for past abuses and their control of the political system. It also recommended that the government and all political parties encourage voters to renounce violence and all forms of intimidation.

Helsinki Watch has offered assistance to a group of Western lawyers who are planning a constitutional reform project in Bulgaria. A constitutional conference is planned for February 1991.

Helsinki Watch has closely followed the work of the National Assembly's Commission on Human Rights with respect to political prisoners. Helsinki Watch is satisfied that the cases of prisoners who may have been imprisoned for peaceful expression are being adequately investigated and is pleased that President Zhelev has extended pardons to those individuals deemed to be imprisoned for exercising their right to free speech.

Helsinki Watch is also monitoring the investigation of past abuses in Bulgaria and will observe the trial of Todor Zhivkov, should a trial be held.



# **ROMANIA**

## **Human Rights Developments**

Shortly after the December 1989 revolution which ousted Nicolae Ceausescu, many of the most repressive practices of the Ceausescu era were abolished. For example, severe restraints on freedom of speech, assembly, the press and travel were removed. However, Romania was a country sadly lacking in democratic institutions, with a population unfamiliar with democratic principles. Progress has been slow, and at the end of 1990, one year after the bloody Christmas revolution, Romania was still suffering significant human rights abuses.

In the first months of 1990, numerous independent newspapers, associations and political parties were founded, and Romanians began to take advantage of their new-found freedom of speech and association. However, the initial euphoria of the revolution ended quickly, as opposition to the governing Council for National Salvation, headed by Ion Iliescu and Petre Roman, became more vocal, and large numbers of Romanians took to the streets calling for the leadership's resignation. The year 1990 was punctuated by frequent, large anti-government demonstrations and numerous episodes of violence from a variety of quarters.

The May 20 elections were the first multiparty elections in Romania in over 40 years and, as such, were considered an event of great significance for the future of a democratic Romania. Unfortunately, a pre-election atmosphere of fear and uncertainty was not conducive to a free expression of the electorate's will. The elections were preceded by numerous violent attacks on candidates, demonstrators and political-party headquarters. Few of these attacks were investigated by the police. There were numerous reports of local Communist officials, who in many counties had not been replaced by the time of the May elections, using their power to intimidate voters and opposition candidates.

Ethnic tensions, which had long lain dormant, turned violent in numerous incidents in 1990. Ethnic tension in Romania began to escalate in early January, when Hungarians started to demand greater cultural freedom, including the

reestablishment of Hungarian-language schools and the reopening of the Hungarian-language Bolyai University, which had been merged into the Romanian-language Babes University in 1959 as part of Ceausescu's decision to dismantle the Hungarian-language educational system. Other ethnic minorities also began to pressure the government for schools taught in their mother tongues. Progress was made in this area. For the 1990-1991 academic year, schools were established in Hungarian, German and a host of other minority languages. However, representatives of the Hungarian community reported increasing fear because of threats and acts of vandalism against their schools. The unresolved issue of Bolyai University continued to generate strong emotions and the potential for violence in Transylvania.

In March, violence broke out between ethnic Hungarians and Romanians in the Transylvanian city of Tirgu Mures. On March 19, the headquarters of the Democratic Union of Hungarians in Romania (UDMR) was attacked by a large group of ethnic Romanians. The police and army did not respond to the UDMR's calls for protection until several hours after the attack began. Many ethnic Hungarians trapped inside were seriously injured.

On the following morning, some 15,000 ethnic Hungarians gathered in the town square to protest the previous day's events. A group of approximately 3,000 ethnic Romanians hostile to the Hungarians' demands began to gather on one side of the square in the early afternoon. Tensions escalated as word spread that buses of ethnic Romanian peasants from neighboring villages were heading toward town to support the Romanians in the square. By 2:30 p.m., the Chief of Police gave assurances to ethnic Romanian and Hungarian leaders in the square that the police had blocked off entrances to the city. However, unconfirmed reports indicated that the police allowed buses of ethnic Romanians through the roadblocks. Romanian peasants from villages outside Tirgu Mures arrived in the town center long after the roads should have been closed, and joined the Romanians already in the square.

Around 5:00 p.m., violence erupted as ethnic Romanians surged forward and attacked the Hungarians, breaking the single line of 50 police that the authorities had sent to divide the two groups. Although the police and army had been made aware of the potential for violence by both Hungarian and Romanian leaders, who had made numerous reports of the escalating tensions in the square, the authorities once again failed to respond in an adequate manner to protect the citizens of Tirgu Mures.

**A commission of the provisional Parliament (CPUN) was established to investigate the violence in Tirgu Mures. The commission's findings were never made public. However, Helsinki Watch was able to obtain a copy of its report. Unfortunately, the report did not address the critical questions raised by the violence: What role did the army and police play in initiating the violence, and why did they fail to respond immediately to calls for help?**

**The Gypsy population was an increasingly frequent target of discrimination and violence in 1990. Gypsies were singled out for prosecution as a result of the Tirgu Mures clash, even though they were acknowledged by most to have played a small role in the violence. Gypsy communities were also the target of several violent attacks in which local police or officials participated. For example, the miners who upon government invitation rampaged through Bucharest in June, discussed below, were led into some Gypsy areas by police officers. The same miners also attacked many Gypsies on the streets of Bucharest. In each case, the police offered no protection.**

**In contrast to their passive stance in the face of attacks on certain minorities, the police on occasion have not hesitated to use force against peaceful demonstrators. For example, on April 24, approximately 1,000 police arrived in Bucharest's University Square, where a demonstration had been going on for two days. The police beat the demonstrators and arrested many of them. The demonstrators later returned to the square and remained for several weeks. At approximately 4:00 a.m. on June 13, police surrounded the square and arrested those still demonstrating. Many of those arrested reported being kicked and beaten with rubber sticks and metal rods. There were no known investigations into such instances of police misconduct.**

**Another disturbing trend was the government's use of extra-legal forces to establish order. The most dramatic example was then President-elect Iliescu's call on June 13 for miners to come to Bucharest to restore order. The stage for this event was set when the police forcibly cleared University Square on the morning of June 13. This was followed by a string of increasingly violent attacks by demonstrators on government buildings and the television station. Iliescu then called on "workers and conscientious people" to come to Bucharest to restore order. In the early morning of June 14, an estimated 10,000 miners arrived by train. For the next 48 hours, the miners terrorized opposition groups and newspapers, attacked opposition party headquarters, and committed random acts of violence**

against Gypsy communities and other innocent citizens. Much of the miners' violence was committed in the presence or with the actual assistance of the Bucharest police. Once again, a parliamentary commission was established to investigate these events, but no findings had been made public by year's end.

During 1990, Romanians frequently took to the streets to demonstrate their dissatisfaction with the government. On August 27, in response to the June violence, the mayor of Bucharest issued Decision 828 banning demonstrations in University Square and five other squares in central Bucharest. Protesters were left the right to demonstrate only in four parks in the capital. While this decree was not consistently enforced, it is an unnecessary limitation on freedom of speech and assembly.

The arrest and detention of hundreds of Romanians following the June events underscored the need for significant changes in the Romanian Code of Criminal Procedure, inherited from the Ceausescu era. Under the Code, a detainee can be held for a preliminary investigative period of 60 days without the right to seek judicial review, to confer with an attorney, or to have the detainee's family notified of his or her whereabouts. The Prosecutor General apparently issued a directive that defense attorneys be allowed access to their clients during the preliminary investigation. However, the directive did not create an enforceable right, in that access to an attorney at the earliest stages of the investigation remained within the discretion of the Prosecutor General, whose decision was not subject to judicial review. At the end of 1990, Parliament was discussing amendments to the Criminal Procedure Code which may include important improvements, especially with regard to guaranteed access to counsel during the preliminary investigation, and restrictions on the prosecutor's right to use and extend preventive detention.

Romania has one national, state-owned television station which is considered by many to have a strong pro-government bias. (Toward the end of 1990, several independent local stations with extremely restricted broadcast range were also established.) During the May election campaign, opposition political parties and independent organizations, as well as foreign election observers, consistently accused the national television station of allowing opposition candidates insufficient air time. Television reporting during the demonstrations in University Square also revealed a pro-government slant; television cameras focused almost exclusively on people in the square who

appeared to be black-market dealers or petty thieves, giving the impression that the demonstrators consisted mainly of criminal elements. Calls for an independent national television station increased during the last months of 1990. The Romanian government, in turn, proposed legislation that would allow the establishment of private television stations by domestic or foreign private capital; at the same time, certain stations would remain in government hands. However, the draft legislation would apparently apply only to "commercial" stations, which independent journalists feared would be used as a mechanism for requiring all political reporting to be on government-controlled stations.

The Romanian government in 1990 failed to seek accountability for gross human rights abuses committed under the repressive Ceausescu regime. Several trials of former Ceausescu associates and family members resulted in convictions for charges related to genocide. Other former Communist Party officials and members of Securitate (the Ceausescu secret police) were under investigation or being tried for similar crimes. But the charge of genocide related to crimes committed only during the December revolution, and the testimony at the trials that were conducted was restricted to events that occurred during the week of December 17-25, 1989. The narrow scope of these prosecutions appears to have been an attempt to avoid embarrassing disclosures about members of the post-Ceausescu government. No known effort was made to investigate, prosecute and punish those who committed abuses during the 25 years of Ceausescu rule.

The Romanian government failed to clarify the status of the Securitate. Despite its formal disbanding, many Romanians still feared that former Securitate officers were operating either independently of the government or in the newly organized security department, the Romanian Information Service. Lack of information about the whereabouts of former Securitate agents and the failure of the government publicly to investigate past Securitate abuses sustained an atmosphere of fear and intimidation that was detrimental to the building of democratic institutions.

## **US Policy**

The Bush administration played an important role throughout 1990 in holding the Romanian leadership to its commitments under international human

rights law. Immediately after the December revolution, the Bush administration welcomed the changes that had occurred in the country. At the same time, it emphasized that it would carefully evaluate human rights developments in deciding on an aid package or the granting of Most Favored Nation (MFN) trading status. Unlike some Western countries, the Bush administration did not rush to send a high-level delegation to welcome the new Romanian leaders. Rather, State Department spokeswoman Margaret Tutwiler spoke in conditional terms in mid-January: "The Romanian government's steps toward freedom of travel and immigration as well as movement toward a pluralistic, multiparty democracy will obviously be relevant to our consideration of [whether to grant MFN status]."

Throughout 1990, the Bush administration took a firm stand on human rights violations in Romania:

- o In late January, it denounced efforts by Romanian officials to restrict the right to protest. State Department spokeswoman Tutwiler stated:

we are deeply troubled by what appears to be active intimidation of legitimate organizations which are seeking a legitimate, independent role in Romania's new political order. Our ambassador in Bucharest protested these actions to Romanian officials and asked that the right of all political groups to peaceful protests be fully protected.

According to the State Department, these concerns were also raised by Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Schifter, during meetings with National Salvation Front officials in Bucharest.

- o In mid-May, US Ambassador to Romania Alan Green was recalled to Washington for consultations. According to State Department spokeswoman Tutwiler, the action was "taken in light of the reports of irregularities in the Romanian electoral process which raise questions about whether those elections will be free and fair." This move was an important public signal to the Romanian government of the Bush administration's concern that the elections be free and fair. According to the State Department spokeswoman, these concerns were also raised directly with the Romanian government on several occasions, including

by Secretary of State James Baker during a pre-election visit to Bucharest. The Bush administration also designated a special delegation to observe the May elections.

- o In June, the Bush administration condemned the violence by vigilante groups in the center of Bucharest. State Department spokeswoman Tutwiler stated:

The United States condemns in the strongest possible terms the Romanian government's brutal suppression, including the use of deadly force, of legitimate forms of dissent and political protest. We deplore, as well, government-inspired vigilante violence by workers and others against Romanian citizens.

State Department spokesman Richard Boucher also warned on June 15: "Until the democratic process is restored the United States has decided to withhold all non-humanitarian economic support assistance that Romania might be eligible for."

- o In late June, Ambassador Green boycotted the inauguration of President Iliescu in a dramatic protest against the Romanian government's repressive actions of June 13-15.

The US embassy in Bucharest was also active in supporting and maintaining contact with a variety of civic groups, including all human rights organizations. In addition, according to statements made to Helsinki Watch by Bogdan Marinescu, Romania's new Minister of Health, the embassy played a positive role in raising concerns at a variety of levels about the conditions in Romania's orphanages.

However, the Bush administration was not persistent in publicly calling on the Romanian government to investigate and prosecute those responsible for abuses. For example, it failed to use its considerable influence to keep pressure on the Romanian government to investigate thoroughly and make public its findings about the role of the army and police during the December revolution and during the events in Tirgu Mures in March and in Bucharest in June. Nor did the administration press for investigation and prosecution of those responsible for gross abuses during the Ceausescu era.

## **The Work of Helsinki Watch**

Although the December 1989 revolution dramatically changed the human rights situation in Romania, Helsinki Watch recognized that post-Ceausescu Romania was likely to have continuing, serious human rights problems. Helsinki Watch saw Romania as needing special attention during its transition from totalitarian rule and directed additional resources toward its efforts to monitor human rights developments in that country.

