

HELSINKI WATCH OVERVIEW

Human Rights Developments

The demise of communism in Europe has led to significant expansion in the work of Helsinki Watch. With countries fragmenting into their constituent parts, the number of signatories to the 1975 Helsinki accords grew from thirty-five to fifty-three countries, all within the same geographic area that we have traditionally covered. Whereas in 1992 the Helsinki Watch section of the *Human Rights Watch World Report* dealt with eight countries, this year we cover twenty-four, and the situations that we monitor are increasingly complex.

The nature of the human rights abuses that we are monitoring has changed radically. The rigidly uniform system of repression that existed under the communists in Eastern Europe and the Soviet Union has given way to a range of human rights abuses that covers the gamut from violations of the laws of war and unchecked violence against minorities and foreigners, to suppression of free speech and association and the imposition of unjust citizenship and residency laws. A few of the countries monitored by Helsinki Watch have maintained systems of repression reminiscent of the totalitarian rule of the communists, while others have seen the eruption of fierce armed conflicts, sometimes ethnic in origin, sometimes reflecting an internal struggle for power, and sometimes a combination of both. Many of the new countries were unstable in 1993, their governments barely able to maintain power and seemingly unable to enforce their own laws. Some, impoverished, looked to the west for aid and trade. Most seemed eager to privatize quickly and viewed the market system as their salvation. Following the collapse of central authority in both the former Yugoslavia and the former Soviet Union, struggles for power and manipulation of nationalism led to bloodshed and/or repression on an astounding scale, with no solution to the conflicts on the horizon. Warfare in Bosnia-Herzegovina continued to rage as of early November, the time of this writing. Largely as a result of Western inaction to halt past abuses, the war escalated during 1993, with all of the three factions fighting each other in various parts of the region. Gross abuses continued against civilians, hundreds of thousands of whom had been forcibly displaced as part of "ethnic cleansing." Several eruptions of warfare on Croatian soil, demonstrating the ineffectiveness of the United Nations (U.N.) peacekeeping forces sent there to maintain an uneasy cease-fire, indicated that more trouble might be brewing between Serbs and Croats in Croatia, as well as in Bosnia. In Kosovo, an ethnic Albanian province in Serbia, unwarranted arrests, abuse in detention, and police beatings of civilians escalated in the latter half of 1993, after Serbia expelled the Conference on Security and Cooperation in Europe (CSCE) human rights monitors stationed there.

Fierce conflicts were also being waged on the territory of the former Soviet Union, especially in Nagorno Karabakh and surrounding areas where the warfare between Armenians and Azerbaijanis entered its fifth year, in Georgia where the government was fighting a two-sided struggle against Abkhazian separatists and against the forces of ousted President Zviad Gamsakhurdia, and in Tajikistan where fierce clan battles resulted in incredible brutality. Civilians were subjected to egregious violations of humanitarian law, including indiscriminate attacks, summary executions, forced removal from their homes and abuse in detention. In each of these conflicts, as in the now quiescent conflict in Moldova, the direct or indirect role of Russian armed forces remained a deeply troubling factor.

In Tajikistan, the Rakhmonov government that took power after a fierce civil war was engaged during 1993 in a ruthless campaign of revenge against those who sympathized with or supported the opposition. In Azerbaijan, the Aliiev government that essentially took power by force at first used violence, then censorship to suppress the opposition.

In Russia, hopes for a steady movement toward democracy were dashed by the events of early October, when President Boris Yeltsin illegally dissolved the Russian parliament, and the parliament staged a violent rebellion against the President's authority. Yeltsin's suppression of the reactionary forces that had taken over the parliament building was excessively harsh, resulting in many deaths and injuries. Nor were his actions after the uprising comforting: the Constitutional Court was suspended, leaving only executive power in place in Russia until the elections on December 12. Yeltsin issued decrees banning some

newspapers and television programs as well as a number of political parties. The Moscow police behaved with excessive brutality, and the local government, with Yeltsin's tacit approval, sent thousands of people who did not have residency permits out of Moscow, focusing almost exclusively on people from the Caucasus and Central Asia, most of whom had nothing to do with the insurrection at the parliament building and many of whom were refugees from violence elsewhere in the former Soviet Union.

In two of the former Soviet republics—Uzbekistan and Turkmenistan—former communist leaders maintained control in a fashion not dissimilar to that of the past. Both governments maintained complete censorship of the media, prohibited free expression and association and kept dissenters under control either by arresting and trying them or by holding them under constant surveillance and *de facto* house arrest. The presidents of both of these Central Asian states maintained a cult of personality which was used to bolster their centralized control.

The wave of xenophobia and violence against foreigners that swept over most parts of Western and Central Europe resulted in many disturbing incidents in Romania, Hungary, Bulgaria, the Czech Republic, Slovakia, and Germany. Skinheads and other neo-Nazi groups especially targeted Romas, often the first scapegoats of fascism and neo-nationalism. Romas were beaten in the streets and discriminated against without legal recourse; in Romania their homes were burned and they were imprisoned in connection with riots, while their attackers were not investigated or prosecuted. Other minorities were also targeted, either by violent means or more subtle forms of discrimination: Turks in Germany; Hungarians in Romania and Slovakia; Vietnamese in the Czech Republic; Turks and Macedonians in Greece; Macedonians in Bulgaria; Greeks in Albania; Serbs and Muslims in Croatia; Muslims, Albanians, Croats, Slovaks and Hungarians in Yugoslavia; and Kurds and Greeks in Turkey.

The state of the press and media in Croatia, Serbia and Montenegro, Slovakia, Poland, Hungary, Romania, Turkey and other countries was also very worrisome. The state employed a variety of tactics to keep the media under control, often very subtle ones: purging editors and radio and television directors who disagreed with the authorities, ostensibly for reasons unrelated to their politics; denying applications for joint ventures on various pretexts; blocking access to radio and television frequencies due to an array of technicalities; limiting access to newsprint and other facilities to squeeze independent journalists out of the market.

Many countries in the region passed, or maintain, laws that prohibit insulting the President or the state. In Poland and Kazakhstan, these laws were used to stifle dissent.

The granting of citizenship in some of the new states was also a problem with human rights dimensions. Particularly in Latvia, Estonia, Croatia, Yugoslavia and the Czech Republic new legislation limited the citizen body and created non-citizen minorities.

Elsewhere in the region, human rights abuses remained unchanged, despite widespread international protests. In Turkey, a long-time violator of basic human rights protections, the situation, if anything, worsened: in addition to the continuing practice of torture in police detention, the escalating war against the rebel Workers' Party of Kurdistan (PKK) forces in eastern Turkey resulted in violence and abuse by both sides. Hundreds of civilians suspected of sympathy for the PKK either assassinated, death-squad style, or "disappeared," including a large number of journalists. Deadly force was used against demonstrators and suspected "terrorists," and free expression was sharply limited. In Northern Ireland violations of due process, the use of lethal force and abuses in detention continued. Serious curbs on free expression continued in the United Kingdom and Greece.

The Right to Monitor

Opportunities to monitor human rights in Eastern Europe and the former Soviet Union were considerably greater in 1993 than they were under the communists, when people who attempted to monitor their governments were arrested and imprisoned and people abroad who were known to be human rights activists were denied permission to enter most Warsaw Pact countries. Nevertheless, Helsinki Watch recorded a number of violations of the right to monitor in the regions that we cover. In armed conflict

areas, such as Bosnia, Tajikistan, and, to a lesser extent, Croatia, internal monitors and outside observers were impeded by the armed forces and by the government and were prevented from conducting investigatory missions. In Turkmenistan and Uzbekistan, local monitors were persecuted, and outside observers were prevented from conducting fact-finding missions. In Azerbaijan and Turkey, local monitors were harassed and, in Turkey they were also murdered, but outside observers were allowed to conduct fact-finding missions with relative freedom. In Greece, local monitors were harassed, but outside monitors were allowed to conduct fact-finding missions. In Serbia, local monitors were given a certain amount of freedom, but people from abroad who were known to be human rights observers were frequently prevented from entering or are forced out of the country.

President Milosevic of Yugoslavia and President Karimov of Uzbekistan flatly refused to meet with Helsinki Watch representatives in 1993. The Uzbek government also refused to issue visas to Helsinki Watch representatives, becoming the first country to employ this tactic toward Helsinki Watch in the post-communist era.

U.S. Policy

The Clinton administration's policy toward the newly independent states of the former Soviet Union and the post-communist countries of Eastern and Central Europe was focused, during 1993, on bringing about a speedy transition to a market economy. This focus was based on two assumptions: that free enterprise and democracy go hand-in-hand and that democracy guarantees respect for human rights. Neither assumption is necessarily true. It was especially worrisome that these assumptions, on many occasions, served as the justification for a lack of forthright criticism of countries that were violating the human rights of their citizens. The administration not only failed to articulate basic human rights principles as part of its foreign policy, but also in effect, failed to establish any guiding principles with which to deal with other countries. The result was a weak, inconsistent and often contradictory set of actions and leaders who appear to be repeatedly buffeted by competing forces.

The Clinton administration cited Russia as one of its major foreign policy successes, but its response to the October events in Moscow would indicate that Washington had scant interest in the human rights ramifications of all that happened there. The Clinton administration appeared to be following the Reagan and Bush administrations by adopting a policy designed to support one man, in this case President Yeltsin.

In doing so, it was implicitly condoning the very real human rights abuses that had taken place under the Yeltsin government since October. Yeltsin was not the only President in the former Soviet Union to rule without constitutional legality: Shevardnadze in Georgia, Rakhmonov in Tajikistan, and Aliiev in Azerbaijan were each in power as the result of violence or a violent overthrow of a former regime. Yeltsin's apparent impunity in taking power to himself might send a sign to other leaders who had done the same, or who might take the same route in the future—that power is there to be taken by those who have the forces to do so.

With regard to other parts of the former Soviet Union, the U.S. administration's policy was inconsistent and reactive, rather than principled and forward-looking. Old ties from the past played a role, which may explain, for example, Secretary Christopher's praise on October 21 of Georgian President Shevardnadze "for his commitment to democratic values," despite the fact that Shevardnadze's beleaguered government in Georgia had taken no steps to improve the rough justice meted out by police and paramilitary groups as well as in its prisons, and other human rights abuses that were within its power to correct. The administration appeared to be trying to please a variety of constituencies in the United States, such as a business community interested in joint ventures with the Newly Independent States. Presumably in response to a well-organized Armenian lobby, the administration did not speak out about Armenia's support of the Karabakh Armenians, even though sanctions were placed on Azerbaijan for its involvement in the Karabakh war.

But the main factor leading to inconsistency derived from the U.S. administration's uncritical commitment to President Yeltsin's Russia, which had a vested interest in sustaining the repressive governments of

Tajikistan, Uzbekistan, and Turkmenistan, for example, because they were "stable," did not overtly persecute their Russian minorities, and continued to acknowledge Russia's military and economic hegemony. Although U.S. embassies in the region weighed in forcefully on human rights issues, Washington was virtually silent about the campaign of revenge against political opponents that was pursued by the Rakhmonov government in Tajikistan. It weighed in more strongly in the cases of Uzbekistan and Turkmenistan, especially when U.S. diplomats came face to face with actions by those governments to prevent U.S. officials from meeting with outspoken local critics. But the administration's public statements about the human rights failings of Uzbekistan and Turkmenistan lacked force because the government failed to use economic development aid as leverage in a campaign to improve human rights behavior. State Department officials, in meetings with Helsinki Watch, made it explicit that they were disinclined to link the provision of aid to human rights behavior.

The U.S. remained silent about Russia's military involvement in the former republics. Despite evidence available to Helsinki Watch that Russian armed forces were implicated in the conflicts in Tajikistan, Georgia and Moldova, all areas in which the laws of war were being grossly abused, the U.S. remained silent about Russia's role in these conflicts, while Russia sought to portray itself as both protector and peacekeeper in the region. In August, a controversial article in *The Washington Post* and a subsequent briefing by an administration official indicated that the U.S. not only had no plans to become involved in conflicts in the former Soviet Union, but had "no plans to condition our assistance to Russia on our judgement of Russian policy and behavior towards the other newly independent states. ...We have a dialogue with Russia, a partnership with Russia."

In Bosnia, a disaster that has become a symbol of the failure of the international community, U.S. policy was characterized by astounding inconsistency and indecision. Instead of marshalling U.S. public opinion in response to the unrelenting bloodshed in Bosnia, the Clinton administration claimed to be responding to an electorate that did not want American lives to be lost in a foreign country. At times in 1993 the U.S. tried to assume its traditional role as world leader with regard to Bosnia, only to back off again and again, lacking the will to follow through on its own threats.

The U.S. virtually ignored human rights problems in Eastern and Central Europe and made no public statements of any significance. An exception was Germany where the U.S. ambassador spoke out against racist violence. The U.S. ambassador in Hungary also spoke out against violence toward minorities.

The U.S. government sent mixed signals with regard to human rights abuses in Turkey. In June, Secretary of State Christopher spoke openly in Turkey about widespread human rights abuses. But in October President Clinton hailed Turkey as a "shining example of cultural diversity," ignoring its longstanding repression of the Kurdish minority, a source of many of the human rights problems in Turkey today. In a welcome development, the State Department Bureau of Human Rights developed a written strategy for improving human rights practices in Turkey, concentrating on torture, extrajudicial killings and the stifling of free expression. Unfortunately, the paper itself did not address other forms of human rights abuse that were common in Turkey; moreover, there was no indication as of early November that the strategy has been put into action.