Helsinki Watch was the first human rights organization to visit Romania after the December revolution. A Helsinki Watch/International Helsinki Federation (IHF) team arrived in Bucharest on January 3, 1990, the day the airport reopened. At the same time, another Helsinki Watch group entered Romania from Hungary and visited Timisoara before joining the others in Bucharest. A January newsletter called on the Romanian government to investigate past abuses, while cautioning about the implication of the government's decision to rely almost exclusively on military tribunals for the trials of those who had been arrested.

In late January, Helsinki Watch sent an observer to Bucharest to attend the trial of four of Ceausescu's former aides. The defendants confessed their guilt to crimes committed during the December revolution. Helsinki Watch issued a newsletter criticizing the trial for concentrating only on events that occurred during the December revolution and not exploring abuses during the Ceausescu years.

Because of the unremitting turbulence in Romania, Helsinki Watch saw a need to have a representative stationed in Romania to conduct human rights investigations. A Helsinki Watch researcher was stationed in Bucharest for six months, from April to October, observing and reporting on the volatile political situation and on various violations of human rights.

From April 16 to 24, a Helsinki Watch mission conducted an on-site investigation into the violent clashes that had occurred between ethnic Hungarians and Romanians in the town of Tirgu Mures in mid-March. Interviews were conducted with both Hungarians and Romanians, including numerous



eyewitnesses and victims of the violence, and meetings were held with local government officials and members of the Prosecutor's office who were conducting the official investigation. The conclusions were published in a Helsinki Watch newsletter in May, which described how Gypsies had been made into scapegoats and held responsible for the clashes. The report also concluded that the army and police had failed miserably in anticipating the violence and responding to calls for assistance once the violence was in progress. This report, in Hungarian translation, was published in the newspaper *Romaniai Magyar Szó*.

In May, Helsinki Watch began investigating reports of human rights abuses connected with the Romanian election campaign. Meetings were held with party representatives in Bucharest, Bacau, Sibiu and several other cities, as well as with Election Board members. Victims of violence were also interviewed. A report was issued on May 15, just before the elections were held, setting out in detail the abuses that had created an atmosphere of fear and intimidation leading up to the elections.

The Helsinki Watch researcher in Romania was in Bucharest during the violent clashes in June and was able immediately to conduct interviews with victims of the clashes, visiting hospitals, party headquarters, and Gypsy homes on the outskirts of Bucharest, and meeting with the independent press, leaders of the numerous opposition groups, and the Prosecutor General of Romania. In early July, a Helsinki Watch delegation discussed the June events with Romanian government officials, including the Minister of Foreign Affairs, the Minister of Interior, and a close aide to President Iliescu. Helsinki Watch outlined its human rights concerns and presented a number of specific recommendations, including a suggestion that accurate information regarding the whereabouts of any detainee be made immediately available to his or her family. A Helsinki Watch newsletter was published in July deploring the Romanian government's call for the miners to come to Bucharest and expressing concern about the government's failure to protect the citizens of Bucharest from the miners' violent attacks. This report was published in Romanian translation in the newspaper *Cuvintul* and in Hungarian translation in the newspaper *Romaniai Magyar Szó*.

In August, a Helsinki Watch mission explored the conditions in Romanian orphanages and homes for the handicapped. The mission visited six orphanages and homes, toured a pediatric hospital, and visited two AIDS-baby hospitals. Talks were held with Romanian and foreign doctors and nurses at these institutions, and a meeting was held with the Minister of Health and the Director of the Institute

for Infectious Diseases. An article entitled "How AIDS Came to Romania" appeared in *The New York Review of Books* on November 8. A newsletter from Helsinki Watch was also published in December setting out the human rights concerns raised by the cruel treatment of orphans in these institutions.

In late September, a Helsinki Watch mission laid the groundwork for an in-depth study of the situation of the Gypsies in Romania. Interviews were conducted with Gypsy leaders, as well as with individual Gypsies in and near Bucharest, Craiova, Sibiu, Tirgu Mures and Brasov. The delegation met with a mayor of a town that had been the site of significant Romanian-Gypsy conflict, and with an official in the Ministry of Education to discuss the proposed experimental education program designed specifically for Gypsy communities. A follow-up mission to explore the Gypsy issue further is planned for early January 1991.

In addition to the various investigative reports issued during the year, Helsinki Watch worked closely with budding Romanian human rights organizations and independent civic associations in an effort to provide information, share experience, and offer moral support.

# **SOVIET UNION**

## **Human Rights Developments**

### **Introduction**

**The year 1990 was a paradoxical one for human rights in the Soviet Union. While official government policy toward human rights continued to improve, the scale of violations grew sharply, due largely to violent confrontations among ethnic groups and political factions that the central government was unable and at times unwilling to control. While individual empowerment increased, individual rights were threatened by growing confusion, hostility and even anarchy.**

**Political pluralism was accompanied by a breakdown of governmental authority at all levels, giving rise to new conflicts among competing political forces. Contradictions abounded as various republics declared the supremacy of their laws over All-Union laws, or the republics failed to incorporate All-Union laws and decrees in their own legal codes. In Lithuania and Latvia there were two procuracies – one headed by a procurator appointed by Moscow, the other by a procurator appointed by the republican government. The Ukrainian government passed a law calling for the establishment of an independent Ukrainian procuracy. President Gorbachev referred to the danger of what he called the "Lebanonization" of the Soviet Union.**

**Numerous new laws protecting the right to a free press, freedom of conscience and freedom of association were passed in 1990, although some feared that renewed regulation of individual liberties that had been flourishing de facto for the past three years could result in the diminution of these liberties. Conversely, central government power had so diminished that its ability to regulate or protect these newly enshrined rights was doubtful.**

**With the economy in rapid decline, the newly tolerant and permissive atmosphere in many parts of the Soviet Union began to be overshadowed by calls for a strong hand, and toward the end of the year, by rumors of an imminent military takeover.**

## **The Judicial System**

Progress continued to be made in the Soviet judicial system. On the civil side, a revised law on the right to appeal acts of government officials entered into force in July. Unlike the old law, the new one allows judicial review of decisions of anonymous collegial bodies, so that it is not necessary to identify particular officials as defendants. However, the new law does contain possible barriers to effective judicial review. First, it excludes from court scrutiny "normative" acts. Second, if a republic creates a different appeals procedure for particular administrative decisions, these decisions are not subject to review under this law. Finally, some new laws such as those on the press and religious freedom contain express references to the appeals law, although the appeals law by its terms does not require such a reference to be invoked, creating the potential for confusion when no explicit reference is made.

In December 1989, the Committee on Constitutional Supervision was formed, charged with reviewing the constitutionality of new legislation and the conformity of republic and local laws with USSR laws. If any law is found to violate basic human rights provisions in the USSR Constitution or in international compacts to which the Soviet Union is a party, it is supposed to be automatically suspended. The Commission in 1990 ruled unconstitutional a presidential decree on demonstrations (*see* Freedom of Assembly, *infra*). It also criticized the internal passport system (*see* Freedom of Movement, *infra*). However, Soviet legal specialists complained that the Commission's findings had no real force; for example, the internal passport regime was still in place at year's end.

As to criminal law, amendments to the Fundamentals of Criminal Procedure passed in April codified the presumption of innocence, and created a right to counsel from the moment that criminal charges are brought, or within 24 hours of arrest or detention. At least one Soviet legal scholar commented that even 24 hours is too long to allow the militia unimpeded access to a defendant; the law says nothing about the right of the accused to remain silent during that time. Moreover, in practice, defendants were not apprised of their right to counsel and continued to be denied access to counsel until later in the criminal process. The amendments allow defense counsel unlimited access to their clients and to the investigative file, but in practice, access to both was still controlled (and sometimes denied) by the investigator or the militia. In addition, the small number

of defense attorneys practicing in the Soviet Union made it unlikely that criminal defendants would be able to obtain the level of representation that the new law envisioned.

Although the criminal justice system showed some signs of improvement, other developments were disturbing. Administrative punishment, with less protection afforded the accused, became a major means of harassing those seeking to exercise civil liberties, particularly freedom of expression. Administrative procedures allow detention without formal charges and the imposition of fines; penalties increase for repeat offenses. Administrative detention was used in 1990 with special frequency in areas under emergency rule, such as Azerbaidzhan. Politically motivated criminal prosecutions continued to be instituted, and political prisoners remained. (*See Political Prisoners, infra*) These cases were brought both by the central government and by republic governments. In some cases these prosecutions reflected interethnic tensions. Long periods of pretrial detention, up to eighteen months, were still permitted by Soviet law, and were still used in 1990, particularly in politically sensitive cases. For example, ten people arrested for participating in riots in Fergana were imprisoned in June 1989 and remained in custody at the end of 1990. After trial in September 1990, the case was dismissed for insufficient evidence, but the defendants remained in jail as procurators attempted to mount a new case against them.

### **Freedom of Expression**

Great strides continued to be made in the area of freedom of speech and of the press, although more improvement was still necessary. A new press law was passed in June with many positive elements: affirmance of the right to free expression and the right to information from the government, and the prohibition of censorship. Prohibitions on publication are limited to state secrets, pornography, advocacy of the violent overthrow or change of the government, propaganda for war or for ethnic or religious intolerance, and incitement to criminal activity. But the requirement that all publications must register with the government provides a possible new means for suppressing publications at odds with the government, although by law a registration request can be rejected only for violating the above prohibitions, or for other systematic violations of the law. Publications must register every year.

Registration proceeded apace, with various publications fighting, successfully, to break free of their official sponsors. *Ogonek*, *Argumenty i Fakty*, *Literaturnaya Gazeta* and other independently minded publications were permitted to register as having been founded and owned by workers' collectives, overcoming claims to their ownership by conservative government- or Party-affiliated groups such as the USSR and RSFSR Writers' Unions, the Communist Party Central Committee Publishing House, and the *Pravda* Publishing House. The USSR Writers' Union initiated a lawsuit against *Literaturnaya Gazeta* challenging the registration decision.

Subject matter in the Soviet media appeared to be almost unlimited. Criticism of Gorbachev, the military and the KGB could be found everywhere. Even though prohibited by the press law, pornography was also available.

Despite this openness in the press, contradictory signals continued to emerge. A major blemish on the record of *glasnost* in 1990 was a new law that criminalizes slandering the President. The law was being used to prosecute a number of people who, in person or in print, disparaged Gorbachev. One case involved an article that compared Gorbachev to Hitler. Another case involved a man who defaced a large photo of Gorbachev and marched down the street with it. Even the new press law contains a typically cryptic formulation of libel, prohibiting the mass media from being used for "the degradation of [citizens'] honor and dignity." These anti-slander provisions reflected the opposition of conservative officials to unbridled public criticism.

"Glavlit," the state censorship organ, was ostensibly abolished in 1990, but in fact it was merely replaced, or perhaps renamed. The new organ, "GUOT" (Main Administration for Safeguarding State Secrets in the Press and Other Mass Media), issued an updated list of "Information Forbidden for Publication." The list, like its predecessors, included subjects as diverse as the disease rate of livestock and any information about crime in the military. While it appeared that the press for the most part ignored GUOT (*Izvestia* published an article ridiculing the emergence of the new list), its very existence raised the specter of renewed censorship.

Restrictions on revealing state secrets continued to be used against government critics. For example, Oleg Kalugin, a former KGB general who was stripped of his rank and pension after he began publicly criticizing the KGB, was being investigated on charges of divulging state secrets.

**Ink, paper and printing presses were for the most part still controlled by the Soviet government and the Communist Party, with progressive and independent publications at the bottom of the priority list for access to these resources. While all publications were subject to shortages, the independent press was particularly hampered. Paper became a big black-market commodity. Editors of independent publications from all over the Soviet Union, including distant Siberian Kuzbass, sent their material thousands of miles to the Baltic states for printing -- after they had managed to scrounge enough paper. Meanwhile, back home in Novokuznetsk, the typography plant manager reserved his premises for the Party. This example shows how far the independent press had come -- and still had to go.**

**Publishers and distributors of unofficial publications continued to be routinely harassed. Printers, editors, writers and distributors of *samizdat* in Kuibishev, Leningrad, Moscow and Gorky (RSFSR), Kiev and Khabarovsk (Ukraine), Minsk (Belorussia) and various other parts of the Soviet Union were subjected to searches, detentions, fines and administrative arrests. When they were charged with a crime, it was frequently for unauthorized peddling. The publications involved were routinely confiscated, resulting in significant monetary loss, since these publications frequently operated on shoestring budgets. There was no clear explanation for this repressive activity in the midst of positive policy reform, except that it reflected a breakdown of authority and the existence of resistance to reform among some local officials charged with implementation.**

**Finally, states of emergency in various regions of the Soviet Union gave legal sanction to restrictions on expression (*see* State of Emergency, *infra*).**

### **Freedom of Assembly**

**Freedom of assembly improved dramatically in 1990. Although the flawed July 1988 law on demonstrations was still on the books, it seemed to be honored largely in the breach. Thousands of demonstrations took place, varying widely in size, crowd composition and stated purpose. A few examples show their immense diversity: a public campaign, including demonstrations, forced Soviet authorities to move their nuclear test site from Semipalatinsk (Kazakhstan) to Novaya Zemlya in the Arctic; irate smokers in Chelyabinsk protested the dearth of cigarettes; and Ukrainians and others demonstrated to show support for the**

## **Lithuanian declaration of independence.**

For the most part, demonstrations proceeded unhindered by the authorities. However, it should be noted that some Soviet activists were subjected to heavy fines and administrative arrest for organizing "unsanctioned" meetings, not only in major cities such as Moscow but also in such places as Omsk, Ufa and Voronezh in the RSFSR and Chernovtsi, Zaporozhe and Drogobich in the Ukraine.

States of emergency, in effect at year's end in over a dozen areas of the USSR, imposed severe restrictions on freedom of association and assembly, including curfews and bans on public meetings. In Azerbaidzhan, public assemblies were outlawed in connection with the state of emergency first declared in January. A similar ban was announced for parts of Kirgizia after violence erupted during the summer. Other areas under states of emergency were subjected to such bans as well. In two republics, Moldavia and Kazakhstan, where republic authorities feared public unrest, bans on public assemblies were announced even though no state of emergency was in effect. Large demonstrations in these two republics proceeded in peaceful defiance of official bans. In April, President Gorbachev attempted to curtail demonstrations in the center of Moscow by passing a presidential decree forbidding the liberal Moscow City Council from issuing demonstration permits. He transferred this power to the USSR Council of Ministers, a more conservative body firmly under his control. In September, this decree was declared unconstitutional by the Committee on Constitutional Supervision. Its fate remained unclear at the end of 1990, although the Moscow Soviet continued to issue permits. Nevertheless, conflicts between the Moscow authorities and the central government over demonstrations continued. In November, the conservative USSR Supreme Soviet Presidium unsuccessfully attempted to ban counterdemonstrations in Moscow to the official Revolution Day parade. The demonstrations took place unhindered with the permission of the Moscow city authorities.

## **Freedom of Association**

Thousands of diverse civic groups dotted the Soviet social landscape in 1990. A few typical types of new organizations included mass-based national rights groups such as the Popular Fronts that had sprung up in almost every Soviet republic; independent labor unions, including the potentially two-million-strong



**national Miners' Union; numerous environmental action groups, such as the "Green Front"; and "Memorial," a small but influential national alliance of independent groups for social justice, particularly for victims of Stalinism.**

**In October, a new law on public associations was passed by the Supreme Soviet and signed by President Gorbachev. The law treats as public associations such not-for-profit organizations as political parties, trade unions, artists' groups and charitable foundations. Like the laws on the press and religion, the public association law requires that an organization register to come within its terms. Properly registered public associations have the right to own property, to establish mass media and engage in publishing activity, and to act as juridical entities. Also like the religion and press laws, the implication of the association law is that associations not properly registered cannot engage in such activities. The law allows international as well as domestic organizations to register. Organizations can be refused registration only if they fail to comply with registration procedures, or if the purpose of the organization as stated in its by-laws is criminal (e.g., the violent overthrow of the government, or incitement of ethnic discord).**

**There were, of course, exceptions to the generally permissive approach to the right to associate, most notably the refusal of the Belorussian republican authorities to register the influential Belorussian Popular Front. The republic appeared to be waging a propaganda war against the Popular Front, falsely portraying it as an organization that preaches ethnic hatred to justify denying its registration under the new law. The Azerbaidzhan Popular Front operated under severe restrictions imposed by state authorities during the state of emergency. The state of emergency imposed in Osh, Kirgizia also forbade gatherings of more than three people.**

**The Supreme Soviet, in late October, was debating two alternative drafts of a new law on trade union rights. The labor unions claimed that they should have the right to veto the closure of any unprofitable enterprise and the dismissal of workers. The state authorities, fearful of the effect of such a law on labor productivity, delayed discussion of the issue. A "right to strike" law, passed in October 1989, was widely dubbed the "anti-strike" law due to its restrictive provisions.**

### **Freedom of Religion**

**A huge increase in the number of places of worship for a wide variety of faiths, including Muslim, Russian Orthodox, Baptist and Catholic, occurred in 1990. Some of the chronic problems faced by Soviet religious believers, such as severe shortages of clergy and religious literature, were being addressed after many decades of official atheism. The import of materials from abroad was much easier. Religious groups were also being permitted to extend their activities to new areas, including hospital and other charitable work. Members of the clergy – such as Russian Orthodox former political prisoner Father Gleb Yakunin – were even elected to various republic parliaments.**

**In October, a new law on freedom of religion was passed by the Soviet Congress and signed by the President. The law is unequivocal in its support for religious freedom. It contains provisions on nondiscrimination and separation of church and state. Religious education is expressly permitted, and religious organizations are given rights as legal entities to own property, hire workers, etc. Religious organizations are tax exempt, although they must contribute to the social insurance fund for the benefit of their employees.**

**The major flaw in the law is the requirement of registration. Informal societies of believers need not register, but the law implies that any organization that wants to conduct business as a legal entity must register with the regional or city council. No criteria are given for approving a registration request, although rejection may be appealed according to the law on appeals (*see* The Judicial System, *supra*). The law allows republics to draft their own registration procedures, raising the possibility that some repressive republic legislatures might pass restrictive procedures. However, reformist legislatures are free to establish pro forma registration criteria that every organization could meet. The new RSFSR law, for example, states that registration can be denied only for failure to follow the registration procedure laid down in the law.**

**The All-Union law does not make clear what legal rights distinguish a registered organization from a nonregistered one. For example, can a nonregistered "religious society," an entity envisioned by the legislation, buy and sell property under its own name? Presumably not, but the law does not state this. Could its individual members buy and sell property in their own names, even though the activity is clearly for the sole benefit of the society?**

**Regardless of how well the new law protects religious freedom or erects**

**a barrier between church and state, conflicts continued among different faiths over authority, resources and places of worship. These conflicts have inhibited religious freedom in the past. The most notable of these disputes was in the Ukraine, where the Ukrainian Orthodox Church (allied with the Russian Orthodox Church) was battling the Ukrainian Autocephalous Orthodox Church and the Ukrainian Catholic Church for use and ownership of church buildings.**

### **Elections**

**Multicandidate elections occurred on the national, republic and local levels in 1990. Although Communist Party candidates almost always commanded the preponderance of resources -- particularly access to media outlets and campaign staff -- non-Party candidates won in many cases.**

**For example, in Moscow, Leningrad and Kiev, non-Party liberals were swept into office; they later took control of the city councils. The maverick former Moscow Party chief Boris Yeltsin was elected President of the RSFSR. Traditional Party bosses lost out to non-Party activists in numerous other parts of the RSFSR.**

**In Azerbaidzhan, Belorussia and the Central Asian republics, the Communist Party retained control of the legislatures. In Georgia, Armenia, Moldavia and the Baltics, non-Communists dominated the legislature. In the Ukraine, the non-Communists became the dominant political force, in effect if not in numbers.**

**Article 6 of the USSR Constitution, which proclaimed the leading role of the Communist Party in all facets of life, was abolished in 1990. A de facto multiparty system began developing in many parts of the country. In Soviet Georgia, 31 parties competed for seats in the republican congress. In Moscow, dozens of new political parties, albeit often of marginal power, sprang up. In the Baltic republics and elsewhere, "popular front" organizations became de facto political parties, fielding candidates for republic office. The law on public associations gave central government approval to a multiparty system by recognizing political parties as legal entities.**

**Election observers reported that in the 1990 elections irregularities were present in regions where the Communists triumphed as well as where they failed. In at least two republics, Azerbaidzhan and Tadzhikistan, elections were held**

during states of emergency. Interior Ministry troops were present in large numbers, a midnight to 5:00 a.m. curfew was in effect, and free expression was curtailed. In Azerbaidzhan, the military commandant tried to ban foreign and domestic election observers. Despite what appeared to be great popular support, the opposition Popular Front did very poorly in Azerbaidzhan. Election abuses were reported by Communists and non-Communists alike.

### **Freedom of Internal Movement**

Freedom of movement inside the Soviet Union continued to be hampered by the residence registration system that requires official authorization to live in any particular location or to permanently resettle. In October, the USSR Committee on Constitutional Supervision criticized this system, but stopped short of declaring it unconstitutional.

Ethnic minorities, in many cases displaced from traditional homelands by prior Soviet official policy and practice, continued to claim a right to live in historic territories. The government, while beginning to allow these groups cultural autonomy, was slow to permit return – or actively hindered return -- to their areas of origin. For example, the Soviet German population, exiled to Central Asia under Stalin, attempted to return to its historic homeland along the Volga river, but the residence registration system made this migration practically impossible. In addition, new Slavic settlers in the Volga area opposed the Germans' return. Many Germans gave up and decided to emigrate to Germany.

The Crimean Tatars, though officially told that they could return to the Crimea, were not able to do so because of land and housing shortages and the resistance of the local population. Government plans to make housing available to them in the Crimea were put on hold, and disputes arose over squatters.

The Meskhetian Turks, a small group expelled by Stalin in 1944 from their historic homeland in Meskhetia, Georgia, were the targets of a *pogrom* during the summer in Fergana, Uzbekistan. Once again they were forced to flee from their homes. Some 40,000 Meskhetian Turks found refuge in Azerbaidzhan, with thousands more resettled in the RSFSR. Zviad Gamsakhurdia, the newly elected President of Georgia, spoke out against their return to that republic.

By 1990, as many as one million Soviet "internal refugees" had fled their

homes due to civil unrest or natural disasters. Aside from an initial paltry payment, the Soviet government took no responsibility for their welfare -- saying that they were the concern of the republic governments. Because the central government still controlled the majority of resources, and maintained a registration system that dictated where refugees could permissibly resettle, it had a special responsibility to these refugees. In areas like Armenia and Azerbaidzhan, internal refugees were one of the largest problems confronting the government and society.

### **Freedom of Foreign Travel**

The opportunity for foreign travel was one of the most visible signs of reform in the Soviet Union. Restrictions eased substantially, although the central government still required its citizens to have an invitation from a person living in the country of destination. The difficulty of converting the Soviet ruble to foreign currency kept foreign travel prohibitive for many Soviets. The government would only exchange a small amount of dollars for rubles, so that only those Soviets who could rely on friends or relatives in foreign countries for basic living expenses, or those who could buy hard currency on the black market, could afford to travel abroad. Obtaining airline tickets was also very difficult. For example, the government announced a severe curtailment of the number of tickets to the United States that it would sell for rubles to 72 per week, including for tourists and emigres. Even before this restriction, a large black market in airline tickets had sprung up. The government also announced plans to restrict the sale of train tickets abroad to those who could pay in hard currency, or perhaps in the currency of the destination country. Similar plans were also announced and then abandoned for plane tickets; the government's policy remained uncertain at year's end.

Unfortunately, the new opportunities for Soviets to travel abroad were not accompanied by any significant improvements in the ability of foreigners to travel inside the Soviet Union. The government still closed many areas to foreigners for reasons of national security. In practice, over 80 percent of Soviet land area was closed. In addition, states of emergency in 1990 included bans on travel by foreigners to the affected areas. While it had become possible for foreigners to stay in the homes of their Soviet friends, the procedure for arranging personal invitations was extremely cumbersome and time-consuming. As before, itineraries had to be approved in advance, and visas were usually granted only at

the last minute.

### **Freedom to Emigrate**

Restrictions on emigration eased substantially, although the long-awaited law on the right to emigrate was not enacted. Comments by KGB officials in December suggested that they, at least, were opposed to unrestricted emigration. They warned of the danger to the Soviet economy of a "brain drain" caused by emigration of educated people. A new draft of the emigration law, published in October, allows restrictions on travel and emigration for people who possess state secrets, without defining what constitutes a state secret. One variation of the draft limits the duration of the restriction to ten years from the time of exposure to the secret.

By far the largest group of emigres continued to be Jews bound for Israel or the United States. As of November 30, some 146,436 Jews had emigrated to Israel in 1990, and 2,956 to the United States. In total, approximately 300,000 people left the Soviet Union in the first nine months of 1990, the largest non-Jewish groups being Germans (108,991), Greeks (10,961), and Armenians (6,107).

### **Ethnic Tensions**

The multinational Soviet state long claimed that it granted special legal rights to various nationalities and ethnic groups in the Soviet Union. These rights, often observed more in the breach than in practice, included education in national languages, facilities for preserving unique cultural heritages, and the opportunity to use national languages in workplaces, courtrooms and the like.

In reality, many of these rights were vitiated by the long-standing official Soviet practice of Russification. Members of the over 100 national and ethnic groups in the Soviet Union often felt affronted by Russification, which they viewed as a violation of cultural and other national rights. Hundreds of national rights activists are known to have suffered long years of imprisonment for their nonviolent advocacy.