The Work of Helsinki Watch

In 1993 Helsinki Watch conducted more than twenty missions, many of them to new states where we had not been before or to places that have been so totally transformed that it was if we had never been there before. In the course of the year, Helsinki Watch published some thirty newsletters and reports, as well as numerous articles, press releases and lengthy letters of protest to the leaders of offending states.

Helsinki Watch also continued its traditional efforts to influence the U.S. government to use its leverage to promote human rights. We urged the U.S. government to end its one-sided approach to the participants in the Nagorno Karabakh struggle and employ sanctions against Armenia as well as Azerbaijan. We were successful in urging the U.S. government to take up the call for a war crimes tribunal for the former Yugoslavia and to speak out forcefully against any amnesties for war criminals. We urged the U.S. government to speak out forcefully against human rights abuses in Russia after the October rebellion,

rather than blindly supporting President Yeltsin in whatever he might do. We urged the U.S. government to use aid as a form of leverage in a number of the newly independent states of the former Soviet Union.

New problems in the region required new and diverse strategies on the part of Helsinki Watch. Throughout the year we defined new approaches and tailored them to meet the needs of particular situations and particular problems.

Because U.S. aid to the newly independent states of the former Soviet Union was relatively insignificant and in many cases primarily of a humanitarian nature, we urged that the U.S. government utilize the leverage of OPIC, the Overseas Private Investment Corporation. OPIC is a U.S.-government-funded corporation which provides risk insurance for American investments in the developing world. It is one of the most important sources of long-term risk insurance for overseas investment. If a decision is made to deny OPIC coverage to American companies, it can be an extremely important form of leverage. OPIC incorporates section 116 of the Foreign Assistance Act, which provides that no assistance should be given to countries engaged in a consistent pattern of gross human rights abuses.

Helsinki Watch also began a campaign aimed at foreign businessmen involved in private ventures in Uzbekistan and Turkmenistan, which are both rich in natural resources. We brought human rights violations to the attention of such companies and urged them to raise human rights issues in their dealings with repressive governments. It is our belief that "stability" based on repression is as bad for business as it is for human rights.

Helsinki Watch continued to engage foreign government leaders in a dialogue about human rights abuses in their countries. In 1993 we met with top officials in Azerbaijan, Georgia, Tajikistan, Armenia, Estonia, Latvia, and Russia, and kept up contact with many others, some of whom we had met with in past years when visiting their countries. Although these leaders often took issue with our criticisms, most of them were open to maintaining a dialogue with us, a significant change compared to the atmosphere that existed under the communists.

Another new strategy that Helsinki Watch employed for the first time in 1993 involve monitoring the flow of arms in various armed conflicts. Together with the Human Rights Watch Arms Project, we traveled to both sides in the Georgian conflict and gathered considerable evidence pointing to Russian involvement in arming and aiding the Abkhazians in their separatist struggle. In late 1993 Helsinki Watch sent a letter to President Yeltsin giving details we have assembled about the involvement of Russian armed forces in the armed conflicts in Abkhazia, Moldova and Tajikistan and asking for an explanation and for those responsible to be disciplined.

Helsinki Watch continued to be the primary source of detailed information on human rights abuses in the former Yugoslavia, scrupulously documenting and publicizing abuses by all sides in the conflict. Throughout 1993 we maintained a staff in the field at all times, documenting cases that might become part of the evidence for a U.N. war crimes tribunal. We made this evidence available to the U.N. Commission of Experts appointed to investigate such abuses. Simultaneously we kept up pressure for the establishment of a war crimes tribunal, calling for faster action by the U.N. when such efforts appeared to be lagging, demanding that amnesties not be granted to accused war criminals, and urging that witnesses and victims be granted adequate protection in line with the rights of the accused. Human Rights Watch and Helsinki Watch met with U.N. Secretary-General Boutros Boutros-Ghali in an effort to speed along the naming of a prosecutor.

In addition to monitoring violations of the laws of war in Bosnia-Herzegovina, Helsinki Watch also investigated and reported on violations of civil and political rights in Croatia and in Serbia and Montenegro.

In Eastern and Central Europe, Helsinki Watch took up a few over-arching issues that were problems in most of the region: the persecution of Romas, violence against foreigners, discrimination against minorities, and the restriction of press and media freedom. We accumulated a significant body of documentation on each of these issues, which we brought to the attention of various international bodies. We also criticized citizenship laws in Latvia, Estonia, Croatia and the Czech Republic and raised these issues with the appropriate officials in these countries. We sent trial observers to Kosovo, Uzbekistan, and

Kazakhstan, and monitored trials in Moldova from afar.

Helsinki Watch continued its program of training human rights monitors, especially in the former Soviet Union. Our Moscow office set up a half-dozen training seminars in 1993, bringing people to them from other states of the former Soviet Union. We also worked with groups in other Western democracies to accomplish our common ends. In 1993 we organized a day of action by international groups focused on Turkey and participated in a number of joint actions with regard to the former Yugoslavia, including the filing of an *amicus* brief in opposition to Bosnian Serb leader Radovan Karadzic's motion to dismiss charges of human rights abuses brought against him in a U.S. court. Helsinki Watch continued its association with the International Helsinki Federation for Human Rights and recently rejoined its executive committee.

ARMENIA

Human Rights Developments

Most human rights developments in Armenia in 1993 were closely connected to the war in Nagorno Karabakh. Azerbaijan's blockade of Nagorno Karabakh and Armenia left Armenia's civilian population in devastating isolation and privation. At the same time, Armenia's assistance to its ethnic brethren in Nagorno Karabakh allowed the latter to capture at least six Azerbaijani towns outside Nagorno Karabakh proper, with severe casualties on all sides.

Electricity, gas, oil and grain—necessary for the basic human needs of civilians in Armenia—were in extremely short supply, the consequence of Azerbaijan's blockade, Turkey's close ties to Azerbaijan, and civil unrest in Georgia. The daily per person bread ration was raised from 250 to 350 grams only in September. Civilians could look forward to electricity for at most two hours per day, which affected the water supply. Armenia's main source of natural gas, a pipeline that runs through Georgia, was blown up regularly, most likely by Azerbaijanis living in the region. The lack of gas and electricity deprived Armenians of heat in the freezing winter.

The human toll of the blockade was reflected in a 1993 survey revealing that 70 percent of Armenia's population wanted to emigrate before the onset of winter, expected to be worse than the winter of 1992-93, when a rise in deaths among the newborn and the elderly was accompanied by a higher suicide rate and growing incidence of mental illness. The blockade had ruined Armenia's industry, and had reduced its mass media operations to 60 percent capacity.

While its own civilians have suffered from these privations, Armenian government officials have provided much-needed support to Nagorno Karabakh. High-level government officials stated to Helsinki Watch in June that Armenia provided everything necessary for Nagorno Karabakh's economy and security. While Armenia's former minister of defense said that the only military hardware Armenia provided to Nagorno Karabakh was anti-aircraft equipment, U.S. military analysts reportedly believed its military assistance was much more substantial. The former defense minister also maintained that Armenian army regulars did not serve in Nagorno Karabakh, and that the three Armenian conscripts wounded in Nagorno Karabakh and interviewed by Helsinki Watch in November 1992 were "lying" about where they served.

Armenia's criminal justice system was in desperate need of reform, a fact recognized by that country's interior ministry and procuracy officials. There was substantial to anecdotal evidence that criminal suspects were so routinely beaten after arrest that it was considered nothing out of the ordinary; Helsinki Watch did not conduct formal a investigation into this issue, however. Corruption in the criminal justice system was reportedly widespread.

On several occasions, arrests followed peaceful demonstrations, staged mostly by the Self-Determination Association (SDA), a small opposition movement. On February 18, Paruir Airikian, leader of the SDA, was arrested after a peaceful demonstration outside the presidential residence. After another similar

demonstration in July, twelve people were arrested, ten were released later that evening.

The Right to Monitor

Helsinki Watch received no reports of threats to human rights monitors in Armenia.

U.S. Policy

The Clinton administration deserves credit for taking steps toward reaching a more balanced approach to the war in Nagorno Karabakh than that of the previous administration. [See sections on *Nagorno Karabakh and Azerbaijan*]

A disturbing aspect of U.S. policy toward Armenia during 1993, however, was its consistent unwillingness publicly to acknowledge the fact that Armenia's economic and military support to Nagorno Karabakh had contributed to the egregious abuses by the Karabakh Armenians in their war for independence from Azerbaijan. No State Department observations on the conflict even suggested the critical role Armenia had played in financing Nagorno Karabakh's war effort and the concomitant violations of humanitarian law.

U.S. assistance to Armenia totaled some \$200 million in 1993. The vast majority of these funds were used for humanitarian relief, which Helsinki Watch strongly welcomed to counter the disastrous effects of Armenia's economic blockade. Of the \$30 million allocated for food for women and children throughout the former USSR, \$12 million was earmarked for Armenia, according to Fred Hof, Deputy to Amb. Richard Hermitage. Helsinki Watch believes that all but humanitarian aid should be withheld from Armenia because of Armenia's financing of the war in Nagorno Karabakh.

The Work of Helsinki Watch

Helsinki Watch's June mission to Armenia investigated Azerbaijan's blockade of Armenia and the disastrous effects it has had on the lives of residents there. An op-ed article published in *The Los Angeles Times* following the mission described the blockade's effects and called on Azerbaijan to end it.

AZERBAIJAN

Human Rights Developments

Having suffered serious losses in the Nagorno Karabakh war, Azerbaijan's Popular Front (PFA) government, led by President Abulfaz Elchibey, was overthrown in June 1993 by a coalition of forces led by renegade Col. Surat Huseinov and Heidar Aliiev. Aliiev claimed that the change in government was legitimate and constitutional; he was elected President on October 3.

Neither regime distinguished itself with a good human rights record, choosing to harass its political opponents through arrests, censorship, police beatings, and other violations of basic civil rights.

Two people in 1992-1993 were charged with slander for insulting then-President Abulfaz Elchibey. In November 1992, prosecutors charged Social Democratic Party (SDP) leader Araz Alizade with allegedly calling President Elchibey a fascist; the charges were later dropped. Toward the end of 1992, Miralim Bakhronov, a discontented member of the PFA, was reportedly charged with insulting the President and was imprisoned for organizing an unsanctioned demonstration. He was released from prison only after the Aliiev government came to power.

Throughout the Popular Front period (June 1992 through June 1993), at least ten demonstrations were broken up by Azerbaijani police, who arrested and either imprisoned demonstrators or made them pay heavy fines. In late December 1992, demonstrators protesting language reform in Azerbaijan were reportedly beaten by police.

On March 27 the PFA government's Minister of Internal Affairs, Iskander Hamidov, attacked Zardusht Alizade, editor-in chief of */stiglal/* (Independence), at the office of the SDP. Alizade told Helsinki Watch that Hamidov, angered over several articles published about him in his paper, threw a heavy ashtray at the editor's head

and punched another man in the face. Alizade was then thrown into the trunk of Hemidov's car and detained at Ministry of Interior Affairs, where he was beaten by law enforcement officials and held for several hours. Alizade reported that throughout the three months prior to this incident, he had received threatening phone calls—at times up to five or six per week—in response to politically controversial articles.

Due to this incident, and a March 27 incident in which Hamidov disrupted a live television debate between officials and the opposition National Independence Party of Azerbaijan (NDPA), Hamidov was chastised publicly by the President in April and dismissed in May.

The PFA government introduced a state of emergency on April 2 which, among other things, banned public demonstrations and sanctioned "military" censorship in view of the Karabakh war. Many believe, however, that it was aimed at suppressing political opposition in the face of the PFA government's weakness and waning popularity. *Istiglal*, the weekly newspaper of the Social-Democratic Party of Azerbaijan, was not published for more than two months, according to its editor, as a result of the censorship. The Russian-language *Zerkalo* reported that any article it attempted to publish on Heidar Aliyev was routinely censored.

When Heidar Aliyev came to power on June 24, he made a variety of public statements and pledges, including some to Helsinki Watch, that the new government would rule by democratic means only, based on human rights principles. Yet his government, instead of living up to these pledges, presided over waves of arrests, police beatings and censorship aimed at individuals and organizations in Azerbaijan's political opposition, mainly the PFA. From June through September 1993, police used violence to break up at least five reportedly peaceful demonstrations in support of the Popular Front of Azerbaijan, punching and clubbing more than one hundred peaceful demonstrators. Among the victims were at least eight journalists; their notebooks were snatched away and video cameras smashed; twelve journalists were arrested at two demonstrations and then released.

Each time Azerbaijan police broke up peaceful demonstrations, they detained large groups of opposition activists. One local human rights group estimated that at least 137 individuals were arrested for participating in unsanctioned demonstrations under Aliyev's government in 1993. Some of the detained were released immediately, and others were kept in administrative detention. According to reliable reports, in some of the latter cases law enforcement officials refused to release political activists at the end of their brief terms of administrative detention while they criminal evidence against them. In other cases, individuals were released after several hours, only to be re-arrested the next day.