Due to greater freedom of speech, press and assembly under glasnost, dozens of national and ethnic groups in the Soviet Union began to voice their

**grievances. In most non-Russian republics, the titular nationalities passed new laws requiring official use of their language, with various requirements that Russians and other members of nontitular nationalities learn these languages within a specified time period.**

**Such laws, and the rise to local political power of some activists seen as espousing extremist nationalist views, gave rise to fear among members of nontitular nationalities that they would face discrimination or worse. Others, noting instances of interethnic conflict in various parts of the Soviet Union, moved to their ethnic group's titular republic, even though in many cases, their families had not lived there for generations. Taken together, these reactions produced an atmosphere rife with fear, intolerance and potential violence.**

**The year 1990 saw an intensification of these trends among dozens of national and ethnic groups in the Soviet Union. In the Baltic states, for example, national tensions increased, due in part to the imposition of strict new language laws, which the Russian minority in Estonia found particularly offensive.**

**Even inside the giant RSFSR, the titular nationalities in various autonomous republics declared sovereignty in 1990 in an effort to assert their national rights. Such assertions angered members of the nontitular nationalities living in their midst.**

**In Moldavia, a strong drive among the Moldavian majority for enhanced national rights produced a backlash among the 300,000-member Russian-Ukrainian enclave on the Dniestr River and among the 150,000-member Christian Turkish group, the Gagauz. Faced with what these groups perceived as discrimination by the Moldavian republic government, these two groups proclaimed sovereignty – a proclamation which the republic government declared illegal. Tensions reached such a height that six people were killed in violent clashes between troops and Russian nationalists in November, near Dubossary on the Dniestr River.**

**The increased hostility among ethnic groups of all kinds in the Soviet Union raised concerns about an increase in anti-Semitism, long a particularly serious manifestation of interethnic discord. On the one hand, conditions for Jews were improving. New Jewish cultural centers were being built, Jews were allowed to emigrate freely, and the problem of anti-Semitism was being addressed more openly in Soviet society. Yet anti-Semitic acts continued, and**

there was still a widespread perception that these acts were orchestrated with some official complicity, if not at the highest levels of central government power, then at the local level.

An example of these contradictory signals can be found in the prosecution and conviction in 1990 of Konstantin Smirnov-Ostashvili for leading a group that disrupted a writers' meeting by shouting anti-Semitic threats. It was the first prosecution in the Soviet Union for anti-Semitic behavior, and in that sense it was a positive development. However, there were clear signs that Ostashvili's actions were officially supported, and that official efforts were made first to obstruct the prosecution and then to limit it to Ostashvili alone.

### **States of Emergency**

In April, the USSR Congress passed and the President signed a new law governing states of emergency. It defines a state of emergency as a "temporary measure...[to] ensure the safety of USSR citizens during natural disasters..., and also during large-scale disturbances." The law requires that states of emergency be declared only by the Presidium of the Supreme Soviet of a union republic or by the USSR Supreme Soviet by a two-thirds vote of all its members. (Presumably autonomous republics can declare states of emergency as well, since elsewhere in the law they are given authority to lift a state of emergency that they declared.)

The law allows the suspension of most civil liberties. Censorship may be introduced, meetings and demonstrations may be prohibited, house arrest may be imposed for no stated reason, compulsory labor may be ordered, a curfew may be established, and political parties and other organizations may be suspended. The government entity that declares the state of emergency is given complete power over subordinate government entities.

Under a state of emergency, administrative and criminal penalties can be imposed for a variety of extremely vague "offenses," including disseminating "provocative rumors," the "active hindering of citizens and officials in the exercise of their lawful rights and the performance of their duties," and "any other actions of this sort that violate public order or the tranquility of citizens." The military or the internal affairs organs are authorized to handle such cases. The USSR Supreme Soviet may change the jurisdiction over any civil or criminal case pending in the affected area.



**Troops may be introduced "in exceptional cases"; no other criteria are spelled out in the law. The President or the USSR Supreme Soviet has authority to send in troops.**

**Pursuant to the reporting requirements of Article 4(3) of the International Covenant on Civil and Political Rights, the state of emergency law requires that the Soviet Union notify the United Nations whenever a state of emergency is declared. In 1990, the Soviet Union notified the UN about states of emergency imposed in Nagorno-Karabakh, Baku and other parts of Azerbaidzhan in January, and about a state of emergency imposed in Dushanbe in March. Through the end of 1990, Soviet authorities had not yet notified the UN about any of the other states of emergency that had been imposed.**

**As of the end of November, there were twelve areas where states of emergency were in force: four in Azerbaidzhan, three in Armenia, and one each in Georgia, Tadzhikistan, Uzbekistan, Kirgizia and Moldavia. In each area, several of the following were implemented: bans on public demonstrations and meetings, restrictions on public organizations, restrictions on the media, administrative detention, and the searching of vehicles and people. A reinforced Soviet troop presence was evident in Moldavia, Azerbaidzhan, Kirgizia, Uzbekistan and Tadzhikistan.**

**Although states of emergency are supposed to be "temporary," in Azerbaidzhan and Tadzhikistan they had been in effect for almost a year by the end of 1990.**

### **Self-Determination**

**Declarations of "sovereignty" or "independence" by republics and other territorial units resulted in two cases of especially harsh responses from governmental authorities. The central government responded to Lithuania's declaration of independence (the first by any entity in the Soviet Union) with an economic embargo and shows of heightened military activity, including military takeovers of the procuracy and some publishing houses that printed independent newspapers. The takeover took place with unnecessary violence against civilians, disrupted publishing and challenged civilian rule. In Moldavia, the Russian settlements on the Dniestr river and the small Christian Turkic Gagauz community**

**in the south declared their independence and held elections for new governmental bodies. In response, the Moldavian government declared a state of emergency in the Gagauz areas. Central government troops were called in, and many civil liberties were suspended.**

### **Violent Clashes**

**Violent clashes were probably the clearest expression of social, political and economic dislocations in Central Asia and the Caucasus. According to official Soviet statistics, a total of at least 900 people died in interethnic violence in 1989 and 1990. According to unofficial information received from local activists by Helsinki Watch, the death toll from violence in Osh alone was over 1,000.**

**In 1990, violence broke out in Armenia, Azerbaidzhan, Uzbekistan, Tadzhikistan, Kirgizia, Moldavia and the Russian Republic. The response of the Soviet and republic governments to these events was generally erratic, defensive and unhelpful. In most cases, the central government appeared more concerned with protecting government property than protecting the lives of citizens, and in some cases it appeared that the governmental response was dictated more by political considerations than by the desire to minimize bloodshed.**

**The introduction of Soviet troops in Baku, the capital of Azerbaidzhan, for example, was ostensibly to protect the lives of Armenians who had been the subject of violent attacks in the days preceding the troop deployment. Yet Soviet troops stationed in Baku did nothing to assist the Armenians during the violent attacks; the declaration of a state of emergency in Baku and the introduction of soldiers took place three days after the attacks on Armenians had largely subsided. Defense Minister Dmitri Yazov later voiced what was probably the primary justification for sending in Soviet troops: to prevent the Azerbaidzhani Popular Front, the most popular political group in Azerbaidzhan, from seizing power from the Communists. The Popular Front had been negotiating with the Communists and had taken control of some governmental structures nonviolently. Elections to a new Azerbaidzhani parliament had been scheduled for March, and the Popular Front looked as if it would win a commanding majority in a free election. In addition to scuttling this political process, Soviet troops killed numerous civilians. Eleven months later, after the vast majority of Armenians had fled Baku, the state of emergency remained in force with a 1:00 a.m. to 5:00 a.m. curfew, censorship and other restrictions on civil liberties.**

**The armed conflict between Armenia and Azerbaidzhan over the territorial enclave of Nagorno-Karabakh continued in 1990. The new Armenian President, Levon Ter-Petrossian took a new stance on this protracted conflict in 1990, calling for negotiations with the Azerbaidzhani leadership, but this did not succeed in stopping the bloodshed.**

**A tragic new development for 1990 was the emergence of vigilante armies in Armenia, with an estimated membership of 10,000. Shortly after Ter-Petrossyan's election, six people, including an Armenian parliamentarian, were killed by the Armenian National Army. Ter-Petrossian moved at once against the dozen vigilante militias. At his request, the Armenian National Army leaders surrendered their weapons and called upon their followers to do the same. Unfortunately, these actions have not eliminated the problem.**

**The Soviet government repeatedly denied foreign journalists immediate access to the scenes of civil unrest, and sometimes prevented Soviet journalists from releasing their material. Local governments sometimes denied official investigative commissions access to crucial information and prevented unofficial groups from making public their views on these violent incidents.**

### **Political Murders**

**The deaths in mysterious circumstances of at least five nonviolent political, religious or national rights activists in 1990 were cause for alarm. Noted Russian Orthodox priest Father Aleksandr Men was brutally murdered in his parish outside Moscow. An investigation by the military procurator was begun. In late August, three members of the Estonian National Independence Party (ENIP) were killed in a car accident, and several days later, a car chased and nearly ran down another ENIP activist. An investigation of the incidents was also initiated. In Azerbaidzhan, the head of the Popular Front's Electoral Committee was killed shortly before congressional elections began. While Soviet governmental or KGB involvement cannot be proven in any way, neither can it be totally discounted in light of official conduct in the not-so-distant past.**

### **Capital Punishment**

Although there was discussion about abolishing the death penalty, it remained in force and continued to be used to punish violent and nonviolent, including economic, crimes. Draft legislation would reduce the number of crimes punishable by death from eighteen to six. In 1990, a Soviet government official reported some death penalty statistics that, when interpolated, indicate 300 executions per year. The exact number is a state secret.

### **Political Prisoners**

Unfortunately, 1990 did not allow one yet to consign the issue of Soviet political prisoners to history. Cronid Lubarsky, a veteran chronicler of Soviet human rights abuses, documented 57 political prisoner cases, with 21 possible others for which more information was needed. These cases included prosecutions for slandering the President, anti-Soviet agitation and propaganda, illegally crossing the border, and hooliganism. The activity punished included criticism of the government and the President, peaceful opposition political activity, and attempts to emigrate. There were 21 additional prisoners being held for conscientious objection or army desertion, with six others for which more information was needed.<sup>189</sup>

Some of these political prisoners had been imprisoned for many years. Valerii Ianin had been incarcerated for 11 years for attempting to flee to Turkey. Vladimir Chokhisam had been incarcerated in a psychiatric hospital for 10 years for participating in a Human Rights Day meeting and for tearing down official slogans. Victor Chistkov had been incarcerated for 11 years in psychiatric hospitals (he became mentally ill *after* his incarceration) for attempting to flee to the United States. After a lengthy public campaign, one veteran Russian prisoner jailed after seeking to emigrate, Mikhail Kazachkov, was released from labor camp in November after 15 years in prison.

Many political prisoners, however, are new cases. Eighteen of the 57 noted above were arrested in 1990. For example, 12 were active in the Azerbaidzhani opposition and arrested in the aftermath of the state of emergency in January. In December, three of the Azerbaidzhani cases were dropped, and two

---

<sup>189</sup> The Moscow Helsinki Group, together with the human rights section of Memorial, released a list of 189 political prisoners, based on its research.

others suspended after the accused were elected to the Azerbaidzhani Congress.

Some of these new cases are reflective of republic-level opposition to political reform. For example, in Turkmenia, Kurbanberdi Karabalakov, a member of the opposition political group "Democratic Platform," was involuntarily confined in a psychiatric hospital in October. Sherali Nurmuradov, leader of the Turkmenia Popular Front, was sentenced in 1990 to seven years in prison on fabricated charges of fraud.

A disturbing new trend in state suppression of dissent in those republics marked by civil unrest was the subjection of nationalist leaders -- most of whom were nonviolent -- to lengthy terms of pretrial detention on vague charges such as membership in an organization that violates public order. For example, many members of the Azerbaidzhan Popular Front reportedly were jailed in January and spent the remainder of the year in custody on charges of membership in such an organization. Armenian activist Arkady Manucharov spent 15 months in pretrial detention before being released in May.

A presidential decree issued in August rehabilitated en masse "all victims of political repressions from the 1920s to the 1950s." The RSFSR parliament rejected Sergei Kovalev's proposal to rehabilitate all political prisoners since 1917, suggesting that official repentance for abuses was still limited to the Stalin era. In addition, Soviet human rights advocates commented that a blanket rehabilitation has less meaning to the victims and their families than a case-by-case exoneration.

Several prominent exiled intellectuals had their citizenship restored by decree, including Aleksandr Solzhenitsyn, Vladimir Voinovich and Yuri Orlov.

### **Prison and Labor Camp Conditions**

As for conditions in the *gulag*, even the Ministry of Internal Affairs (MVD), which oversees the labor camp complex, stated its intention to improve lamentable conditions. One hopeful sign of MVD intentions was the granting of permission to Valery Abramkin's nongovernmental Prison Project to inspect *gulag* facilities. Reports of camp brutality, such as the severe beating in May of Baptist prisoner Anatoly Matviyenko, still surfaced.

**The MVD faced scrutiny from former political prisoner Sergei Kovalev in his new capacity as Chairman of the RSFSR Human Rights Committee. During a *gulag* inspection tour, Kovalev visited the labor camp in which he himself had been a prisoner.**

### **Psychiatric Abuse**

**Psychiatric abuse continued in the Soviet Union. Although Soviet officials loudly claimed to be reforming the psychiatric system, the Soviet psychiatric establishment in fact showed little sign of wanting to reform. The leadership of Soviet psychiatry was still the same cast of characters that brought the world the brazen distortion of its medical science to punish dissent. Many psychiatric institutions where abuse was common were still managed by the same doctors as before. The only positive note in terms of personnel was the retirement of Georgy Morozov, formerly head of the Serbsky Institute.**

**The drugs sulfazine and atropine, banned in the United States because of their questionable benefits and severe adverse side effects, were still used in the Soviet Union in 1990, despite an "official ban" by the Ministry of Health during the summer of 1989.**

**Peter Reddaway of George Washington University noted that while many political prisoners who had been victims of psychiatric abuse were released, there were still almost certainly a number of unknown victims held against their will in psychiatric hospitals in 1990. In addition, people who had been released from mental hospitals found it extremely hard to lead normal lives because it was still difficult to obtain legal and psychiatric rehabilitation after treatment in a mental hospital.**

**Some in the criminal justice system continued to associate dissent with mental illness. A pervasive problem was that of Soviet citizens who had complained about living or working conditions and then were punished in mental hospitals. One such victim, R. Shakin, was forcibly hospitalized five times in the past after exposing administrative abuses in the mine where he worked. It was only in March 1990 that he was reexamined at the instigation of the Independent Psychiatric Association and found to be completely healthy. In 1990 in at least two cases, those of Gennady Smirnov and Valeria Novodvorskaya, Soviet citizens were arrested for slandering the President and immediately detained for psychiatric**

observation. Novodvorskaya was later found sane and released. Smirnov's fate was not known at year's end.

### **Mistreatment of Army Recruits**

A human rights issue that emerged prominently in the public consciousness for the first time in 1990 was the mistreatment of soldiers in the Soviet army. Reports from *Shchit*, an unofficial organization advocating military reform, and from the Committee of Soldiers' Mothers, another unofficial group, claimed that 15,000 members of the armed forces had suffered noncombat deaths in the previous four to five years. This number was repeated in a number of well known Soviet publications. The causes of death included intentional mistreatment, negligence and suicide. Numerous cases of intimidation and hazing of new recruits were reported in 1990. In addition, reports were rife of discrimination and harassment based on national origin. A decree issued by President Gorbachev did not address this mistreatment directly, but urged other governmental bodies to introduce a universal insurance system to be funded by the Defense Ministry and to consider adopting a procedure for soldiers to challenge unlawful acts of their superiors.

### **US Policy**

The Bush administration, and especially the Department of Human Rights and Humanitarian Affairs, must be credited for efforts to regularize the human rights dialogue with the Soviet Union by increasing governmental contacts at the legislative, executive and judicial levels. Part of this dialogue has been an effort to educate Soviet officials about human rights and the rule of law. Contacts were established between American and Soviet legislators, judges, and civil and criminal justice officials. The program is unprecedented in the level and continuity of the dialogue, and reflects the administration's recognition of the importance of legal reform in securing individual rights in the Soviet Union. The focus of this program has been primarily all-Union governmental institutions located in European Russia. The program would be enhanced if expanded to all parts of the Soviet Union and all levels of government.

**The Human Rights Department also promoted humanitarian exchanges with the Soviet Union touching on human rights issues. Informational exchanges were organized on the subject of social programs for the elderly and the disabled. Specific subjects included providing physical access to public places, the construction of wheelchairs, and institutionalization of disabled children.**

**The Bush administration also deserves credit for its continued work in some areas of traditional human rights concern. One success was the broad-brush yet significant affirmation of various human rights principles within the so-called Helsinki process, formally the Conference on Security and Cooperation in Europe (CSCE).<sup>190</sup> The Copenhagen Document signed in June contains, on paper at least, a strong affirmation of the right to representative government, freedom of expression, religion and association, among other human rights, and of the rule of law as a means for securing those rights. The Document, while nonbinding, will provide a basis for additional moral and diplomatic suasion to ensure the protection of human rights in the Soviet Union and all signatory countries. Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Schifter also suggested using the CSCE process as a forum for the discussion and resolution of interethnic disputes, and he reported that there was Soviet interest in this idea.**

**The Bush administration, in its approach to human rights in 1990, faced certain problems that are endemic to all attempts to deal with the Soviet Union at this time. The dizzying pace and scope of political and social change in the Soviet Union has bewildered both nongovernmental and governmental experts. When power was effectively concentrated in a very few hands, the task of monitoring human rights and establishing responsibility for abuses was a relatively easy one. Now, with the increasing devolution of power to local entities, a myriad of new social and political groups, and a bewildering number of new laws and draft laws in various stages of discussion and approval, it is more difficult to track human rights abuses and to determine where the responsibility lies.**

**Like its influence on the American public, "Gorbymania" has also affected the Bush administration which, in its support for the Gorbachev reform**

---

<sup>190</sup> CSCE brought together all nations of Europe with the exception of Albania, plus Canada and the United States. These 35 nations were reduced to 34 in 1990 with the reunification of Germany.



program, has closely identified the man with the reforms. The reasons for this are understandable. Gorbachev's strong personality and his role in launching the process of reform in the Soviet Union are key. Moreover, the complexity of the huge multiethnic Soviet Union, and the tradition of dealing with a strong, centralized Soviet government, make it easier and simpler to credit Gorbachev alone for reform. Finally, the specter of the fragmentation of the Soviet Union, long considered one of the world's most powerful countries, is a frightening one with potentially disastrous consequences for human rights and international stability. Secretary Baker voiced such concern in December when he said, "instability in the Soviet Union is definitely not...in the interests of the United States." It is thus a natural reaction for the US and other governments to embrace President Gorbachev as the only Soviet leader who holds out some promise of stable progress.

Yet, the failure to envision what might lie beyond Gorbachev, and the central government and Communist Party power structure upon which he continues to rely, has adversely affected the US government's human rights policies. Fear of weakening Gorbachev and imperiling the US-Soviet dialogue appears to lie behind the Bush administration's reluctance publicly to criticize the Soviet Union for human rights abuses.

For example, the cool US government attitude toward those seeking Lithuanian independence, even when their rights were being violated, was dictated by the conviction that gains in US-Soviet relations should not be risked. On May 23, Secretary Baker stated: "Soviet policies, as we have seen in Lithuania, may disturb us deeply, offending our fundamental values. Yet, as the President has made clear, there is too much at stake in the United States-Soviet relationship to dismiss cavalierly or imprudently the potential for progress." Because of this view, the administration did not present a strong public response to the human rights violations that took place at the hands of the Soviet army in Lithuania, such as the occupation of the Communist Party press building and the suppression of some newspapers, the Soviet army's violent seizure of nonviolent Lithuanian deserters who had sought refuge in a Red Cross hospital, the Soviet army's violent takeover of the procuracy building which resulted in injuries to civilians, and two incidents of Soviet army beatings of peaceful protestors.

The Moscow-centric view of the nation has also meant that too little energy and attention has been focused on events in the non-Russian republics and the non-Russian part of the Russian Republic, and on the behavior of republic

**and local government officials.**

**For example, US officials reacted mildly to the introduction of Soviet troops in Baku, Azerbaidzhan, and the resultant killing of many civilians, characterizing it as the embattled central government trying to control interethnic violence. With the first announcement of the troop action, State Department spokeswoman Margaret Tutwiler stated: "We understand the need to establish order in a situation where order has broken down and where both Armenians and Azerbaidzhani are being killed." Relying heavily on Soviet press accounts of the event, the administration took at face value the Kremlin's claim that armed forces were needed to protect the Armenian population of Baku from further reprisals. In fact, the troops were introduced too late to save the Armenian population, as even the Armenian government acknowledged at the time. As of January 24, eight days after the troops moved in, there had been no high-level communication on the subject between the United States and the Soviet Union. Hampered by a lack of independent information, the administration reacted to the Azerbaidzhan action with a somewhat reflexive statement of support for Gorbachev.**

**By contrast, conflicting views about the introduction of Soviet troops in Azerbaidzhan emerged from the Soviet Union. The Soviet Minister of Defense announced that the purpose of sending Soviet troops to Azerbaidzhan was to prevent a takeover of the Azerbaidzhani government by the Popular Front, by then the dominant political force in the republic and poised to win a majority in upcoming elections to the republic congress. Later, the Foreign Minister and the Soviet Ambassador to the United States stated that the purpose was to restore order and maintain peace. The administration, while acknowledging that the Defense Minister's remarks were "disturbing," gave more credence to those of the Foreign Minister, and did not publicly condemn the Soviets. One month after Soviet troops had moved on Baku, and the Western press had reported the number of civilian casualties, the Bush administration's stance was still conciliatory. On February 21 Assistant Secretary Schifter expressed the view that the primary reason for the late arrival of Soviet troops to the area was a cumbersome decision-making process. Schifter stated that the Soviet central government was "confounded" by the problem of interethnic conflict, and genuinely wished to resolve it.**

**Officials in the State Department have acknowledged the problem of focusing mainly on the center, and attribute part of its cause to a shortage of**

resources and to lack of access. The difficulty of expanding the US consular presence beyond Moscow and Leningrad, and the travel restrictions still placed on US officials by the Soviets, are indeed impediments to gathering information in the Soviet Union.

A greater impediment, however, may be one established by the administration itself, by placing undue emphasis on supporting the Gorbachev government. The United States has placed limits on contacts with republic officials for fear of undermining Gorbachev. The National Security Council (NSC) issued a classified directive in 1990 that prohibits all US policy-making officials from direct contacts with republic officials without NSC approval. Pursuant to this directive, for example, a Deputy Assistant Secretary in the Treasury Department was prevented in late November from traveling to Lithuania at the Lithuanian government's invitation to discuss tax systems. Because contacts with the republics have been narrowed, available information about human rights in the country as a whole has been reduced.

Toward the end of 1990, the US administration began to expand its Soviet focus. Secretary Baker expressed a willingness to create contacts with non-Communists and other Republic-level officials. High-level meetings took place in the United States with officials from Lithuania, Armenia, Kazakhstan and the RSFSR. But while the Lithuanian President had a brief meeting with President Bush, the Armenian President did not. One State Department official ascribed the difference in treatment to an administration policy that denies the highest level access to all but representatives of the Baltic Republics, whose incorporation into the Soviet Union the United States has never recognized.

The US government still pursued its efforts in traditional areas of human rights concern. State Department officials indicated that the Bush administration continued to raise political prisoner cases with the USSR foreign ministry in private working sessions. For cases considered clear-cut, the administration pressed for the prisoner's release. For cases about which there was some dispute, requests were made for more information, including the investigative record from the criminal proceeding. The case of Stepan Khmara, a Ukrainian People's Deputy who was recently stripped of his immunity and arrested for allegedly assaulting an Interior Ministry officer, was raised by Assistant Secretary Schifter with his Soviet counterparts during the December meeting between Secretary Baker and Foreign Minister Eduard Shevardnadze. Yet the continued existence of several long-standing cases calls into question the efficacy of this exclusively private

approach. Particularly with respect to those long-standing cases, some public pressure might be appropriate.

The government faced the same difficulties as nongovernmental groups in determining whether a criminal case represented a violation of human rights. Arrests during 1990 for incitement of interethnic discord typified this difficulty. For example, when the case of Mamed Gatami, an Azerbaidzhani nationalist leader, was raised with Soviet officials, they responded that he was being charged with incitement to riot. (Gatami was eventually released and his case dropped). But other cases did not appear at all on the State Department's prisoner list. For example, none of the Azerbaidzhanis cited by human rights monitors as arrested in 1990 for political reasons (*see* Political Prisoners, *supra*) were on the State Department list.

Assistant Secretary Schifter's office reported that it had raised the "slander of the president" law with Soviet officials. The State Department rightfully considers this law a violation of the right to free expression. The law and four cases in which it was known to have been applied were reportedly raised again by Schifter at the December Baker-Shevardnadze meeting.

Since 1974, the US government has linked the normalization of trade relations to emigration guarantees in the Soviet Union, relying on the Jackson-Vanik amendment in denying Most Favored Nation trading status to the Soviet Union. Freedom to emigrate from the Soviet Union has always been a high priority for US administrations, and it remained high on the Bush administration's list of human rights priorities for most of 1990.

In late December, responding to pressure from the Soviet Union and Western allies and taking into account the considerable easing of emigration restrictions, President Bush announced a six-month waiver of the Jackson-Vanik restrictions. The purpose of the waiver was to ease severe food shortages in the USSR by providing credits to buy agricultural products.

Nevertheless, a new Soviet law on emigration remained stalled at the end of 1990, as it had been for more than a year. Although Jewish emigration quotas were so high that the National Conference on Soviet Jewry itself approved a temporary waiver of the Jackson-Vanik amendment, true freedom of emigration had not yet been incorporated into Soviet law. It is hoped that at the end of the six-month waiver period, the Bush administration will again examine Soviet

**emigration policy and practice with a critical eye before deciding on further trade concessions.**

**The administration's actions with regard to a visit of Soviet psychiatrists to the United States were unfortunate, in the view of Helsinki Watch. The Soviet delegation was invited to the United States to observe psychiatric hospitals after an American investigative mission visited the Soviet Union – a precondition for the reacceptance of the Soviet Union into the World Psychiatric Association.**

**Bruce Gelb, Director of the United States Information Agency (USIA), which had agreed to underwrite some of the expenses of the Soviet delegation, asked Helsinki Watch to examine the roster of intended participants to identify any members that might have engaged in psychiatric abuse. Helsinki Watch had serious misgivings about a few of the participants, and communicated these in writing to Gelb, and to Assistant Secretary Schifter. These participants had been implicated in abuse, either directly or by employment in hospitals in which systematic abuses occurred. After receiving Helsinki Watch's comments, the USIA decided to withhold funding of the delegation, and the group's visit was postponed.**

**Assistant Secretary Schifter and the State Department's Bureau of Human Rights later expressed dismay at Helsinki Watch's "intervention" in a visit that clearly had the approval of at least that section of the State Department. Schifter did not address Helsinki Watch's criticism of doctors directly implicated in abuse but, rather, focused on those who had been indirectly associated with abuse.**

**In September, a different Soviet delegation of psychiatrists came to the United States, in place of those whose trip had been postponed in the spring. The new group was free of anyone implicated in the past abuse of psychiatry, although some apologists for the old system remained part of the delegation. A very busy schedule was planned by the National Institute of Mental Health without any opportunity for human rights groups to meet with the delegation.**

**State Department officials reported that the issue of anti-Semitism was raised by Secretary Baker at a February meeting with Foreign Minister Shevardnadze. Assistant Secretary Schifter stated in 1990 that anti-Semitism remains a problem that, though not officially sponsored "at the top level of government," is not officially condemned at the top either.**

In a new area of concern, the Bush administration initiated a proposal for adding free elections to the CSCE human rights framework. The June Copenhagen Document included a requirement of free elections, the accountability of the executive to the electorate, and the separation of the state from any political party. Observers from the US Helsinki Commission issued useful public reports on the conduct of many of the congressional elections that occurred in the Soviet Union in 1990.