Opposition activists were detained for other non-violent political activity. On September 12 and 13, for example, Baku police arrested a group of Popular Front supporters for pasting up posters around the city announcing a demonstration to protest Azerbaijan's entry into the Commonwealth of Independent States. In mid-September, ten other Popular Front activists were arrested for printing and distributing leaflets, "agitation," "organizing provocations" and other activities that were either vaguely defined or qualified as civil and political rights. They were given fines and administrative penalties of up to fifteen or up to thirty days, but before the October elections, Aliyev amnestied the ten.

High-ranking members of the PFA and Musavat a part belonging to the Popular Front also were arrested. In July, four Musavat party members were arrested while drinking tea at a Baku cafe. Ali Omarov, the general procurator of Azerbaijan, reportedly stated before the Milli Mejlis (parliament) that the men possessed texts that harshly criticized the Aliyev government, and that this constituted a "state crime." All four were later released. On August 24, law enforcement officials arrested a group of political activists gathered in Tovuz at the coordinating council of the Popular Front, Musavat, and other political organizations.

Six high-ranking former government officials were arrested on July 16 in connection with events the previous month in the city of Ganja: in June the PFA government had attempted to put down a rebel army division (which eventually ousted President Elchibey). The six detained included the former chairman of the Milli Mejlis, the former deputy minister of security, the former deputy minister of justice, and the former deputy minister of interior, all of whom have been charged with using the army against the people and with misuse of public office. After much public outcry the former Chairman of the Milli Mejlis, Isa Gambar, was

released on August 17, although charges against him were not dropped.

The Aliiev government actively continued censorship, even after it suspended the state of emergency on September 20. Parts of Amnesty International's annual report on Azerbaijan, published in *Istiglal*, were cut by censors. The September 25 issue of *Milliet*, the National Independence Party newspaper, had contained a brief article on press censorship; the article was whited out by press censors. The wide-circulation daily *Azadlyg*'s entire print run -- about 35,000 copies, according to some reports--was burned on September 11 because of a political cartoon depicting Aliiev's visit to Moscow.

Because of the ongoing war in Nagorno Karabakh, Armenians remaining in Azerbaijan--mostly people in mixed marriages--faced the danger of being seized hostage, having their apartments confiscated and other forms of persecution. In February the Gray Wolves, a Turkish-oriented paramilitary group, repeatedly published lists of twenty-two Armenians who had changed their last names and national identity as indicated on Soviet-era passports, in order to escape persecution.

The Right to Monitor

On July 17 the Inter-party Commission on the Rule of Law and Human Rights, initiated by the Popular Front and representing a broad political spectrum, attempted to have its founding meeting. The gathering was disrupted by police troops, who reportedly broke into the Popular Front headquarters where the meeting was about to take place, shot into the air, ransacked the headquarters, and arrested a large group of people. Foreign human rights monitoring groups, including Helsinki Watch, were not harassed in Azerbaijan during 1993.

U.S. Policy

The Clinton administration firmly supported the Elchibey government, and publicly criticized the human rights policies that followed its overthrow. The U.S. Embassy in Baku issued a sharp protest after the arrest of Isa Gambar and other PFA government figures, and the U.S. ambassador was known to have raised human rights issues in his meetings with President Aliiev.

This promotion of human right *in situ* was matched by statements from Washington. On August 30, for example, a State Department spokesperson unequivocally emphasized human rights in Azerbaijan, stating:

We have consistently urged the Azerbaijani government to take steps to restore Azerbaijan to a democratic path. We continue to watch events in Azerbaijan closely and remind the Azerbaijani government that we expect it to demonstrate its express commitment to democracy through free elections, freedom of speech and the press . . . We urge the Azerbaijani government to protect the rights of all citizens, and we will continue to stress the importance of human rights issues in our relations with Azerbaijan.

At the same time, the Clinton administration sought to reverse the restrictions on aid to Azerbaijan set out by the Freedom Support Act of 1992 in order to be an "honest broker" in the conflict in Nagorno Karabakh [see section on Nagorno Karabakh]. Amb. Strobe Talbott noted at a September 7 Senate Foreign Relations Committee hearing: "We have found by experience, including in [Azerbaijan,] that [assistance] is not a very good instrument of punishment or pressure." Helsinki Watch took the position that human rights would best be served by providing no aid, other than humanitarian assistance, to any party to the conflict, including Armenia. Helsinki Watch considered it unwise to reestablish aid to Azerbaijan after human rights abuses had worsened so dramatically in such a short period of time.

During 1993 the Clinton administration delivered humanitarian aid to Azerbaijan through the U.N. High Commissioner for Refugees (UNHCR) and the Red Cross. In June it distributed medical supplies through those organizations, and in September made grants of \$1 million to each for relief.

The Work of Helsinki Watch

Early in the rule of Heidar Aliiev, Helsinki Watch sought to have an immediate influence on human rights. To this end we sent a mission to Baky in June 1993, after the Popular Front government was overthrown, and met with Heidar Aliiev. Mr. Aliiev told Helsinki Watch that government in Azerbaijan "would be only by democratic means. . . [whose] main principles are human rights, political pluralism, and full rights for all people" and that although during this transition period "Azerbaijan faces many problems, one can be sure that we will not change our ways." Helsinki Watch gave a small press conference following the meeting. A Helsinki Watch letter to Aliiev issued several weeks later, and published in *Azadlyg*, protested press censorship and the violent breakup of a peaceful demonstration in support of the PFA. Helsinki Watch sent Aliiev another letter on October 1, on the eve of Azerbaijan's elections, pointing out the gap between the Aliiev government's human rights pledges and its pattern of human rights violations from June through September. The letter was published in full in *Jumhurriat*.

In April, before Aliiev took power, Helsinki Watch sent a letter to President Elchibey protesting Interior Minister Hamidov's beating of Zardusht Alizade, editor-in-chief of an opposition newspaper, and requesting that the Azerbaijan government take disciplinary action against Mr. Hamidov.

Nagorno Karabakh

Human Rights Developments

Now in its fifth year, the war between Armenian forces and Azerbaijan over the disputed, Armenian-populated enclave of Nagorno Karabakh in 1993 was marked by failed attempts to negotiate peace and by the capture by ethnic Armenians of at least five towns in Azerbaijan outside of the Nagorno Karabakh borders, including Kelbajar, Agdam, Fizuli, Goradiz, and Jebrail.

The towns' capture came at staggering human costs, creating 250,000 new Azerbaijani refugees. Civilians fled Kelbajar in April through high mountains still covered with snow. Refugees claimed that hundreds of people froze to death attempting to flee. Following the attacks on Fizuli, Goradiz and Jebrail, about 150,000 refugees flocked toward the Iranian border in August, where the U.N. High Commissioner for Refugees (UNHCR) and other relief organizations set up refugee camps. Hundreds of civilians were either killed or wounded in this offensive. The same Armenian offensive into towns in southern Azerbaijan, near its border with Iran raised fears that refugees would flood into Iran if attacks continued. The September 27 Armenian seizure of Gorodiz, near the Iranian border, would have cut off the population of that town from the rest of Azerbaijan had Iran not created a corridor to evacuate civilians. The U.N. announced a program of assistance to refugees and displaced persons who fled the war and the 1988 Armenian earthquake. The program provided \$22.5 million to the displaced in Armenia and \$12.5 million to Azerbaijan.

Ethnic Armenian forces developed a pattern of looting and burning villages after the withdrawal of Azerbaijani forces and the evacuation of civilians. (When they were on the offensive in 1992, Azerbaijani forces did the same to Armenian villages in Karabakh). Some reports suggested that Azerbaijani forces also looted Azerbaijani villages as they retreated.

Azerbaijani forces continued their pattern of long-range shelling and aerial bombardments, which in the past had taken a heavy toll in civilian casualties. According to Armenian sources, long-range artillery rockets and aerial bombardments were used before the Azerbaijani retreats from Agdam and Fizuli. On August 18, Azerbaijani forces bombed Kapan in southern Armenia, killing seven civilians.

On May 28, 1993, the mutilated remains of Armenian civilians killed during 1992 by Azerbaijani forces were found near Lachin. The civilians had attempted to flee Nagorno Karabakh to Armenia and were reportedly massacred by the Gray Wolves.

Both sides continued the widespread practice of seizing and maintaining hostages during 1993, although both the Karabakh authorities and the Azerbaijan government adopted decrees criminalizing the keeping of hostages in private homes. Ethnic Armenian forces seized about ninety-two hostages from Kelbajar, most of them children and the sick and elderly. Two months later they released four Kelbajar hostages, all infants. On August 24, Karabakh authorities released thirty-eight Azerbaijani detainees; several days later

Azerbaijani authorities released twenty-eight Armenian detainees into the care of the International Committee of the Red Cross (ICRC). In late September, Karabakh Armenians released five more civilians. President Aliiev of Azerbaijan claimed in August that Karabakh Armenian forces held 320 women, seventy-one children, and 173 elderly people as hostages; Karabakh authorities admit to holding 150. Azerbaijan also released to Russia five Russian mercenaries who had been sentenced to death in May. The ICRC reported that, on August 2, Azerbaijani forces intentionally shelled its humanitarian convoy traveling along Armenia's border with Azerbaijan. One passenger was killed as a result. During the year the United Nations gave some limited attention to the war in Nagorno Karabakh. U.N. Security Council resolution 822 condemned the Armenian attack on Kelbajar, called on Armenian forces to withdraw, and urged all sides to return to mediation efforts. A resolution adopted on July 29 condemned the seizure of Agdam and other occupied areas of Azerbaijan and demanded an end to hostilities and the withdrawal of troops from all occupied areas. A June agreement, brokered by the Conference on Security and Cooperation in Europe (CSCE) and accepted by Armenia, Azerbaijan and Nagorno Karabakh authorities, based on Resolution 822, would have provided for a sixty-day cease-fire, an end to the Azerbaijani blockade of Nagorno Karabakh and Armenia, and the deployment of CSCE monitors with a mandate to observe troop withdrawal from all occupied areas, disarmament, provision of humanitarian assistance, and the creation of secure conditions for the return of refugees and displaced persons. It was disrupted when Azerbaijani President Elchibey was removed and ethnic Armenian forces captured Azerbaijani territory, but a September cease-fire enjoyed some success. A buildup of Turkish troops in early September along the Turkish border with Armenia raised fears that the conflict might widen. Prime Minister Tansu Ciller added to these fears when she announced in September that any Armenian advance on Nakhichevan would trigger a declaration of war against Armenia.

The Right to Monitor

Helsinki Watch received no reports of infringement on monitoring efforts during 1993. According to one Western journalist, however, Nagorno Karabakh authorities began in September to restrict journalists' access to the Nagorno Karabakh area and captured territories.

U.S. Policy

Responding to new offensives by Armenian forces, the Clinton administration appeared to be grappling for a more balanced approach to the war over Nagorno Karabakh, a departure from the previous administration's pro-Armenian inclinations. On April 6, Secretary of State Warren Christopher issued a statement in Washington that condemned the ethnic Armenian attack on Kelbajar, acknowledged the increased suffering it caused civilians, and called for the forces' withdrawal. Other statements expressed deep concern over continuing fighting and support for CSCE efforts to negotiate an end to the war. The State Department also urged Congress to reconsider the Freedom Support Act's ban on U.S. aid to Azerbaijan. While human rights violations within Azerbaijan were serious indeed, it should be noted that the Freedom Support Act's ban on aid to Azerbaijan was based solely on the latter's blockade of Nagorno Karabakh and its military activities in the region. The Act made no mention of Armenia's responsibilities in the conflict. Special Ambassador Strobe Talbott noted that a shift in policy had the goal of creating a role for the United States as "an honest broker in [the] conflict." Helsinki Watch considered that, rather than calling for a ban on Azerbaijan, the U.S. government could more effectively bring the war to an end by denying non-humanitarian assistance to both Azerbaijan and Armenia.

The Work of Helsinki Watch

Helsinki Watch monitored the conflict in Nagorno Karabakh during 1993, as it had since 1991. In 1993, in addition to monitoring violations of the laws of war, we worked to bring needed attention to this much-ignored and lengthy war. Helsinki Watch's newsletter on the appalling 1992 Azerbaijani air bombardment campaign was released in Yerevan and Baku in June, where it generated significant media attention and debate. During high-level meetings in the region, Helsinki Watch raised the issue of the air

bombardment campaign, prospects for a negotiated end to the war, blockades and the Armenian advances.

BOSNIA-HERCEGOVINA

Human Rights Developments

The human rights situation in Bosnia continued to worsen throughout 1993. To varying degrees, all parties to the conflict were guilty of the practice of "ethnic cleansing"—the forcible deportation and displacement, execution, confinement in detention camps or ghettos, and the use of siege warfare, to force the flight of an "enemy" ethnic population. The forcible displacement of non-Serbs from Serbian-controlled areas of Bosnia continued, especially in Banja Luka and Bijeljina. In the Bosanski Samac region, non-Serbian women, children and elderly persons were held under house arrest and forced to do physical labor in a village controlled by Serbian paramilitaries. Serbian forces continued to detain hundreds, possibly thousands, of persons in detention camps. In March, as the humanitarian situation in eastern Bosnia deteriorated, Bosnian Serb forces repeatedly denied U.N. relief convoys access to tens of thousands of Bosnian civilians in besieged enclaves. In mid-1993, Serbian forces allowed the passage of humanitarian aid destined for Muslim populations through territory under their control.

The fighting between predominantly Muslim and Bosnian Croat forces (HVO) continued in 1993, beginning in January for a brief period and resuming in April, when Muslim forces in the Zenica area and Croatian forces in the Stolac area each forcibly displaced civilians from the opposing ethnic group. On April 16, HVO forces brutally executed over eighty-nine persons in the village of Ahmici.

On May 9, Bosnian Croat officials began evicting, arbitrarily arresting and detaining thousands of Muslim civilians in the Mostar area. In early June, Muslim forces launched an offensive against Bosnian Croat positions in central Bosnia, and thousands of Croats were forcibly displaced from their homes. After a mutiny of Muslim soldiers in the HVO in late June, Bosnian Croat forces arrested Muslim men in western Hercegovina. Those arrested in May and June were detained in camps at the Rodoc heliport outside Mostar and at the Dretelj and Gabela camps near Capljina, where they suffered from malnutrition and were beaten and forced to work along the front lines. Bosnian Croat forces obstructed delivery of humanitarian aid to the Muslim-controlled area of Mostar for over two months. Relief convoys were attacked by Bosnian Croat forces near Travnik.

Muslim forces summarily executed civilians and disarmed combatants in the villages of Trusina, Doljani, Miletići and Uzdol and near the town of Konjic. Bosnian government troops beat prisoners in detention and forced them to work on the front lines. Muslim forces also obstructed humanitarian aid destined for wounded Croats in the village of Nova Bila.

The Right to Monitor

Human rights monitoring in Bosnia continued to be difficult and dangerous. Fighting between the warring factions and denial of access or restriction of movement by all parties to the conflict severely limited independent observers' ability to investigate reports of atrocities. Access to detention camps was denied by all parties to the conflict. Bosnian Croat forces denied the International Committee of the Red Cross (ICRC) and other relief workers access to the Gabela and Dretelj camps for over two months. The HVO-operated prison at the Rodoc heliport also was closed to outside observers for several weeks. The field staff of U.N. Special Rapporteur Tadeusz Mazowiecki were shot at while investigating the massacre of Muslims in the village of Ahmici. Muslim forces prevented access to Croatian villages in the Konjic and Jablanica municipalities, and as of mid-November, Serbian forces continued to hold prisoners in areas that had not been visited by outside observers. Although it was not their primary responsibility, the European Community Monitoring Mission, the United Nations High Commissioner for Refugees (UNHCR) and the

United Nations Protection Force (UNPROFOR) monitored violations of human rights and humanitarian law to varying degrees. Occasionally, protests were issued to the authorities responsible for such abuses.

The Role of the International Community

The United Nations

U.N. efforts in 1993 focused on negotiating a peace, delivering humanitarian aid, enforcing a "no-fly" zone and establishing "safe areas" and a tribunal to try war criminals in the former Yugoslavia, including Bosnia. Despite much international activity, the UNPROFOR mission and the joint U.N.-E.C. Conference on the Former Yugoslavia became symbols of the world community's ineffectiveness in coping with the war crimes and crimes against humanity being perpetrated in Bosnia. The 9,000-troop UNPROFOR mission continued its operations in Bosnia in 1993 with a mandate that did not reflect reality in the field. Initially a peacekeeping force, the UNPROFOR mandate was amended to empower U.N. troops to ensure the delivery of humanitarian aid. No efforts were made to revise the mandate to permit U.N. forces to prevent human rights abuses against civilians in Bosnia. U.N. personnel investigated human rights abuses in Bosnia, especially cases of summary execution by Bosnian Croat forces such as the Ahmici and Stupni Do massacres. But U.N. personnel did not adequately investigate many other reports of egregious abuses, nor did they express much interest in such matters, claiming that the U.N. operation in Bosnia was understaffed and ill-equipped to deal with human rights issues.

- **Peace negotiations: In early January 1993, then-U.N. Special Envoy Cyrus Vance and European Community (E.C.) representative Lord David Owen began negotiating a peace proposal commonly referred to as the "Vance-Owen plan" with the leaders of Bosnia's warring factions. According to the plan, Bosnia was to be divided into ten semi-autonomous regions. However, on May 5, the self-proclaimed Bosnian Serb assembly rejected the Vance-Owen plan, and on June 18, Lord Owen declared that the U.N.-backed plan was "dead."**

In late July, representatives of Bosnia's three warring factions entered into a new round of negotiations. On August 20, U.N. mediators unveiled a map that would partition Bosnia into three ethnic mini-states, in which Bosnian Serb forces would be given 52 percent of Bosnia's territory, Muslims would be allotted 30 percent and Bosnian Croats would receive 18 percent.

On April 1, Cyrus Vance announced his resignation as special envoy to the Secretary-General. He was replaced by Norwegian Foreign Minister Thorvald Stoltenberg on May 1.

- **Humanitarian aid: To protest the failure of all sides to honor their agreements and provide safe passage for humanitarian aid, Sadako Ogata, the United Nations High Commissioner for Refugees, suspended most relief operations in Bosnia on February 17. On February 19, U.N. Secretary-General Boutros Boutros-Ghali resumed relief efforts across Bosnia and implied that the blockade of supplies would be lifted as early as the next day, making clear that the UNHCR had acted without his approval. The UNHCR thus resumed its work with no new guarantees of protection by UNPROFOR troops or cooperation of the warring parties.**

On March 4, the U.N. Security Council adopted a statement strongly condemning Bosnian Serb offensives in eastern Bosnia and demanding a cessation of killings and atrocities. On April 3, the Security Council issued another statement condemning Serbian offenses and calling for more peacekeepers in eastern Bosnia. Noticeably absent from both statements was a program of action should Serbian forces not comply with the Security Council's demands. In mid-March, following months of blockaded aid deliveries to Srebrenica, then-commander of U.N. forces in Bosnia, Lt. Gen. Phillipe Morillon, announced that he would remain in the town until a U.N. relief convoy was allowed to enter. On March 19, Serbian forces granted passage of the convoy into Srebrenica. U.N. Secretary-General Boutros-Ghali expressed anger at the

general for "exceeding his mandate," despite the fact that the U.N. was empowered by the Security Council to use "all means necessary to deliver humanitarian aid." On April 14, French Defense Minister Francois Leotard confirmed that Morillon would be replaced as commander of U.N. forces in Bosnia.

After nearly two months of obstruction by Bosnian Croat forces, U.N. officials were able to deliver one truckload of medicine to the Muslim-controlled sector of Mostar on August 21. Five days later, a U.N. convoy of humanitarian aid finally reached the Muslim quarter of Mostar. Fearing that the departure of the U.N. convoy would result in resumed HVO shelling of the Muslim quarter, residents in the Muslim-controlled sector refused to allow U.N. personnel to leave the area. On August 28, the U.N. workers were allowed to leave the Muslim-controlled sector of Mostar but only after U.N. soldiers from the Spanish battalion agreed to remain in the Muslim-controlled sector of the city as a deterrent against further attacks by the Bosnian Croats.

- **The no-fly zone:** In October 1992, the U.N. Security Council declared a "no-fly" zone over Bosnia but, by March 1993, the flight ban had been violated nearly 500 times. The Security Council did not begin preparations to enforce the ban until March 18, after Serbian aircraft bombed two Muslim villages. However, action was delayed twice, apparently because of concern about weakening Russian President Boris Yeltsin's chances of political survival in his struggle with a Russian parliament sympathetic to the Serbs. Finally, on March 31, the Security Council authorized NATO to enforce the "no-fly zone", but the authorization proved to be a mostly symbolic gesture. While in the early stages of the Bosnian war, Yugoslav aircraft frequently attacked civilian targets, by April 1993, the destruction of civilian targets was being accomplished mainly by artillery, not aerial bombardment.

NATO planes were instructed to use force only as a last resort, in order to lessen the possibility of a conflict with Serbian forces. Strict limitations were placed on pilots as to when they might fire. The Bosnian Serb military was unimpressed by the U.N. threat; on April 9, in blatant defiance of the flight ban, Bosnian Serb commander Gen. Ratko Mladic traveled to a meeting with U.N. General Morillon in a military helicopter.

- **Safe areas:** As part of a U.N.-brokered deal to prevent the fall of Srebrenica to Bosnian Serb forces, the Security Council declared Srebrenica a U.N.-protected "safe area" on April 17. Canadian troops entered the town the following day. The U.N. agreed to disarm the Muslim forces in Srebrenica and to protect the civilian population and disarmed combatants from Serbian attack. However, only 146 soldiers from the Royal Canadian Regiment and a dozen unarmed police officers were charged with protecting Srebrenica's approximately 30,000 residents from several thousand well-armed besieging Serbian troops.

In addition to Srebrenica, the Security Council issued a new resolution on May 6, declaring the cities and towns of Sarajevo, Tuzla, Zepa, Gorazde and Bihac as "safe areas." On June 5, the Security Council passed a resolution authorizing the deployment of as many as 10,000 new troops to defend the declared "safe areas." The resolution also authorized the U.S. and its allies to use air power to protect U.N. troops defending the six enclaves. However, the U.N. did nothing in response to continuing Serbian attacks against the "safe areas" throughout the year. On July 26, Serbian troops attacked a group of French U.N. troops in Sarajevo during a forty-five-minute barrage involving sixty-eight tank and mortar missiles. Despite a mandate clearly allowing for the self-defense of U.N. troops, the U.N. did nothing in response to the attack.

- **An international war crimes tribunal:** On February 22, the U.N. Security Council passed Resolution 808 calling for the establishment of an international tribunal to investigate, prosecute, and punish those responsible for "grave breaches" of the 1949 Geneva Conventions and their 1977 First Additional Protocol in the former Yugoslavia, including Bosnia. The resolution required the Secretary-General to present a proposal for such a tribunal within sixty days. The Security Council

finally approved a statute for the war crimes tribunal on May 25 and declared that the site of the tribunal would be in the Hague.

A list of twenty-three judges was compiled by the Security Council. The General Assembly elected eleven from the twenty-three in ten rounds of balloting between September 15 and 17. On October 21, Venezuela's State Prosecutor, Ramón Escovar Salom, was appointed as chief prosecutor.

The European Community

The European Community's (E.C.) response to the crisis in Bosnia continued to be timid in 1993. While Germany favored tougher international involvement in Bosnia, Britain and France strongly opposed any such measures. French and British resistance was largely responsible for scuttling a U.S. effort in the spring of 1993 to arm the Bosnian Muslim forces and launch air strikes against Serbian military targets should the Bosnian Serbs reject the Vance-Owen peace plan. Following the demise of the Vance-Owen plan, the E.C. threw its support behind the establishment of U.N. "safe areas" in Bosnia. At a June summit, E.C. leaders pledged to donate more troops and money for the protection of these areas. Germany, constitutionally prevented from sending troops to Bosnia, has taken part in U.S.-initiated humanitarian airdrops over Bosnia while Greece, a traditional ally of Serbia, has avoided participating in the U.N. mission altogether.

U.S. Policy

Despite widespread expectations that President Clinton would adopt a more active stance than his predecessor toward the conflict in Bosnia, the new administration did little in reaction to the continued human rights violations occurring in the region. Indecision regarding Bosnia was arguably President Clinton's most glaring foreign policy failure in 1993. The Clinton administration vocally threatened to intervene militarily against Serbian forces three times only to renege on the threat each time. The appointment of a U.S. special envoy did nothing to facilitate the peace process. Internal disputes and lack of resolve further plagued the administration's policy toward Bosnia. Indeed, the Clinton administration's indecisiveness weakened the U.S.'s ability to influence its allies and to deal effectively with specific human rights problems in Bosnia.

The Clinton administration responded to the Vance-Owen plan when it was announced on January 30. Clinton officials considered that the Vance-Owen proposal was unjust toward Bosnia's Muslims. On February 10, however, Secretary of State Christopher said that the U.S. would engage in the Vance-Owen negotiations, that it had assigned Amb. Reginald Bartholemew to be the U.S. special envoy to those talks, and that it would seek to tighten the economic sanctions already imposed against Serbia and Montenegro. Promotion of wider delivery of humanitarian aid and the creation of a war crimes tribunal also were advocated. Christopher stopped short of endorsing imminent use of Western force or Bosnian government exemption from the U.N. arms embargo—steps that Clinton had previously endorsed.

On February 25, President Clinton ordered U.S. aircraft to begin airdropping food and medical supplies to civilians in besieged Bosnian towns. In early April, a team of experts sent to Bosnia by President Clinton to investigate the humanitarian situation produced a draft report recommending the use of international military force to protect Bosnia's civilians and urged the Clinton administration to consider a plan to establish internationally protected "safe havens" in Bosnia. At the instruction of senior administration officials, however, the committee omitted all recommendations of military force from closed-door briefings with Congress. The State Department, facing pressure after news of the incident was leaked to the press, made the report public on April 15.

On April 14, after a meeting with Serbian President Slobodan Milosevic, U.S. special envoy Reginald Bartholemew warned that if the Bosnian Serbs did not sign on to the Vance-Owen peace plan, the international community would make Serbia a "pariah state." He also stated that should the Serbs not comply, the U.S. would press for the exemption of the Bosnian government from the U.N.- imposed arms

embargo. On April 19, in a move strongly supported by the U.S., the U.N. Security Council voted to impose tougher sanctions against Yugoslavia.