## **The Work of Helsinki Watch**

The growing instability of the Soviet Union created new complications for Helsinki Watch's traditional human rights monitoring. It was often not clear whether new human rights violations were exceptions, holdovers from the past, or condoned by the system. If systemic, it was often not clear which part of the splintering system bore responsibility – the central or a local government, or some semiautonomous unit of the bureaucracy.

With the continuing fragmentation of the Soviet Union, it became possible and necessary to expand human rights work to areas other than the traditional focal points of Moscow, Leningrad and Kiev. Helsinki Watch began an expanded program to explore human rights issues in the 15 Soviet republics, treating each republic as the separate territory that it may possibly become. Helsinki Watch investigated the Soviet and local governments' responses to violent clashes in various republics about which objective information had been scarce. It worked to overcome the Soviet government's habit of secrecy, particularly with regard to incidents of violence in the non-Russian republics. And it continued to urge greater openness with regard to travel within the Soviet Union and access to information, both by local civic groups and by Western journalists and activists.

Helsinki Watch began publication of a series of reports on human rights in each of the republics. It issued a report on Moldavia in March, describing the evolution of national consciousness in the republic and its human rights implications. The second report in this series, *Conflict in the Soviet Union: The Untold Story of the Clashes in Kazakhstan*, dealt with the Kazakhstan Republic, in particular the violent events of December 1986. An article that grew out of the

Kazakhstan research appeared in the October 11, 1990 issue of the *New York Review of Books*. Missions and reports on Tadzhikistan, Uzbekistan, Azerbaidzhan and Armenia were in progress at year's end.

Helsinki Watch continued to appeal to the Soviet government to account for its behavior in the non-Russian republics. It protested various central government actions in response to the Lithuanian independence drive, including the violent behavior of the Soviet army in several incidents, and the travel restrictions imposed to and from the republic.

Helsinki Watch also began to create a network of contacts with activists in the non-Russian republics. For example, it provided a public forum in the United States for these activists so that journalists, government officials and the interested public could better understand events in the entire Soviet Union. Helsinki Watch hosted public meetings with people such as: Yuri Butchenko, a Siberian labor activist from Kuzbas; Aleksejs Gvigorievs, a Latvian editor; Mekhdi Mamedov, a member of the Azerbaidzhan Popular Front; Rostislav Bratun, a Ukrainian People's Deputy; Rafael Kazaryan, then Deputy Chairman of the Armenian Supreme Soviet Presidium; Iurie Rosca, Vice President of the Moldavian Popular Front; Kazimiras Uoka, a Lithuanian labor activist and the new State Controller; Hambartsum Galstian, the Chief of Staff to the President of Armenia; Dzhangir Zeinally, a film maker who has documented unrest in his native Azerbaidzhan; and Andrei Makarov, a defense attorney involved in a number of ground-breaking cases.

As is the practice in all of Helsinki Watch's work, follow-up visits were made to areas that had been the subject of published reports. In November, Helsinki Watch representatives returned to Kazakhstan to disseminate the Kazakhstan report and assess local reaction to it. A mission to Moldavia was being planned for 1991. Such follow-up missions greatly increase Helsinki Watch's impact in the Soviet Union.

At the same time, Helsinki Watch continued its traditional work, publicly appealing on behalf of those prosecuted under the slander law and calling for the law's repeal. It also appealed on behalf of members of the independent press who were searched, detained or otherwise harassed in 1990, including the staff of the independent human rights publication *Ekspres Khronika* and the editor of *Glasnost*. In addition, appeals were made on behalf of those who were harassed in connection with peaceful political protest or activity, such as members of the

**Democratic Union who were detained on numerous occasions for holding unauthorized demonstrations.**

**Helsinki Watch also continued to monitor the cases of the remaining political prisoners in the Soviet Union, publicized their fate to the US government and media, and lobbied the Soviet government for their release. Among others, appeals were made on behalf of Sergei Kuznetsov, jailed for exposing official corruption and released in 1990; Aleksandr Goldovich and Bohdan Klimchak, two prisoners in the notorious Perm 35 prison (Klimchak was released in 1990); and Mikhail Kazachkov, falsely convicted after his attempt to emigrate and finally released in 1990. It also urged the rehabilitation of those unjustly convicted.**

**A Helsinki Watch newsletter on psychiatric abuse in the Soviet Union was issued in May. Despite certain legal reforms involving psychiatric internment, Helsinki Watch continued to put pressure on the Soviet government to conduct a thorough examination of past abuses and to investigate and halt any continuing abuses including the use of psychiatry for political purposes.**

**The publication of the newsletter on psychiatric abuse coincided with a proposed visit to the United States by a group of Soviet psychiatrists, a visit which, as noted above, was eventually postponed because several of the psychiatrists were implicated in past abuses. The information provided by Helsinki Watch about the delegation was the basis for a decision to postpone the visit until a more acceptable group of doctors could be found.**

**Helsinki Watch vigorously supported the creation of independent organizations in the Soviet Union that foster free expression. The emergence of these independent organizations was documented in a Helsinki Watch report published in February, entitled *Nonformally: Civil Society in the USSR*. Included in this report was an appendix listing names, addresses and telephone numbers of 71 particularly active organizations throughout the Soviet Union. Such a list, though incomplete, is invaluable for Western visitors seeking contact with members of the emerging civil society. The contact, in turn, can often serve as a form of protection from persecution by regressive elements in the government.**

**As another means of disseminating Helsinki Watch's work in the Soviet Union, efforts were made to increase contacts with Soviet journalists. One fruit of these new contacts, and a step toward greater openness in the Soviet Union, was an article describing Helsinki Watch's report on the December 1986 events in**



Kazakhstan that appeared in *Soyuz*, a new *Izvestia* weekly on nationality issues.

Although Helsinki Watch does not monitor the fairness of balloting on election day, it does closely examine human rights issues in the context of elections. Helsinki Watch released a newsletter examining trends relating to human rights before the March 1990 elections for the Congress of People's Deputies.

As Soviet society continued in its transitional phase, social dislocations became increasingly painful. The new problem of Soviet "internal refugees," estimated at around one million, was one manifestation of such dislocation. Helsinki Watch took testimony from refugees in the Meskhi Turkish, Armenian and Azerbaidzhani communities. An op-ed article by Helsinki Watch, "Refugees in the Soviet Union," appeared in the *New York Times* of June 24, 1990. Helsinki Watch is continuing to monitor the internal refugee problem.

Helsinki Watch also continued to monitor the plight of ethnic minorities displaced from their traditional homelands. It issued an appeal on behalf of Crimean Tatar activists who were mistreated and unjustly tried, and urged the Soviet government to allow the Crimean Tatars to return to the Crimea. The situation of Soviet Kurds was discussed in an article by Helsinki Watch that appeared in the October 11 issue of the *New York Review of Books*.

In early June, several Helsinki Watch representatives participated in the Annual Meeting of the International Helsinki Federation for Human Rights (IHF) in Moscow which brought together leading activists from 19 countries of East and West Europe. The meeting, one of the first independently organized international human rights meetings to take place in the Soviet Union, included two days of public human rights hearings at which representatives of dozens of activist groups from all over the Soviet Union testified about a wide range of human rights problems. Helsinki Watch representatives also participated in a number of official meetings with Soviets including Boris Yeltsin, President of the RSFSR; Sergei Stankevich, Deputy Mayor of Moscow; and Leonid Sizov, USSR Deputy Minister of Internal Affairs.

Helsinki Watch continues to be an active participant in scholarly conferences on issues relating to the Soviet Union, sponsored by organizations such as the American Association for the Advancement of Slavic Studies. It also continues to act as a clearinghouse of information on the Soviet Union for

**journalists, scholars and other human rights organizations.**

**Ann**

# TURKEY

## Human Rights Developments

The human rights picture in Turkey grew worse during 1990, with increasing restrictions on freedom of expression, on the press, and on political activists. Torture also continued unabated.

Most torture takes place in the political sections of police headquarters during the initial interrogation of a suspect. Human rights activists and lawyers report, as they have for some years, that over 90 percent of political suspects are tortured, as are over 50 percent of people suspected of ordinary crimes. Torture in police stations includes suspending the victim for prolonged periods, applying electric shock, directing highly pressurized water at the victim, and *falaka* (beating the soles of the feet).

During 1990, Helsinki Watch received credible reports of seven deaths in detention under suspicious circumstances.<sup>191</sup> In three of the cases, security forces alleged that the detainees had committed suicide. The seven were:

- o **Emine Yilmaz, 22, who was arrested in April on charges of using counterfeit German marks, died the evening of the day she was jailed. The Public Prosecutor opened an investigation, and the corpse was sent to the Istanbul Forensic Institute for analysis.**
- o **Ali Akkan died in police custody in Antalya on May 6. He had been suspected of giving shelter to a member of an illegal organization.**

---

<sup>191</sup> In Turkey, suspects can be detained incommunicado, without charges, for periods of between one and 30 days, depending on the type of offense. At the end of this period, a suspect is either released without charge, or formally charged and kept (or taken into) custody. Some suspects are released pending trial, but many are detained throughout the pretrial and trial period. Trials, particularly mass political trials, can continue for many years. Some trials of the left-wing group Dev-Sol, for example, have been underway since 1980.

**Authorities claimed that he committed suicide by jumping out the window of Antalya Police Headquarters. Akkan's family and the Human Rights Association have asked for an autopsy.**

- o Besir Algan, 36, a peasant who, according to Member of Parliament Fuat Atalay, had been taken into custody and then shot dead by security forces in the village of Budakli, in the province of Mardin, died on May 22.**
- o Serdar Cekic Abbasoglu, 23, a robbery suspect, was found dead in bed in Ankara Central Jail on June 4, following interrogation. The authorities claimed that there were no signs of blows on Abbasoglu's body, but 67 fellow detainees asserted that he had been bleeding from his nose and mouth, and that his bed was stained with blood on the day of his death.**
- o Ibrahim Ates, a robbery suspect, was detained on July 15. He was allegedly killed by being thrown from the fourth-floor balcony of a police station in Mersin ten days later. Police claimed the death was a suicide.**
- o Abdurrahim Tanribilir, from the Duzova village of Cizre, was, according to his mother, beaten at home and then detained on September 7. His body was returned on September 8. The authorities said that he had committed suicide.**
- o Yakup Aktas died in detention in the Interrogation Center at Mardin Gendarmerie Regiment Commandership, one week after his detention on November 18. Security forces alleged that he had suffered a heart attack. His family reported a head wound and bruises on body.**

**Torture is not confined to adults. Some children under 18 (including some as young as 11 or 12) have allegedly been beaten by the police, after having been detained for such offenses as writing "No to war" on a public wall, demonstrating on May Day, fighting, and belonging to an illegal organization.**

**Nor is torture confined to police stations. In 1990, several credible reports alleged a resurgence of torture in prisons, largely in the form of mass beatings with truncheons or wooden sticks.**

**Political activists continue to be incarcerated. Some thousands of such**

**prisoners, hundreds of whom have neither used nor advocated violence, are held in various prisons in Turkey. Some -- defendants in mass trials, mostly of left-wing organizations -- have been in custody since 1979 or 1980.**

**Turks' right to freedom of expression is violated daily. Freedom of the press is routinely restricted; at present, at least 34 journalists and editors are in prison for what they have written or published. Many are serving absurdly long sentences; one journalist received a sentence of 1,086 years, later reduced on appeal to 700 years. (No one will serve more than 36 years, the maximum time permitted by Turkish law.) While Turkish citizens are freer to voice their opinions and to criticize the government than they were during the period following the September 1980 military coup, they continue to risk harassment, torture, criminal charges and imprisonment for expressing their views. During 1990, scores of journalists were charged with offenses such as spreading separatist, communist or religious propaganda, insulting the president, insulting government officials or military personnel, or injuring Turkey's reputation while abroad -- all crimes contained in the Turkish Penal Code, which was taken from Mussolini's Italy in 1938. Dozens of issues of journals have been banned or confiscated, sometimes before reaching newsstands.**

**In April, the Council of Ministers issued a new order, Decree 413, which equipped the regional governor in southeastern Turkey with extraordinary powers to censor the press, exile people who are deemed "a danger to law and order," remove judges and public prosecutors, and suspend trade-union rights. Following this and other decrees issued later in April, an almost complete censorship was imposed on news from southeastern Turkey, where a guerrilla war is being waged by a separatist Kurdish organization, the Kurdish Workers' Party (PKK). Most news from that region is now based on information released by the regional governor's office. Journalists who try to cover Kurdish issues or investigate allegations of abuse on the part of security forces run a serious risk of criminal charges and prison sentences. Some have been expelled from towns in the southeast.**

**Publishing is still a hazardous profession in Turkey. During 1990, dozens of books were banned or confiscated, and in many cases, their authors were detained, charged and sometimes tried.**

**Freedom of association also encounters restrictions. Helsinki Watch has received reports of harassment experienced by more than twenty different associations during 1990. The harassment included raids on offices, prohibition**

of meetings, bans on organizations, and detention, interrogation, torture and trial of members. The organizations affected ranged from the Turkish Farmers' Association, the Nurses' Association, and the Association of Educators, to the Turkish Industrialists and Businessmen's Association. Criminal prosecutions were initiated for making anti-war statements, taking a poll on trade unionism, calling for early general elections, and being a communist organization.