As the Bosnian Serb parliament continued to reject the Vance-Owen proposal, and as Bosnian Serb forces continued to attack Muslims in eastern Bosnia, President Clinton again began to contemplate military action against the Serbs. The administration was still deeply divided over what, if any, measures would be appropriate in Bosnia. Twelve State Department experts on the Balkans sent Secretary of State Christopher a letter in late April in which they urged military intervention on the side of the Bosnian government. In an April 23 news conference, President Clinton stated that the U.S. should take the lead on Bosnia but he qualified his statements by insisting that the U.S. would not act unilaterally and would not send ground troops to Bosnia.

In early May, President Clinton instructed Secretary Christopher to gain the agreement of European allies to arm Bosnian Muslim forces and to launch air strikes against strategic Serbian positions. After the secretary failed to persuade a number of European allies, most notably England and France, to endorse the U.S. proposal, President Clinton retreated from his threat of more forceful action and renounced a leadership role for the U.S. with regard to Bosnia.

On May 22, Secretary Christopher asserted that the U.S. would offer air cover to protect U.N. peacekeepers—but not Bosnian civilians—in the six U.N.-declared "safe areas." Only two weeks earlier, Christopher had criticized the "safe areas" plan, claiming that it condemned Muslims to ethnic "ghettos" and rewarded the Serbian policy of "ethnic cleansing." On June 17, President Clinton indicated that the United States was prepared to accept the partition of Bosnia into three separate states, acknowledging that such a partition would reward Serbian aggression.

On July 21, as Serbian forces continued to attack "safe areas" and appeared within reach of capturing Sarajevo, Christopher indicated that the U.S. would take no new initiatives. On July 22, President Clinton strongly endorsed the forthcoming peace talks in Geneva and stated that the U.S. would assist in the enforcement of any agreement that the Bosnian government would sign.

Following a Serbian attack on U.N. troops in Sarajevo, however, the U.S. began once again to contemplate military measures against Bosnian Serb forces. On July 26, a State Department spokesman insisted that the U.S. was prepared to protect peacekeepers in Bosnia with air power. On July 28, President Clinton met with senior military advisers to discuss possible U.S. air strikes in Bosnia. On July 30, the President sent a letter to the U.N. Secretary General urging him to authorize the use of Western airpower. On July 31, administration officials announced that Clinton had given his final approval to an air strike plan and was seeking allied support. On August 3, U.S. officials intensified the U.S. threat by announcing that the U.S. intended to start bombing Serbian positions within a week unless Serbian forces eased their siege of Sarajevo. In response, Bosnian Serb forces agreed to withdraw their troops from two strategic mountains near Sarajevo and to open two main roads into the city to all U.N. aid convoys.

Then, the U.S. came into conflict with the U.N. when it sought a consensus on giving NATO control of any possible air strikes. U.N. Secretary-General Boutros-Ghali asserted that only he had the authority to authorize air strikes, and Canada and France set up other obstacles. The final plan of August 9 represented a watered-down version of the U.S.'s original proposal: not only would the U.N. Secretary-General have to authorize any military action, but the NATO allies would also need to reconvene and unanimously approve the start of air strikes. The decision to start bombing would be contingent upon the judgment that the besieging Serbian forces were actually tightening their stranglehold on Sarajevo and other areas. In late August, the U.S. agreed to provide half of the proposed 50,000 NATO troops that would be deployed to enforce a future peace agreement in Bosnia. However, in September, President Clinton said that he would seek Congressional approval before deploying U.S. troops.

Throughout 1993, the U.S. Department of State sent reports it had compiled on war crimes in Bosnia to the U.N. Security Council. However, the reports were not detailed and often did not indicate the specific source of the information. Three State Department officials resigned in August to protest U.S. policy and inaction in the Balkans.

In early November, Madeleine K. Albright, the U.S. Ambassador to the U.N., issued an important statement in support of the war crimes tribunal. According to Ambassador Albright, the Clinton administration would "not recognize—and we do not believe the international community will recognize—any deal or effort to grant immunity to those accused of war crimes." Should governments refuse to hand over persons indicted by the U.N. tribunal, she said, sanctions should be imposed upon them.

The Work of Helsinki Watch

In January, Helsinki Watch and the Women's Rights Project of Human Rights Watch sent a mission to Croatia and Yugoslavia to interview women who had been sexually abused in Bosnia. An article titled "Bosnia: Questions of Rape," appeared in *The New York Review of Books* on March 25. Helsinki Watch representatives traveled to Bosnia throughout 1993 to investigate violations of the rules of war by all three parties to the conflict.

Helsinki Watch published several reports and newsletters on Bosnia in 1993. In April, Helsinki Watch published Volume II of its series on *War Crimes in Bosnia-Herzegovina*. The 422-page report documented violations of the rules of war by the three parties to the conflict. Helsinki Watch published further information concerning abuses in Bosnia in a July 1993 newsletter titled "Abuses Continue in the Former Yugoslavia: Serbia, Montenegro and Bosnia-Herzegovina," and in September, released a newsletter on "Abuses by Bosnian Croat and Muslim Forces in Central and Southwestern Bosnia-Herzegovina." Also, on January 25, Helsinki Watch and Human Rights Watch sent a letter to Vladimir Lukic, the prime minister of the self-proclaimed Serbian state in Bosnia, protesting the murder of Bosnian Deputy Prime Minister Hakija Turajlic by a Bosnian Serb soldier as Turajlic was returning from the Sarajevo airport in a U.N. vehicle.

Throughout 1993, Helsinki Watch and Human Rights Watch wrote letters to U.N. officials asking that the U.N. address human rights concerns in Bosnia. On January 14, Helsinki Watch and Human Rights Watch sent a letter to U.N. Secretary-General Boutros-Ghali asking that the UNPROFOR mandate in Bosnia be expanded to allow for the use of force to ensure delivery of humanitarian aid. On February 3, a letter was sent to then U.N. Special Envoy Cyrus Vance, urging that U.N. peace negotiations not continue unless a neutral body such as the ICRC certified that grave breaches of the Geneva Conventions had been halted and that the parties to the conflict allowed and facilitated delivery of humanitarian aid to civilians in besieged communities. Also on February 3, Helsinki Watch and Human Rights Watch sent a letter to U.S. Secretary of State Warren Christopher calling on the U.S. government to support Helsinki Watch's stand regarding continuation of the peace negotiations. On April 22, a letter was sent to U.N. Secretary-General Boutros-Ghali expressing dismay at the delay in presenting a proposal for a war crimes tribunal and asking that the establishment of such a tribunal be expedited. Throughout 1993, Helsinki Watch continued to supply evidence of war crimes in Bosnia to the U.N. Commission of Experts, which was established by the Security Council in 1992 to collect such evidence.

Helsinki Watch kept up a constant pressure for the establishment of an international tribunal to try those accused of war crimes in Croatia and Bosnia. On August 1, Helsinki Watch released "Prosecute Now!," a newsletter which summarized eight cases that would be strong candidates for prosecution by an international war crimes tribunal. Also in August, Helsinki Watch published "Procedural and Evidentiary Issues for the Yugoslav War Crimes Tribunal: Resource Allocation, Evidentiary Questions and Protection of Witnesses." On September 7, Human Rights Watch sent a letter on the tribunal to U.N. Secretary-General Boutros-Ghali urging the selection of a chief prosecutor with exceptional human rights and prosecutorial credentials and suggesting names of possible candidates. On August 25, Human Rights Watch submitted an *amicus curiae* brief in opposition to Bosnian Serb leader Radovan Karadzic's motion to dismiss charges of human rights abuse brought against him by two Bosnian women in a U.S. court.

BULGARIA

Human Rights Developments

Human rights abuses in Bulgaria were directed primarily at minority groups during 1993. In addition, the government sought to impose restrictions on thought and religion.

Helsinki Watch received numerous reports of police brutality. On June 3, 1993, Zaharie Aleksandrov Stefanov, a twenty-three-year-old ethnic Turk married to a Roma (Gypsy) woman, was arrested for allegedly having committed several thefts. Eyewitnesses to the arrest, and to his ensuing treatment at the police station, reported that Stefanov was severely beaten by the police. Stefanov was later taken to the regional police station where he died on June 5 under suspicious circumstances. Police claimed that Stefanov jumped from the window of a third floor interrogation room. Police reported that he was alone at the time.

On March 24, 1993, Khristo Nedialkov Khristov, a Rom from Stara Zagora, was arrested and beaten with clubs and kicked repeatedly by the police. A police car then took him to his parents' home where, according to a report by the Bulgarian Helsinki Citizens Assembly, a policeman "pulled his belt tight around [Khristov's] neck and held him up like a dog." Khristov was released the next day and reported to his family that he had been tortured during the night, hit with truncheons and kicked all over his body. When he was released, Khristov was unable to stand on his feet. His physical condition deteriorated after his release, and he was hospitalized that same evening.

It remains difficult for members of the Roma minority to obtain redress when they are the victims of abuses. Local prosecutors frequently do not seriously investigate crimes against Romas and often close cases without filing charges. This is especially true when the alleged abuser is a police officer. There are few cases where abusive police officers are disciplined or charged, much less convicted, for crimes against the Roma minority.

Macedonians are not recognized as an ethnic minority in Bulgaria. Several Macedonian organizations, including United Macedonian Organization Ilinden (OMO Ilinden), have been denied permission to register because they are considered separatist organizations. In August, OMO Ilinden requested permission to organize a rally to celebrate the ninetieth anniversary of the Ilinden uprising of 1903. Their request was refused. Previously, on April 24, police intervened to stop efforts by Macedonians to hold a rally in honor of their revolutionary hero, Yane Sandanski. Police officers reportedly beat several of the demonstrators.

Bulgaria was struggling with the difficult transition from a repressive communist regime to a democracy. This decommunization process included the prosecution of abuses committed during the communist era, as well as legislative and administrative efforts to remove former Communist Party members from positions in a variety of governmental, economic and academic institutions. In December 1992, the National Assembly adopted the so-called "Panev" law, which provides that individuals who held, *inter alia*, certain positions within the Communist Party, who taught the History of the Communist Party of the Soviet Union, Marxist-Leninist Philosophy, or Scientific Communism, or had been on the teaching or research staff of the Academy of Social Sciences, can not be elected to positions in the executive bodies of scientific and academic organizations.

The Panev Law was challenged by 102 members of the National Assembly, who submitted a petition to the Constitutional Court to review the law. This petition was joined by President Zhelyu Zhelev. On February 19, the Constitutional Court upheld the law, claiming that "professionalism" and "scientific commitment" were the only criteria applied. Despite the Constitutional Court's decision, Helsinki Watch concluded that:

Although the Constitutional Court argued that the Panev Law only deals with professional standards, in fact, the law establishes categories of people that are defined as unprofessional without any effort to evaluate their qualifications. Inherent in the law is the presumption that all who, for example, taught Marxism-Leninism were unprofessional.

The implementation of the Panev Law, which began in early 1993, created severe tensions among colleagues within the university faculties in Bulgaria. In May, Radio Free Europe estimated that the law had already "led to the removal of several thousand formerly communist-affiliated academic staff from

managerial positions."

There were also moves to restrict religious diversity. Growing public concern over an "invasion" of evangelical religious groups who were gaining in membership and influence led to calls for the banning or strict control of non-Orthodox religious sects. Legislation was introduced in parliament that would, among other things, establish government restrictions on non-Orthodox evangelical activities, including restrictions on church aid received from abroad.

In April, the Ministry of Foreign Affairs refused to grant a visa to Swedish Rev. Ulf Ekman, of the Word for Life religious sect. The government cited many complaints about the sect's activities in Bulgaria and claimed that the exclusion of Reverend Ekman would "protect the human rights" of Bulgarian citizens. Similarly, the Sofia daily *Duma* reported in April that a music teacher in the town of Plovdiv was fired for professing the teachings of the Krishna society.

The Right to Monitor

Helsinki Watch was not aware of any instance in 1993 in which human rights monitors had been hindered in their work by the government of Bulgaria.

U.S. Policy

Several high-level meetings between Bulgarian and U.S. government officials were held during the year to discuss such issues as cooperation on the environment and the war in the Balkans. However, the Administration made no significant public comment on human rights developments in Bulgaria in 1993.

The Work of Helsinki Watch

Helsinki Watch's work in Bulgaria centered on two principal issues in 1993: the decommunization process and the rights of the Roma minority. Helsinki Watch sent a mission to Bulgaria to investigate police violence against the Roma minority. On the basis of that mission, Helsinki Watch issued a newsletter in April 1993 titled "Bulgaria: Police Violence Against Gypsies," which described the police raid in the town of Pazardzhik in mid-1992, noting the extraordinarily violent tactics used and the impunity enjoyed by the police responsible.

In June, Helsinki Watch sent a fact-finding mission to Bulgaria to investigate the decommunization process and the implementation of the Panev Law. Having criticized the law when it was first considered by the parliament in 1992, Helsinki Watch wrote a letter in March 1993 urging the National Assembly to repeal the law. Helsinki Watch issued a newsletter in August titled "Decommunization in Bulgaria," which concluded that:

To the extent that the law deals with prior behavior of individuals, it imposes a penalty that is retroactive in nature. With the possible exception of some conduct that might be included within the extremely vague phrase "participation and involvement in the 'revival process,'" it is clear that none of the conduct covered by the Panev Law was prohibited by Bulgarian or international law.

CROATIA

Human Rights Development

Denial of citizenship on ethnic grounds, eviction from homes on the basis of past military affiliation, interference with freedom of the press, lack of due process for alleged "war criminals," and mistreatment of minorities and refugees blemished Croatia's human rights record in 1993.

Croatian ethnicity, parentage and place of birth—rather than residency—were the criteria most frequently used to determine whether or not a person was granted Croatian citizenship. Without citizenship papers, a

person was not entitled to welfare and medical benefits and was in danger of losing his or her job. Many non-Croats who were denied citizenship and could not keep their jobs or support their families chose to leave Croatia, thereby decreasing the number of minorities there. Some Croats also were denied citizenship. Those who appealed the denials sometimes were granted decisions in their favor.

In 1991, the Croatian Defense Ministry had assumed the right to ownership of all property belonging to the Yugoslav Army (JNA)—including apartments and homes owned by the JNA and in which its personnel lived. Throughout 1993, an administrative office of the Defense Ministry continued to forward eviction notices to the occupants of such homes—usually non-Croatian former JNA personnel. If the occupants did not move by the specified date, soldiers forcibly evicted them. The persons being evicted were not granted the opportunity to appeal to an independent entity, such as a civil court.

In 1993, the Croatian government completed its two-year-long effort to control the independent Split-based daily newspaper, *Slobodna Dalmacija*. Early in the year, a new editorial board was installed and most of the paper's journalists resigned to protest the government's de facto takeover. *Feral Tribune*, a bi-monthly satirical and politically critical paper formerly part of *Slobodna Dalmacija*, was threatened with a 50 percent tax on all profits. Such a tax usually is imposed against pornography and would force the paper out of business. *Novi List*, a private daily based in the port city of Rijeka, continued to publish as of November without direct government interference.

Despite the promulgation of a law that would amnesty all those who fought on behalf of Serbian forces in Croatia, local and municipal courts continued to try persons accused of organizing the Serbian rebellion in Croatia. Although the charges may or may not have been justified, there were several cases in which the defendant was not granted due process, such as the ability to call witnesses in his defense, or was mistreated while in police custody. Most of those indicted were tried *in absentia* in violation of due process norms.

Physical violence against Serbs declined in 1993, but abuses against Muslim refugees from Bosnia-Herzegovina escalated during the year. On several occasions, Muslims and some Croats and Serbs without proper refugee status—and some with proper papers—were forcibly repatriated to Bosnia. During the summer, the Croatian police arbitrarily arrested and detained Muslim and some Bosnian Croat refugees in a stadium and then bused them to Bosnia against their will. In general, the Croatian government stopped repatriating refugees after the U.N. High Commissioner for Refugees (UNHCR) and foreign governments publicly protested such actions.

The Croatian Interior Ministry improved its human rights record somewhat; abusive police chiefs were dismissed, and discipline within the police force was enforced. However, the military police continued to destroy property and physically abuse civilians throughout Croatia. The Croatian Defense Ministry did little, if anything, to ensure that military police officers observed a code of conduct.

Thirty percent of Croatia remained under the control of Serbian insurgents throughout 1993. Armed conflict between the Croatian army and troops belonging to the self-proclaimed Serbian Republic of Krajina escalated, beginning in January when the Croatian army launched an offensive to recapture a dam, an airport and a strategic bridge near the city of Zadar. Conflict in the areas of Sibenik and Zadar continued throughout the year. In September, Croatian Army troops launched a second offensive in the Lika region where they destroyed eleven Serbian villages and arbitrarily executed at least sixty-seven Serbs, including civilians. In October, the Croatian government reported that it had suspended two military commanders pending an investigation of their role in the massacre. Serbian forces responded to the Croatian offensive by attacking Croatian cities, including the suburbs of the country's capital, Zagreb. During the fighting in January and September, both sides attacked civilian targets.

Most non-Serbs were expelled from Serbian-controlled areas of Croatia by early 1993. After the Croatian offensive against Serbian-occupied areas on January 22, the few Croats that remained in the Krajina region were expelled by Serbian forces. Serbian authorities in the Knin area took steps to ensure the temporary safety of some Croats until arrangements could be made for their transfer to Croatian-controlled territory. Killings, beatings and intimidation continued against non-Serbs and liberal Serbs living in Serbian-

controlled areas throughout the year.

The Right to Monitor

The Croatian government generally did not interfere with the ability of domestic and international groups monitoring human rights in their country. Peace groups in Zagreb, Rijeka and Osijek worked to prevent forcible evictions and other human rights abuses in their respective localities and brought their concerns to the attention of the local and national authorities. Similar human rights groups in Split, however, were harassed and intimidated by local extremists, and some of their members had their personal property vandalized or destroyed. A Croatian Helsinki Committee was formed in 1993, and on several occasions its members met with Croatian government officials to discuss human rights concerns. The Serbian Democratic Forum in Zagreb and its affiliate in Rijeka continued to document violations of human rights against Serbs throughout Croatia.

Several international and multilateral groups also monitored human rights abuses in Croatia, including Serbian-controlled areas of Croatia. Civilian affairs officers and police monitors for the U.N. peacekeeping mission regularly monitored human rights in Serbian-controlled areas of Croatia and in part of western Slavonia, which is controlled by the Croatian government. UNHCR officials also documented human rights violations against refugees, displaced persons and civilians throughout Croatia. When refugees were arbitrarily arrested and held for repatriation during the summer, U.N. officials initially were denied access to those arrested. The field staff of Tadeusz Mazowiecki, the Special Rapporteur for the U.N. Commission on Human Rights, also monitored human rights violations both in Serbian-controlled areas of Croatia and in areas under Croatian government control. However, in areas where active fighting or military operations were taking place, both Croatian and Serbian forces denied access to international observers.

The Role of the International Community

The United Nations

The United Nations Protection Force (UNPROFOR) faced considerable obstacles in Croatia in 1993. Originally deployed in May 1992 to oversee the terms of the January 1992 cease-fire agreement brokered by then U.N. Special Envoy Cyrus Vance, the 15,000-troop UNPROFOR mission was not able to fulfill its mandate of preventing the outbreak of armed conflict between Croats and Serbs in January and September; it was not able to ensure the demilitarization of the U.N. Protected Areas (UNPAs); it could not prevent the continued displacement of non-Serbs from Serbian-controlled areas of Croatia; and it did not repatriate a single person who had been forcibly displaced from Serbian-controlled areas of the country. A U.N.-created civilian police unit (CIVPOL) was the most active in protecting the human rights of the local population in the UNPAs, and CIVPOL officers had the most success in implementing their part of the UNPROFOR mandate. However, U.N. peacekeeping forces generally failed to impose their authority in the UNPAs.

In January 1993, after months of tenuous peace in Croatia, the U.N. struggled to prevent the start of a new war there. After the January 22 Croatian army offensive, however, Serbian forces broke into a number of U.N.-monitored storage facilities and retook heavy weapons that had been turned over to joint U.N.-Serbian control. On January 25, the U.N. Security Council demanded an end to the fighting, ordering the retreat of Croatian troops to the pre-offensive front lines and the Serbs' return of the heavy weapons seized from the storage areas. Although the Croatian government and the local Serbian authorities signed an agreement to implement the terms of the U.N. resolution, neither side complied, and the U.N. did little to enforce its own demands.

On February 19, the Security Council extended UNPROFOR's original one-year mandate in Croatia to March 31, 1993. On March 30, the Council extended the mandate for another three months. In late September, the Croatian government and parliament threatened to cancel the acceptance of U.N. troops on its territory when UNPROFOR's present term expired on November 30, unless steps were taken to implement all U.N. resolutions and to seek enforcement of UNPROFOR's mandate. On October 4, the Security Council voted to extend for six months UNPROFOR's mandate, noting that sanctions against Yugoslavia would not be lifted

until it used its influence with Serbs in Croatia to make peace with the Croatian government in Zagreb.

The European Community

For the most part, the European Community's (E.C.) involvement in Croatia consisted of supporting the U.N. peacekeeping mission. France, Denmark and Belgium each contributed troops to the UNPROFOR operation. The E.C. maintained its own monitoring mission in Serbian-controlled areas of Croatia, usually assisting in the exchange of prisoners and remains of the deceased between the two warring factions. Representatives of the Croatian government and the Krajina Serb authorities were brought to the negotiating table under the auspices of the joint E.C.-U.N. Conference on the Former Yugoslavia.

Generally, the E.C. was silent on the issue of human rights abuses in Croatia. However, in the spring of 1993, it vocally condemned Croatia's support of Bosnian Croat forces. In June, the E.C. threatened to "initiate restrictive measures" against Croatia if it did not withdraw its military support from Bosnia. On July 19, the E.C. met again to debate ways in which it might apply diplomatic pressure to Croatia. Although German opposition prevented the community from considering the imposition of sanctions against Croatia, E.C. representatives agreed to warn Croatia that such sanctions were possible in the future.

U.S. Policy

U.S. policy toward the Republic of Croatia in 1993 was overshadowed by concern for the conflict in neighboring Bosnia, and the U.S. did not respond sufficiently to human rights abuses for which the Croatian government should be held accountable.

Since recognizing Croatia in April 1992, the U.S. government has maintained diplomatic relations with the newly formed republic. When Bosnian refugees were arbitrarily arrested and detained in a stadium in Zagreb, U.S. Ambassador Peter Galbraith visited the stadium and lodged a protest with the Croatian authorities. In September, Galbraith made clear to President Franjo Tudjman that the U.S. would hold the Croatian government accountable for abuses perpetrated by the Bosnian Croat forces, which were politically, economically, and militarily dependent on the Croatian government in Zagreb.

The Work of Helsinki Watch

In order to monitor civil and political rights and laws of war violations in the country, Helsinki Watch maintained one or more staff members in Croatia throughout 1993. Staff representatives investigated human rights violations and sustained contacts with human rights activists, government officials, officials in Serbian-controlled areas and members of the press in Croatia. Helsinki Watch also conducted three missions to Croatia. In January, together with the Women's Rights Project of Human Rights Watch, Helsinki Watch investigated the treatment of Bosnian women who had sought refuge in Croatia. Staff members of Helsinki Watch and the Women's Rights Project spoke widely on the subject of rape and mistreatment of women in the conflicts in Croatia and Bosnia.

Between May and September, Helsinki Watch investigated civil and political rights in areas under Croatian government control for a report on the topic. In June, Helsinki Watch contributed a section on U.N. peacekeeping efforts in Croatia and Bosnia for the Human Rights Watch thematic report titled *The Lost Agenda: Human Rights and U.N. Field Operations*. Between May and September, Helsinki Watch continued its research of U.N. operations in the former Yugoslavia, including Croatia, for a detailed report on the UNPROFOR mission. Throughout the year, evidence was collected on war crimes perpetrated during the siege and after the fall of Vukovar in 1991. A report on the siege of Vukovar and current U.N. efforts to gather evidence of war crimes in the city will be released in 1994. Helsinki Watch and Human Rights Watch also lobbied for the establishment of an international tribunal to try those accused of war crimes in Croatia and Bosnia. For further information, see *Bosnia and Hercegovina* section covering the work of Helsinki Watch.

THE CZECH REPUBLIC

Human Rights Developments

On January 1, 1993, the Federal Republic of Czechoslovakia peacefully ceased to exist, after Czechs and Slovaks failed to agree on a workable federation during 1992. The Czech Republic, as one of the successor states, formally declared that it considers itself bound by the legal instruments ratified by the Federal Republic, including international human rights treaties and covenants.

The Czech Constitution, adopted in December 1992, incorporates Czechoslovakia's 1991 Charter of Fundamental Rights and Freedoms, which is similar in many respects to the U.S. Bill of Rights. In addition, Article 10 of the Czech Constitution states that "international treaties on human rights and fundamental freedoms ... are directly binding and take precedence over the [national] law."

In 1993, the Czech Republic continued to struggle to come to terms with its communist past. The controversial "lustration" law of October 1991 remained in effect, excluding for five years from a variety of appointive public positions anyone who may have collaborated with the Czechoslovak secret police agency (the StB) or who held high positions in the Communist Party or other specified institutions after 1948.

In November 1992, ninety-nine members of the Czechoslovak Parliament brought the lustration law before the Constitutional Court to determine its compliance with the Charter of Fundamental Rights and Freedoms. In November 1992, the Constitutional Court ruled that, primarily due to the questionable reliability of StB files, as well as difficulties of proof, those individuals identified in StB files as potential candidates for collaboration (otherwise known as Category C), could no longer be tried. The rest of the law, however, was upheld.

On July 9, the Czech parliament passed the Law on the Illegitimacy of and Resistance to the Communist Regime, which declares the Communist regime from 1948 to 1989 illegal and criminal. The new law invalidates any statute of limitations on and paves the way for possible prosecutions for past crimes committed in the name of communism. Helsinki Watch considered the law a retroactive criminalization of heretofore legal conduct, in violation of international law. Helsinki Watch had no information that charges had been brought under this law as of November.

By the end of 1993, over 96 percent of all those unjustly convicted under the communist regime had been rehabilitated by the Czech courts. In another attempt to deal with past abuses, in March 1993 the parliament established a commission to investigate repressive actions taken by the Czechoslovak security police against dissidents. The commission will work closely with the Prosecutor General's Office, as well as other government agencies.

On January 1, 1993, the Law of the Czech National Council on Acquisition and Loss of Citizenship, the republic's new citizenship law, went into effect. The law provides, *inter alia*, that Slovak citizens may apply for Czech citizenship until December 31, 1993 only if the applicant (a) has had official residency status in the territory of the Czech Republic continually for at least two years, (b) submits proof of having applied for exemption from Slovak citizenship, and (c) has not been sentenced in the past five years on charges of any intentional crime. After 1993, Slovak citizens will be treated the same as other foreigners when applying for Czech citizenship.