Freedom of assembly was also frequently curtailed during 1990. Following Iraq's invasion of Kuwait and Turkey's support of US and UN actions against Iraq, many anti-war meetings in Turkey were banned or broken up, on grounds of "disturbing public order" or "shouting slogans and distributing illegal leaflets." At one such rally, 155 people were detained; most were released after a few hours. A rally of poets and writers to protest the imprisonment of people for their opinions was banned by the governor of Istanbul in June. A rally organized by 19 editors of left-wing reviews to protest the draconian Decree 413 was banned, and at a resulting press conference, all 19 editors were detained by the police. In addition, dozens of university students have been detained for varying periods for demonstrating on university issues or against war. Two students were shot and wounded by the police in September for taking part in an unauthorized anti-war demonstration; the police had opened fire on a group of about 1,000. One of the students was hospitalized for several days. The police also detained civil servants who scheduled a rally to protest their small salary increases, as well as political demonstrators protesting various government actions.

Human rights monitors fared badly in 1990. At least 23 members of various branches of the Human Rights Association (HRA) and 17 members of TAYAD (Association of Friends and Relatives of Detainees and Convicted Prisoners) were arrested, interrogated, tried, or sentenced during the year.<sup>192</sup> At least one monitor, Ali Ozler, president of the Tunceli HRA branch, was convicted and given a six-year-and-eight-month prison sentence in October for "making separatist propaganda and helping the PKK." In addition, in November, the Gazientep HRA branch was closed down, and the Istanbul branch was raided and its documents, including membership lists, seized.

Political freedom continued to be restricted. Several parties that were

---

<sup>192</sup> See Human Rights Watch, *Persecution of Human Rights Monitors, December 1989 to December 1990* (December 1990).

**banned following the September 1980 coup are still outlawed. The police continue to detain and arrest many people charged with membership in illegal communist organizations. In addition, a trial continues of two Communists who returned to Turkey in 1987 to establish the Turkish United Communist Party. Detained on their return, the two leaders spent two-and-a-half years in prison awaiting trial; after a 20-day hunger strike, they were finally released in May 1990. Meanwhile, meetings of the party have been banned, and the government has brought legal proceedings to declare the party illegal.**

**The Socialist Party, which was set up in 1988, was promptly banned, but later legalized by the Constitutional Court. Nonetheless, its officials and members have been arrested and tried for such offenses as "spreading separatist propaganda" and conducting anti-war demonstrations. Members of the Socialist Unity Party have also been detained.**

**In other actions, the mayor of Nusaybin was dismissed by the Interior Ministry in April for statements deemed to be in support of the PKK. The mayor of Canakkale was suspended in April for snubbing President Turgut Ozal.**

**The Kurdish minority in Turkey continues to suffer abuse. Caught between Turkish security forces and the separatist guerrillas of the PKK, Kurdish civilians are harassed, tortured and sometimes killed. The PKK has been waging a guerrilla war in southeast Turkey since 1984. About 2,000 have died in that time at the hands of security forces and the PKK, over a third of them villagers. The Turkish government's pattern of detention and torture of perceived political opponents is even more pronounced in southeastern Turkey than in the rest of the country. Village guards, who are charged by security forces with protecting their villages, have become targets of PKK attacks. The PKK also continues to inflict casualties on civilians.**

**In many villages, civilians refuse to serve as village guards, and then are forced by government forces to evacuate their villages with their families. Many thousands of such forced evacuations occurred in the southeast during 1990. In some cases, security forces have burned entire villages to force the occupants to abandon their homes and fields.**

**In addition, the Turkish government continues to deny the ethnic identity of the Kurdish minority by forbidding the use of the Kurdish language in official settings and by denying Kurds the rights to give their children Kurdish names, to**

celebrate Kurdish holidays, and to perform Kurdish songs and dances. Although in 1989 the government announced that families would be able to speak Kurdish when visiting relatives in prison, Helsinki Watch has received reports that Kurdish is still not allowed in some prisons. Lawyers also continue to report that they are not allowed to converse in Kurdish with clients, even when the client does not speak Turkish.

## **US Policy**

The Bush administration has had no apparent impact on human rights in Turkey, despite the enumeration of many serious human rights violations in the State Department's *Country Reports on Human Rights Practices for 1989*, issued in early 1990. Instead of minimizing ongoing human rights abuses while stressing Turkey's progress in human rights, as it did in 1986, 1987 and 1988, the 1989 report began by acknowledging that "continuing instances of torture were the principal human rights problem in 1989." The report cited allegations of deaths under torture and described the routine methods of torture used by police while suspects are held in incommunicado detention. However, it only vaguely alluded to the frequency with which suspects are tortured, stating that "Isuspects in common and political crimes frequently appear to be tortured by the police during initial interrogations while held incommunicado," without explicitly referring to reports by lawyers that 90 percent of political suspects and 50 percent of common-crime suspects are tortured in detention. The report also described the inadequate response of the Turkish legal system to allegations of torture, the difficulty of obtaining a fair trial in Turkey, the serious restraints that continue to exist on freedom of expression, association and assembly, and the discrimination and criminal prosecutions directed against Kurds and others with Kurdish affiliations.

Despite its own catalogue of persistent abuses of human rights in Turkey, the Bush administration, like previous administrations, has ignored Section 502B of the Foreign Assistance Act, which prohibits military and other forms of assistance to a country that "engages in a consistent pattern of gross violations of internationally recognized human rights." Turkey remains the third largest recipient of US aid, after Israel and Egypt. In fiscal year 1990, Turkey received \$497,850,000 in military assistance and \$14,264,000 in Economic



**Support Funds. For fiscal year 1991, Congress has earmarked \$500 million for military aid, and the administration has requested \$50 million in Economic Support Funds.<sup>193</sup>**

**Although Section 502B contains an exception to the ban on aid if the President submits a written statement to Congress explaining that "extraordinary circumstances exist warranting provision of such assistance," no administration has ever submitted a statement explaining the "extraordinary circumstances" that warrant continued provision of assistance to Turkey. This is more than an academic point, because an official expression of concern over human rights abuses in the context of the aid question would provide a powerful incentive for the Turkish government to curtail abuses.**

**Ambassador Morton Abramowitz, in his second year as US ambassador to Turkey, has referred in speeches given to Turkish groups to the need for Turkey to improve its human rights record. He has also made direct mention of "allegations of large-scale torture" and the "problem of incommunicado detention." However, a review of the ambassador's speeches, as well as of public State Department briefings on Turkey, fails to reveal any reference to the extent of torture, the methods used, or the deaths that have allegedly occurred as a result of torture. Nor has the ambassador spoken out on the incarceration of hundreds of political prisoners who have reportedly neither committed nor advocated violence; criticized the severe restrictions on freedom of expression in Turkey; or protested the Turks' treatment of its Kurdish minority, especially the forced evacuation of thousands of villagers for refusal to provide village guards for security forces. Although some of this information was contained in the country report, the ambassador has lessened its impact by failing to reinforce it in public statements. There is also no indication that the ambassador made any public statement criticizing the issuance of Decree 413, perhaps the major step backward in 1990. Instead, he has said that the Turkish "human rights situation has steadily improved."<sup>194</sup>**

---

**Assistant Secretary of State for Human Rights and Humanitarian Affairs**

<sup>193</sup> In addition, the administration has reportedly increased the quotas on textiles and clothing that Turkey can sell in the United States.

<sup>194</sup> Meeting with the press, December 27, 1989.

**Richard Schifter appears once again to have adopted a position that he had earlier abandoned, to the effect that torture is due to inadequate training of the police force, rather than to a lack of political will to end it. On February 21, Assistant Secretary Schifter told reporters at a State Department briefing that the Turkish government has made "efforts over a period of time to effect change" in this area, but that "an overhaul of the entire police force" was necessary. He did not address the lack of prosecution for torture.**

**Turkey, of course, is a strategic ally of the United States. For many years, it was seen as a bulwark against the Soviet Union and as an important listening post. However, following recent changes in the Soviet Union and Eastern Europe, Turkish government officials briefly feared that their country's importance to the United States and NATO had declined, and that US foreign assistance would diminish accordingly. Turkey's prompt response to the Gulf crisis in August reestablished its role as a crucial ally; Secretary of State James Baker, at NATO headquarters in Brussels, called Turkey "a strategic anchor of our alliance."**

**Helsinki Watch recommends that the US government condemn the human rights abuses detailed in this report and, as required by Section 502B of the Foreign Assistance Act, state clearly what, if any, extraordinary circumstances warrant provision of military assistance and Economic Support Funds to Turkey in light of its consistent pattern of gross violations of human rights.**

**In addition, as we have noted in the past, the administration should use its best efforts to persuade the Turkish government to:**

- o Acknowledge the pattern of torture in police detention centers and take steps to end it.**
- o Enforce the September 1989 decree guaranteeing detainees the right to be represented by attorneys from the moment of detention.**
- o Prohibit the use in court of confessions obtained by torture.**
- o Prosecute and increase sentences for torturers.**
- o Take steps to improve the inhumane and degrading conditions that now exist in Turkish prisons and detention centers.**

- o Allow the International Committee of the Red Cross and other international organizations to visit detainees and prisoners on a regular basis.**
- o Release from prison and detention centers all those held for the expression of their peaceful political views.**
- o Stop all legal actions against the press and against writers and publishers based on the content of their writings.**
- o Amend the Penal Code to eliminate Articles 141, 142 and 163, which forbid advocating communism or the establishment of a religious state, and other Penal Code articles that are used to deprive Turks of their human rights, such as Article 158, which forbids "insulting the President," Article 159, which forbids "insulting or vilifying the Turkish nation," and Article 140, which forbids "publishing in a foreign country untrue, malicious, or exaggerated rumors or news about the internal situation" of Turkey.**
- o Acknowledge the existence of the Kurdish minority in Turkey and grant its members the civil and political rights held by other Turks.**
- o End restrictions that deprive Kurds of their ethnic identity, including restrictions on the use of Kurdish language, music and dance.**

**We also recommend that the Bush administration urge the Turkish government to:**

- o Rescind Decree 413 and restore the rights suspended by that decree.**
- o Abolish the village guard system.**
- o Protect the civilian population in areas where guerrilla warfare is taking place and comply with international laws governing internal armed conflicts.**
- o End efforts to relocate civilians from troubled areas except in instances in which the security of the civilians or imperative military necessity so demand.**

- o Punish appropriately the abuse and humiliation of civilians by security forces.

## **The Work of Helsinki Watch**

During 1990, Helsinki Watch continued its efforts to improve human rights in Turkey by trying to draw public attention to Turkey's appalling record and to persuade the Bush administration to exert greater pressure on Turkey to reform its abusive practices.

In February, a 12-page newsletter, "Freedom of Expression," was issued as an update to the March 1989 Helsinki Watch report, *Paying the Price – Freedom of Expression in Turkey*. The newsletter revealed that criminal cases had been brought against nearly 400 journalists in 1989 for what they had written; that 33 journalists had been imprisoned for their writings; and that hundreds of magazines and books had been confiscated or banned.

In May 1990, a joint Helsinki Watch/Danish Helsinki Committee mission visited Turkey to investigate government practices under the new Decree 413. The mission met with lawyers, human rights activists, doctors, business people, journalists and villagers in Istanbul, Diyarbakir and Siirt. In June, a 22-page newsletter was issued, describing the continued denial of the Kurds' ethnic identity; killings, harassment and abuse by security forces; and the forced evacuation of villages whose inhabitants had been given a choice of acting as village guards for the military or abandoning their villages. In September, Helsinki Watch issued a more detailed, 52-page report, entitled *Destroying Ethnic Identity - The Kurds of Turkey, An Update*.

In October, Helsinki Watch sent an observer to the trial of Turgut Kazan, the president of the Istanbul Bar Association, and members of the Bar Association's executive committee. In an attempt to restrict the Bar Association and the legal profession, the government tried to remove the executive committee. The case received a good deal of international attention and was later dropped.