Helsinki Watch received reports that the citizenship law may have a negative impact on the Roma (Gypsy) minority. Many of the estimated 200,000 Romas living in the Czech Republic were forcibly resettled from Slovakia to the industrial areas of northern Bohemia after World War II, or resettled in the region by the communist regime in the 1960s. Many never applied for Czech residency, either because they did not believe it was necessary or because they lived in factory housing and thus were not eligible for permanent residency.

The Roma population may also be disproportionately affected by the requirement that the applicant have a clean criminal record. The Roma population is the poorest minority in the nation, with a high rate of unemployment that has been exacerbated by discriminatory hiring practices. As a consequence, the Roma population has a high rate of criminality. Moreover, many Romas are semi-literate, and some speak only a mixture of Slovak and the Romany language. Thus, they may not adequately understand the

procedures required to obtain Czech citizenship or be able to prepare the necessary forms without assistance.

Several Czech towns initiated discriminatory policies against the Roma population during the past year. In late 1992, the town of Jirkov passed a controversial ordinance giving the town council wide discretion to evict or fine apartment occupants without a court order if certain hygiene or occupancy standards were violated. The town council of Jirkov acknowledged that these measures were aimed at controlling the migration of Romas to the town.

Similarly, at the end of December 1992, Jiri Setina, the Czech Prosecutor General, proposed a national anti-migration bill to deal with "the unrest caused by undisciplined groups of migrants" in certain areas. The migrants were clearly identified as Gypsies in the detailed report accompanying the bill.

The Jirkov ordinance and similar measures adopted by several other Bohemian villages, as well as the Prosecutor General's draft law, were severely criticized by human rights and minority rights organizations. These measures were voted down by the Czech parliament.

Some recent attempts have been made to improve conditions for the Roma minority, including a pre-school program launched in September by the Ministry of Education to provide higher-quality education and more individual attention for selected Roma children. Radio Free Europe reported that as many as 80 percent of the Roma children living in Prague are classified as mentally backward and placed in special schools, often based on language and cultural differences, as well as racism.

Despite official efforts to improve the treatment of the Roma minority, prejudice remains widespread among the general populace. Reports of racially-motivated attacks on Romas by skinheads continued during 1993. Discrimination in housing, hiring, education and access to services also remained pervasive. What is more, reports persisted that the Czech police did not respond to crimes committed against Romas.

The Right to Monitor

Helsinki Watch was not aware of any attempt by the government of the Czech Republic to impede human rights observers in their monitoring activities.

U.S. Policy

The U.S. government officially recognized the Czech Republic on January 1, 1993. Several high-level meetings between Czech and U.S. government officials were held during the year to discuss such issues as cooperation in the environmental and military fields. The Czech Republic received over \$171 million in investment insurance assistance from the Overseas Private Investment Corporation. However, the administration made no significant public comment on human rights developments in the Czech Republic in 1993.

The Work of Helsinki Watch

Helsinki Watch continued to monitor the treatment of minorities, and especially the Roma minority, during 1993. In May, Helsinki Watch sent a mission to the Czech Republic to meet with human rights and minority rights groups. Helsinki Watch representatives traveled to Usti nad Labem to meet with Roma leaders and discuss the implementation of the citizenship law. This delegation also met with Czech officials and expressed concern regarding the effect the law could have on the Roma minority.

On June 30, Helsinki Watch addressed a letter to Prime Minister Vaclav Klaus regarding the provisions of the new citizenship law and its disproportionate impact on the Roma minority.

ESTONIA

Human Rights Developments

In its third year of independence from the former Soviet Union, Estonia slowly worked towards legalizing

the status of its large non-citizen minority. In February 1992 the Estonian Parliament passed an "ius sanguinis" citizenship law that granted automatic citizenship only to citizens or their descendants of Estonia's inter-war republic (1918-1940). The law also provided for naturalization. This legislation effectively disenfranchised roughly 30 percent of the population that came to Estonia after Soviet annexation in 1940 or were born there in later years.

Language remains the most serious obstacle to naturalization. The Law on Estonian Language Requirements for Applicants for Citizenship" was not passed until February 10, 1993. The law presupposes a knowledge of about 1,500 words of Estonian. The Estonian parliament, the Riigikogu, passed amendments simplifying the language test for naturalization for the handicapped and for those born prior to 1930, but many non-citizens lived in areas where few Estonians reside and therefore had little opportunity to hear or speak Estonian. The cost of language instruction also hindered those seeking naturalization.

On June 21, 1993, the Riigikogu passed a Law on Aliens with the goal of regulating the residence of non-citizens in Estonia by granting them residency permits and aliens' passports. Non-citizens in Estonia had only their old internal Soviet passports and thus faced problems obtaining international travel documents. The law, however, did not contain any guarantee of residency and granted only five-year residency permits. Estonian President Lennart Meri refused to sign the law and sent it to the Council of Europe for expert legal advice. The council noted that, "The experts are of the opinion that the status of persons already resident on the territory of Estonia cannot be compared to that of non-citizens not presently residing [there]...." The Riigikogu amended the law, granting a guarantee of residency to those who had lived in Estonia prior to independence. On July 8, President Meri signed the bill into law.

The law still, however, denied residency permits to career military retirees of the Soviet armed forces and convicted criminals. Legislation reportedly was planned to deal with each case individually, but to Helsinki Watch's knowledge no such law was passed as of November. While such exclusions may appear justified when applied to new immigrants, they are unwarranted and excessive with regard to Estonia's non-citizen population, most of whom have long residency in the country.

Estonia did, however, make progress in resolving tensions with its large non-citizen minority. On February 15, 1993, Estonia signed an agreement with the Conference on Security and Cooperation in Europe (CSCE) to set up a mission in Estonia to monitor human rights and the condition of the non-citizen population. The CSCE mission with offices in Tallinn, Kohtla-Järve, and Narva, began to function in March 1993. On June 25, 1993, President Lennart Meri formed the "Round Table," a body composed of non-citizen organizations, parliamentarians, and representatives of national minority groups, to meet at least once a month to discuss legislation affecting the non-citizen population. Finally, the Estonian government granted citizenship to approximately one hundred non-citizens, allowing them to run in local elections held on October 17, 1993. According to the Local Government Council Election Law, non-citizens who have five-year residency may vote in local elections, but are forbidden to run for office. In some areas of heavy non-citizen settlement, the number of citizens able to run was quite small.

The Right to Monitor

Human rights fact finding missions have visited Estonia without interference since independence in August 1991. Some came on the invitation of the Estonian government.

U.S. Policy

The United States continued to support the growth of civil society and free market reform in Estonia and to call for the speedy withdrawal of Russian forces. The U.S. State Department viewed the condition of Estonia's non-citizen minority as a "practical problem", rather than a human rights concern.

A \$2.5-billion aid package for the states of the former Soviet Union that President Clinton signed into law on September 30, 1993, conditioned aid to Russia on the withdrawal of Russian troops from the Baltic States. The U.S. also granted Estonia funds to finance the work of the "Round Table."

The Work of Helsinki Watch

Helsinki Watch's work in Estonia centered on two main issues: citizenship and non-citizen rights. In August and October 1993 Helsinki Watch sent missions to Estonia. A report issued in October 1993 concluded that the August 1993 mission "uncovered no systematic, serious abuses of human rights in the area of citizenship....Problems exist, however, especially concerning the successful integration of Estonia's large non-citizen population, roughly 30 percent of the country's 1.6 million residents."

GEORGIA

Human Rights Developments

Political chaos, economic crisis, and armed conflicts in its territory gravely threatened Georgia's very existence as a state during 1993, with severe repercussions for its human rights situation. Georgia lost territory in its war against the secessionist republic of Abkhazia and lost important ground against armed bands supporting former President Zviad Gamsakhurdia, who was ousted in 1992. These crises paralyzed the parliament, courts and law enforcement agencies responsible for preventing and punishing human rights abuses.

Facing an extraordinarily high crime rate in a society where most civilians have guns, Georgian law enforcement agencies, infamous for beatings, torture and other cruel treatment of detainees, showed no sign of improvement in 1993. They also continued to allow semi-official paramilitary groups to take on the role of maintaining public order. In 1993 Helsinki Watch received several appalling reports of cruel beatings in pre-trial detention. One concerned a man who was arrested for large-scale theft in a shoe factory and was beaten by police for several days in order to extract a confession, and then released. In another case, a supporter of former President Gamsakhurdia, who was awaiting trial on terrorism charges, was severely beaten by a convicted murderer who had mysteriously obtained the keys to the man's cell.

Tbilisi's chief of police estimated that mobs—sometimes numbering in the thousands—lynched about ten criminals in 1992 and 1993. Local journalists put the estimate higher (about one lynching per month) and added that the lynchings often took place in the presence of law enforcement officials, while suspects were being transferred from the scene of a crime or from one different prison to another. In August, a mob in Tbilisi attacked and killed two men who had killed a small girl that day in the course of an armed robbery. The lynching took place after police had arrived on the scene.

In a meeting with Helsinki Watch, the Tbilisi chief of police flatly denied that police brutality was a problem (although in an interview several months later with a Canadian journalist he was quoted as admitted it). The Georgian Procuracy—the nation's highest prosecutorial office—told Helsinki Watch it took disciplinary action against the convict in the above-mentioned case, but maintained that the beating took place for "personal" reasons. The procuracy in 1993 concluded that Zaza Tsiklauri, a man who reportedly was tortured and beaten in 1992, received his wounds during an attempt to escape from a police car.

Supporters of former President Gamsakhurdia continued to be subjected to various forms of harassment, which intensified as pro-Gamsakhurdia forces sought to take over parts of western Georgia. Police and paramilitary groups broke up several demonstrations, reportedly beating demonstrators in the process. At least five Gamsakhurdia supporters were fired from their university jobs, apparently for political reasons. Police broke up a meeting of Gamsakhurdia supporters in a private apartment on June 2, and brought all thirty-two participants to the police station; they were later released. The family members of Gamsakhurdia supporters also were rounded up by Mkhedrioni, one of the two main Georgian paramilitary groups, and there were allegations that Gamsakhurdia supporters who were imprisoned were beaten and possibly tortured.

The main pro-Gamsakhurdia weekly newspaper, *Iberia Spektr*, was unable to publish one of its issues in late April for reasons which, the editor believed, are connected with the controversial content of the previous issue. The paper was closed altogether in October. Its editor, Irakli Gotsiridze, was the target of

several attacks in 1993, including one in February, when forty bullets were fired into his apartment. In October Mr. Gotsiridze was arrested for sedition and, according to his wife, was brutally beaten in detention, resulting in several broken ribs. Another pro-Gamsakhurdia newspaper, *The Georgia Sentinel*, was under pressure from government officials for its articles on the conduct of Georgian forces in Abkhazia and articles claiming that Gamsakhurdia had returned to power.

Pro-Gamsakhurdia newspapers were not the only ones to suffer harassment in 1993. In July the National Democratic Party (NDP) pressed a lawsuit against the independent weekly *Rezonans* for an article that included inaccurate information on a closed Council of Ministers meeting. The case was dropped. On September 17 another independent newspaper, *Shvidi Dre*, was attacked by eight armed men who said they were from the NDP. The men beat up staffers and fired pistols into the office's computers.

Thousands of civilians have been killed and wounded in the struggle for control of Abkhazia, an autonomous republic on the Black Sea, and over 100,000 driven from their homes since the outbreak of hostilities on August 14, 1992. All communities in this ethnically heterogeneous area suffered varying degrees of damage from shell and air attacks during 1992 and were heavily looted. The warring parties responsible were, on the Georgian side, disorganized forces from the Georgian National Guard, and paramilitary groups such as Mkhedrioni (Horsemen); and on the Abkhazian side, loosely coordinated volunteers from local villages and from the Confederation of Peoples of the North Caucasus, mercenaries from Russia, and probably some Russian Army personnel.

The Right to Monitor

Helsinki Watch received no reports of restrictions or attempted restrictions on the work of human rights monitors during in 1993.

U.S. Policy

The U.S. government provided unwavering support for Head of State Eduard Shevardnadze both in the war with Abkhazia and in his struggle against supporters of former President Gamsakhurdia. Part of this unwavering support was the absence, in Washington, of public criticism of Georgia's dismal human rights record. This was particularly disappointing given the conscientious efforts of the U.S. Embassy in Tbilisi to gather information on human rights abuses, although the embassy's monitoring was far more assiduous in the capital than in the western conflict zone. Following Abkhazia's September offensive, President Clinton reportedly sent a message urging President Shevardnadze to resume peace negotiations with the Abkhazians.

U.S. aid to Georgia included Overseas Private Investment Corporation (OPIC) privileges and Most Favored Nation status (not yet ratified by the Georgian parliament as of November). A delay in granting coverage or a suspension of OPIC coverage for American investors on human rights grounds would have sent a strong signal to the Georgian government, but there was no evidence that the Clinton administration had invoked such leverage; nor, indeed, did it publicly criticize the poor human rights atmosphere in Georgia.

The murder of a U.S. Embassy official, Fred Woodruff, near Tbilisi in August should have drawn administration attention to the extraordinarily high level of violence in Georgian society and to the ways in which law enforcement officials and paramilitary groups which the government tolerates contribute to this violence.