During 1990, Helsinki Watch sent protests to the Turkish government on

fourteen separate occasions. Many of the protests addressed the detention of human rights lawyers, writers, editors and political leaders. Others asked for investigations into the June 9, 1990 Cevrimli massacre in the southeast in which 27 people were killed – the government blamed the PKK, but human rights activists in the area challenged this assumption – and the alleged poisoning of Iraqi Kurdish refugees in 1989 and 1990 in camps in the southeast. Two protested actions by the State Security Court: an investigation into the SHP's report on Turkish Kurds in the southeast; and the prepublication banning of an issue of the newspaper *Sabah*, which contained unspecified statements about the 1988 wounding of then-Prime Minister Turgut Ozal. One protested charges brought against the Istanbul Bar Association, and one condemned the placement in a mental institution of an army lieutenant who had sent a critical telegram to President Ozal. One protested the refusal of the government to issue a passport to Zubeyir Aydar, a Kurdish lawyer and human rights activist, who had been invited to the United States to be honored by Helsinki Watch for his human rights activities. Many of these Helsinki Watch interventions received considerable attention in the Turkish press.

# **YUGOSLAVIA**

## **Human Rights Developments**

**The drive for political and economic change in Poland, Hungary, Czechoslovakia and elsewhere produced similar aspirations in Yugoslavia. Within the six republics comprising the Yugoslav federation, there have been pressures to end the one-party state and demands for multiparty democracy and increased respect for human rights.**

**There is a certain historical irony that Yugoslavia should find itself behind the times in the struggle for political freedom. Yugoslavia, which rejected Soviet domination in 1948, later developed a reputation for being the freest and most liberal of the Communist states in Europe. To a certain degree, this liberality was real: Yugoslav citizens were allowed to travel, to engage in small-scale private enterprise, and to read and produce artistic and journalistic works with a latitude unknown in their Warsaw Pact neighbors. But repression in Yugoslavia has been equally real: Yugoslavia is believed to have more political prisoners than any other country in Europe with the possible exception of Turkey.**

**Efforts in 1990 to reform and eliminate Titoism and the apparatus of the one-party state were mixed with and, in many respects, overtaken by ethnic struggles. These conflicts not only threaten the unity of the Yugoslav federation but also gave rise to severe human rights abuses, especially in the province of Kosovo, where the government of the Serbian Republic is oppressing the Albanian population, which represents some 90 percent of the province's population.**

**Ethnic Albanians in Kosovo were arrested en masse, beaten and in some instances tortured in prison, and subjected to mass firings from their jobs solely on account of their ethnicity. Serbian police units repeatedly used excessive force in confronting ethnic Albanian demonstrators, killing more than 50 people in 1990 alone.**

**Security forces of the Serbian government attacked ethnic Albanian villages in apparent attempts at intimidation. The Serbian government suspended the Kosovo parliament and other institutions of government in which ethnic**

**Albanians participated, shut down for extended periods the main ethnic Albanian daily paper, *Rilindja*, and took all Albanian-language programming off Kosovo television and radio. It embarked on a program to disenfranchise and marginalize the ethnic Albanian population in ways constituting racism, impermissible ethnic discrimination, and grave violations of the rights of ethnic Albanians to free expression and equal political participation.**

**In the past, Helsinki Watch reports have found much to criticize regarding the treatment of both Serbs and Albanians by earlier governments in Kosovo, including governments composed predominantly of ethnic Albanians. As recently as September 1989, when a joint Helsinki Watch/International Helsinki Federation mission visited Kosovo province, there was some basis for the view that repression by the Serbian government against ethnic Albanians was at least partly an attempt, albeit abusively carried out, to protect the Serb minority in the province from abuse that it had suffered at the hands of the Albanian majority, rather than simply to subjugate the ethnic Albanian population. By the end of 1990, however, there no longer appeared to be any justification for the claim that the Serbian government's intervention in Kosovo aimed to protect the Serb minority.**

**Nor did the Serbian government seriously make such a claim. Slobodan Milosevic, the Serbian President, stated in his speeches that Serbia's assertion of power over Kosovo province was a matter of Serbia reclaiming the ancient birthplace of Serbian culture. The Serbian government thus undertook an ambitious program to resettle Serbs in Kosovo in order, in effect, to retake the province. This resettlement was being accomplished by a policy of displacing ethnic Albanians from government, schools and workplaces. The policy led to severe violations of human rights – ethnic Albanian doctors, for example, were forcibly removed from the Pristina Hospital, even directly from operating rooms – and the imposition of a military occupation on the civilian population.**

**Problems also arose in the republic of Croatia, where the Croatian government showed a willingness to use excessive police force in quashing ethnic unrest among the Serb minority. From August to October, armed Serbs blocked roads and sealed off towns in parts of Croatia to prevent Croatian authorities from interfering with an unofficial referendum, in which the Serbian minority declared its autonomy within Croatia. In October, the Croatian government sent special all-Croat police units to collect arms that reserve military units stored in police stations in parts of Croatia. The Serbian population demonstrated against the arms seizures and in some cases seized the arms**

themselves. The Croatian government, using heavy-handed police tactics, occupied several Serb villages. Because, at least in the initial stages, the arms seizures were conducted only in Serb villages, there was good reason to question whether the large show of police strength was necessary to carry out legitimate government orders or whether it was used to intimidate the minority population.

The Yugoslav federation consists of six republics, comprising a still larger number of officially recognized nationalities, still more ethnic minorities not necessarily given official recognition, and at least ten languages. These various ethnic and linguistic groups do not live within neatly partitioned regions. There are significant numbers of Serbs in Croatia, for example, significant numbers of Croats in Serbia, and significant numbers of both among the Muslim population of Bosnia-Herzegovina. The province of Kosovo contains a small minority of Serbs and Montenegrins among its ethnic Albanians, and Macedonia has a sizable ethnic Albanian minority.

All of the republics have held multiparty elections, resulting mainly in governments with strong nationalist platforms. There were calls toward the end of 1990 from the new governments in Slovenia and Croatia for the dissolution of Yugoslavia as a federal state in favor of a loose confederation of individual ethnic states. The government of Serbia, on the other hand, strengthened by contested multiparty elections in December that affirmed the nationalist leadership of Slobodan Milosevic, opposed moves either to create a confederation or to allow secession by Croatia and Slovenia. In the final months of 1990, the Yugoslav army, which has principally Serb officers and a strong pan-Yugoslav political orientation, announced that it might move to disarm the police and militia of several republics. By year's end, it was too early to tell whether the new republic governments would allow the evolution of true multiparty politics and enduring democratic institutions that would ensure the systematic protection of human rights. Because of nationalist tensions, freedom of the press to criticize the new governments within the republics may actually have declined.<sup>195</sup>

## **US Policy**

---

<sup>195</sup> See "Truth is a Casualty of Partisan Yugoslav Press," *New York Times*, September 13, 1990.



**During the Cold War, US and Western European policy toward Yugoslavia was based on the goal of keeping it independent of the Warsaw Pact. As part of this policy, Western governments avoided criticizing Yugoslavia's human rights practices. Their aim was to keep Yugoslavia stable and thus invulnerable to Soviet pressure. With the end of the Cold War, and the growing recognition that no foreign influence may suffice to hold Yugoslavia together in its current form, such attitudes were changing.<sup>196</sup>**

**Helsinki Watch takes no position on whether Yugoslavia ought to remain a single federal country, a confederation, or break up entirely. Its only concern is that the human rights of all individuals, including members of minority groups, are respected throughout the territory. Accordingly, it urges that economic sanctions be imposed by foreign governments to persuade Yugoslavia and its internal republics to comply with international human rights standards.**

**In point of fact, the European Community is by far the most important trading partner and economic actor with respect to Yugoslavia, both now and in the foreseeable future. As a consequence, the European Community and its members have the greatest ability to pressure Yugoslavia to improve its human rights record.**

**The United States also has some leverage. On November 5, President Bush signed into law the legislation which appropriates foreign assistance for fiscal year 1991. It included a provision (which takes effect six months after enactment, or in May 1991) which bars bilateral assistance to Yugoslavia and also requires US representatives to international financial institutions to oppose loans to Yugoslavia unless all six of the individual republics of the Socialist Federal Republic of Yugoslavia have held free and fair multiparty elections and are not engaged in a pattern of gross violations of human rights. Humanitarian assistance is exempted from this provision. The law permits the President to waive the provisions if Yugoslavia is found to be making "significant strides toward complying with the obligations of the Helsinki Accords and is encouraging any Republic which has not held free and fair elections to do so." Now that multiparty elections have been held in all the republics there is reason to fear that the**

---

<sup>196</sup> See Jeri Laber and Kenneth Anderson, "Why Keep Yugoslavia One Country?" *New York Times*, November 10, 1990.

provision may be deemed satisfied despite the ongoing abuses that are taking place in Kosovo. Helsinki Watch would oppose such a move until gross abuses in Kosovo are curbed.

Yugoslavia stands to receive considerable assistance from international financial institutions. Section 701 of the International Financial Institutions Act requires the US to oppose such loans to any country engaged in a consistent pattern of gross violations of internationally recognized human rights. Again, Helsinki Watch urges the US to oppose such loans because of the violations of human rights in Kosovo.

Various members of Congress, some acting in response to ethnic constituencies in their home districts, took an interest in Yugoslavia and brought considerable publicity to human rights issues, particularly in Kosovo.<sup>197</sup> The US ambassador to Yugoslavia, Warren Zimmermann, also scrupulously attacked violations of human rights by all perpetrators. Ambassador Zimmermann did not hesitate publicly to criticize and denounce violations; members of his staff actively sought out information on abuses and brought them before government authorities. The record of the US embassy in this regard was exemplary, especially as the crisis in Kosovo deepened.

Nevertheless, as a matter of policy, Ambassador Zimmermann and the US State Department did not support the suspension of such US economic assistance as exists. The State Department made the traditional argument that a stable, unified Yugoslavia is important to US security interests. In addition, the argument was made against economic sanctions on human rights grounds. Economic sanctions against Yugoslavia, it was said, particularly if imposed in a way that undermines the Yugoslav federal government, will inevitably tend to drive Yugoslavia to break up, with human rights virtually guaranteed to suffer. Conversely, it was argued, strengthening the Yugoslav federal government, while publicly denouncing the abuses engaged in by its constituent republics, aims at the best human rights outcome. Helsinki Watch recognizes the strengths and good intentions of this argument.

---

<sup>197</sup> For example, public statements by Senator Dole while he and other members of a US congressional delegation were in Kosovo in September received wide press attention in Yugoslavia and elsewhere. *See* Reuters, September 7, 1990.

**Nonetheless, Helsinki Watch does not endorse this position. As a human rights monitoring group, we do not take positions on which political arrangements within Yugoslavia or which political strategies may or may not ultimately serve to protect human rights. Rather, Helsinki Watch believes that the United States should distance itself from abusive governments and express its disapproval by ending most forms of economic support, as provided by US human rights law. Section 116 of the Foreign Assistance Act provides that governments engaged in a consistent pattern of gross violations of human rights should be given no economic assistance except that which benefits the poor, or meets basic human needs. Such gross abuses – including torture and arbitrary killings – are being committed in the province of Kosovo because of the policies of the Serbian government. Because the federal government in Belgrade continues to be, formally at least, the government of Yugoslavia, it must under US law be held responsible for human rights abuses that occur in the various republics.**

**Helsinki Watch also takes the position that sanctions should be directed not only at the government formally responsible for preventing abuse, but also at any abusing agencies, such as abusive security forces or abusive local governments. If, in fact, the federal government of Yugoslavia lacks control over the security forces of its various republics, as more and more appears to be the case, then it becomes increasingly important that to the extent possible economic sanctions be applied directly against the republic governments engaged in abuse, as in the case of development aid or loans that might bypass the central government.**

**Helsinki Watch thus urges that economic sanctions be used against the federal government of Yugoslavia and, when possible, against the government of the republic of Serbia which is involved in egregious human rights abuses in the province of Kosovo. We also urge that the situation in other republics of Yugoslavia be carefully monitored, especially in Croatia where there is a potentially explosive human rights situation, and that economic sanctions be applied in the future to any republic engaged in egregious human rights abuses.**

## **The Work of Helsinki Watch**

**In March, Helsinki Watch released a report, *Crisis in Kosovo*, which criticized the Yugoslav government's imposition of a virtual military occupation in Kosovo as a reaction to the instability there. The report was based on a joint mission to Yugoslavia of Helsinki Watch and the International Helsinki Federation. Members of the mission spoke with ethnic Albanians in small villages in Kosovo as well as human rights activists, including members of the Yugoslav Helsinki Committee. They also interviewed lawyers and legislators in Belgrade. On the official level, the mission met with the President of the Presidency of the Socialist Federal Republic of Yugoslavia, Janez Drnovsek, and with the Deputy Federal Secretary of Justice.**

**In October, Helsinki Watch sent another mission to Yugoslavia which visited the republics of Croatia, Serbia and Macedonia. In Kosovo, the mission participants talked with ethnic Albanians in the capital city of Pristina and in nearby villages, including the ethnic Albanian village of Polat, where in mid-September Serbian forces launched a violent attack. The Helsinki Watch team also investigated ethnic tensions between Serbs and Croats in Croatia, and discussed various problems in Serbia and Macedonia. An op-ed article by Helsinki Watch on ferment in Yugoslavia appeared in the *New York Times* on November 10, and a newsletter on recent developments in Yugoslavia was released in December.**