Of the \$224 million allotted to Georgia in U.S. foreign assistance, \$200 million was humanitarian assistance; monies were also allocated for C.I.A. training of President Shevardnadze's bodyguards. Helsinki Watch considered that, if police brutality and government tolerance of paramilitary groups acting as law enforcement authorities continued, this assistance should be cut.

The Work of Helsinki Watch

Helsinki Watch sent a mission to meet with Georgian government officials in June. The mission focused on police abuse, and was followed by a detailed letter to Head of State Shevardnadze in August calling attention to brutality on the part of police and paramilitary bands.

Helsinki Watch and the Human Rights Watch Arms Project also sent a joint mission to Georgia in July and August to investigate violations of the laws of war in connection with the secessionist conflict in Abkhazia. The mission helped identify Russia as a possible source of the weapons being used. Helsinki Watch and the Arms Project planned a report documenting violations by both sides, with recommendations to the Georgian government, Abkhazian authorities and the government of the Russian Federation on how to prevent such violations in the future.

GERMANY

Human Rights Developments

Right-wing violence against foreigners escalated in Germany during 1993. Although the government initiated a series of measures in late 1992, these measures did not improve security for foreigners living in the country.

Following domestic and international outcry after violent events in Rostock in August 1992 and the death of three Turks in Mölln in November 1992, the German government adopted a series of measures to deal with the violence more effectively. These measures included the formation of a working group to develop ways in which the police would monitor and combat violent right-wing extremists in the various states. Police searched the offices and homes of members of neo-Nazi parties, confiscated propaganda materials and some weapons, and made numerous arrests. Police stepped up surveillance of the far-right groups generally, and banned several neo-Nazi political parties, including the National Front, the German Alternative and the National Offensive.

On May 26, the Bundestag (parliament) voted 521 to 132 to amend the country's constitutionally-guaranteed right to asylum. The new asylum law took effect on July 1. Under the new law, asylum-seekers arriving at airports can be held for nineteen days and then expelled if they do not qualify for asylum. Asylum-seekers from "safe countries of origin", countries where the German government has determined that there is no well-founded fear of persecution, can be immediately returned.

Asylum-seekers coming into the country by land can be expelled immediately if they have traveled to Germany through a "safe third" country where they could have applied for asylum. All countries sharing borders with German are considered "safe".

The government had pushed for restrictions on the right to asylum, arguing that it was necessary to prevent further escalation of xenophobic violence. However, on May 29, only three days after the Bundestag voted to restrict the right of asylum, five Turkish residents died when four young skinheads set fire to their house in the town of Solingen. This was the worst single attack on foreigners since unification and set off yet another wave of attacks on foreigners.

Both the frequency and brutality of right-wing violence increased during the year. The government reported that there were 3,365 attacks against foreigners during the first six months of 1993, representing a 130 per cent increase over the same period in 1992. Violent attacks against foreigners increased 72 percent in 1992 as compared to 1991.

Following the Solingen murders, angry Turks marched through the streets of the town demanding a stronger response from the German government and greater rights for the 1.8 million Turks living in Germany, including the right to dual citizenship.

Chancellor Helmut Kohl, faced with severe criticism of his handling of right-wing violence to date, vowed in June to crack down on German right-wing extremists, calling for tougher sentences, more police power and tighter restrictions on militant right-wing extremist groups. In response to demands from foreign residents, Kohl also agreed to seek reform of the eighty-year-old German citizenship law, which strictly emphasizes German ancestry. Kohl did not favor allowing dual citizenship, however.

Throughout 1993, Kohl continued to deny any connection between his party's vigorous pursuit of restrictions in the asylum law and the growing violence against foreigners. In a speech before the

Bundestag on June 17, the chancellor denied any "connection between the asylum law and the arson attacks in Solingen and elsewhere." However, some representatives within Kohl's own government have been critical of the chancellor on these grounds. The Federal Ministry for Women and Youth issued a report in June concluding, among other things, that the public debate over asylum-seekers resulted in "anti-foreigner groups no longer feeling marginalized and stigmatized, but instead as the forefront of a larger movement."

The chancellor's failure to provide moral leadership on this crucial issue only exacerbated a situation in which—as Helsinki Watch noted in an article—asylum restrictions have "focused attention on the victims, implicitly shifting the blame for the violence onto them."

The Right To Monitor

Helsinki Watch received no information to indicate that human rights observers in Germany were prevented from conducting their investigations and reporting on their findings during 1993.

U.S. Policy

In response to a string of racist attacks against foreigners, then-U.S. Ambassador to Germany Robert M. Kimmitt stated, "Such violence is simply unacceptable in a modern democracy, where tolerance is an important element." Similarly, in a speech in Berlin, Ambassador Kimmitt urged that German officials "must make it understood that racist violence is not acceptable and will be punished very harshly."

The Work of Helsinki Watch

Helsinki Watch focused much of its efforts during 1993 on monitoring violent attacks against foreigners and the implementation of the asylum law. A Helsinki Watch staff person met with representatives of human rights and asylum organizations in Germany in June. On July 1, Helsinki Watch sent a letter to Chancellor Kohl criticizing the Bundestag's decision to tighten Germany's asylum law, stating:

The action of the lower house of Parliament in curbing the influx of refugees to Germany is a serious human rights setback. . . The new law would make it far more difficult for foreigners who have suffered persecution in their home countries to be granted political asylum in Germany, thus denying them protection guaranteed by international law.

During the latter half of 1993, Helsinki Watch representatives conducted an ongoing investigation of violence against foreigners, including the measures taken by the German government to deal with the violence, as well as the response of the police and judiciary. Helsinki Watch intends to conduct an additional fact-finding mission to Germany in early 1994. A report of the findings will be issued in 1994.

GREECE

Human Rights Developments

Human rights abuses in Greece involved freedom of speech, discrimination against minorities, physical abuse of detainees and prisoners, and violations of religious freedom.

A handful of free speech cases continued to be prosecuted and appealed during 1993. Minority issues were involved in six trials held in 1992 and 1993 against Greek citizens for the peaceful expression of their views. One case concerned two journalists who were found guilty of insult and sentenced to seven months in prison for a column about the "non-Greekness" of the Turkish minority in western Thrace. The other five cases, some dating from 1992, concerned speech about the Former Yugoslav Republic of Macedonia (FYRM), or members of the Macedonian minority in Greece. The subject of FYRM was extremely sensitive

and emotional in Greece. The Greek government objected to the use of the word "Macedonia" to describe the former Yugoslav republic, since "Macedonia" is also the name of a region in northern Greece. A temporary compromise was reached in April 1993, when the republic was admitted to the U.N. under the temporary name "Former Yugoslav Republic of Macedonia."

The five prosecutions of dissenters involving "Macedonia" were based on publicly expressed opinions that conflicted with the views of the Greek government. None of the defendants was charged with violent acts or other criminal behavior. The five cases were:

- Five Trotskyites were charged with "spreading false information and rumors that might cause anxiety and fear to citizens and disturb international relations with Greece," and "inciting citizens to rivalry and division leading to disturbance of the peace." Their alleged crimes was to produce a pamphlet of nine short essays on "The Crisis in the Balkans: The Macedonian Question and the Working Class." On May 7 an Athens court acquitted all five after a week-long trial. On May 12 the public prosecutor's office appealed the verdict.
- In May, two Macedonian minority activists were sentenced to five months in prison and a fine of 100,000 drachmas (about \$435) for telling *Ena* magazine that they "feel Macedonian," and for claiming that there are one million Macedonians in Greece. They were convicted of spreading false information about the non-Greekness of Macedonia, and with instigating conflict among Greek citizens by differentiating between speakers of a Slavic language and Greeks. The case was on appeal as of November.
- In May 1992, four members of an anti-nationalist group were convicted for distributing a leaflet calling for peace in the Balkans and opposing the Greek government's foreign policy and policy toward minorities. They were charged with spreading false information and attempting to incite citizens to violence or dissension, and for disturbing friendly relations with another country. The case was on appeal during 1993.
- A seventeen-year-old high school student was convicted in December 1992 for distributing a leaflet saying, "Alexander the Great: War Criminal; Macedonia belongs to its people." He was charged with attempting to incite division among citizens and disturbing the peace. His appeal was pending during 1993.
- Six members of an Organization for the Reconstruction of the Communist Party were convicted in January 1992 of defaming authorities, inciting citizens, dividing the community and illegally posting bills that read: "No to patriots. Recognize Slav-Macedonia." Sentenced to six-and-a-half months in prison, the men's cases were on appeal through 1993.

All of these prosecutions violated free expression rights guaranteed by international law.

The Greek government discriminated against ethnic minorities, including the ethnic Turks in western Thrace. Some significant improvements had been made since Helsinki Watch's first report in 1990 on the plight of the ethnic Turks: in 1993 ethnic Turks could buy, sell and repair houses and property; repair mosques; start small businesses; and obtain car, truck and tractor licenses. However, serious problems remained. Many ethnic Turks were deprived of their citizenship, and others were harassed by police. Associations and schools could not call themselves "Turkish." Turkish-language newspapers, books and magazines could not be imported from Turkey. Ethnic Turks faced discrimination in state employment and in the provision of municipal services. Problems in education included a lack of competent Turkish-language teachers and Turkish-language books, and insufficient secondary schools for ethnic Turkish students. Freedom of religion problems included the selection of muftis, the religious leaders of the

Muslim community, and control of the *wakfs* (charitable foundations). The Turkish minority objected strongly to the state's appointment of its muftis, and elected its own; the dispute was unresolved. As to the wakfs, the ethnic Turks objected to the state's control of their charitable foundations.

Ethnic Turks were recognized as a minority by the Greek government, which referred to them, however, only as "Muslims." Associations were forbidden to use the word "Turkish" in their titles.

The Macedonian minority was not recognized as a minority. Authorities denied that a Macedonian minority existed or that a Macedonian language was spoken in northern Greece. Macedonian activists claimed that there were one million Macedonians in Greece; Greek authorities claimed that there was only a small group of "Slavophone" activists. Macedonian activists were followed, harassed by police, frequently refused state employment, and prosecuted for free speech offenses. They were not allowed to establish schools to teach the Macedonian language, and their children could not be educated in Macedonian in state schools.

Reliable reports, including those of Amnesty International, indicated that detainees and prisoners were physically abused. Reliable reports also indicated that religious freedom was under attack. Government permission was required (and often denied) to establish any sort of house of worship. Jehovah's Witnesses were reportedly harassed, and their ministers jailed for draft evasion in spite of laws stating that ministers (including Jehovah's Witnesses) were not subject to the draft. Helsinki Watch has not yet investigated these allegations.

The Right to Monitor

Greeks attempting to monitor human rights abuses are harassed. For example, in looking at the problems of the Macedonian minority, monitors are called "agents of Skopje," followed, and sometimes refused access to government officials. Outside organizations are allowed to monitor human rights, but their delegations in Greece are routinely followed. Helsinki Watch missions to both western Thrace and the Western Macedonian province have been openly and regularly followed.

U.S. Policy

Greece remained an important U.S. ally. In 1993, it received \$315 million in military loans and \$265,000 in military grants. In its 1992 country report, the State Department listed a series of human rights abuses in Greece: ill-treatment of detainees and prisoners; abuse of illegal aliens; restrictions on freedom of speech, association and religion; revocation of citizenship of Greek citizens who are not ethnic Greeks; discrimination against Gypsies; and violence against women. However, the Clinton administration has made no public efforts to persuade the Greek government to change its practices.

The Work of Helsinki Watch

Helsinki Watch's strategy for its work in Greece involved publicizing the government's human rights abuses; trying to persuade the Greek government to effect change (which was successful in regard to the Turkish minority); seeking to influence the international community and the U.S. government to persuade the Greek government to live up to international standards and agreements to which it is a state party.

Helsinki Watch's work in Greece during 1992 focused on three areas: free expression and the treatment of the Turkish and Macedonian minorities. In 1993, Helsinki Watch and the Fund for Free Expression sent a mission to Greece and issued a newsletter titled "Greece—Free Speech on Trial: Government Stifles Dissent on Macedonia" (July). Also, in July, a mission was sent to northern Greece to examine the problems of the Macedonian minority; a report was planned for early 1994.

HUNGARY

Human Rights Developments

In recent years, Hungary has made significant progress toward implementing both legal and institutional protections for human rights. The amended constitution confers a broad array of rights and protections on all Hungarian citizens. On July 7, 1993, after two years of debate, the Hungarian parliament approved a Law on the Rights of National and Ethnic Minorities, which guarantees the use of names and education in the mother language. In June, the parliament also created an ombudsman's office to investigate allegations of constitutional violations of individual rights.

Despite these achievements, Hungary experienced a dramatic rise in xenophobia and right-wing violence. Although the Roma (Gypsy) minority, which is estimated at approximately 450,000, has organized politically, and Roma politicians entered the parliament, discrimination and racism remain prevalent. Romas were often the targets of discriminatory practices and faced severe discrimination in employment, housing, education and access to health care. Romas had little opportunity to obtain redress for their grievances. It remained unclear whether the newly established ombudsman's office would provide support to the Roma minority in seeking justice.

In the past two years, violence against Romas increased dramatically. In July, a young Roma man suffered brain damage after he was severely beaten by skinheads. This marked the twenty-fifth reported assault on the Roma community in Budapest since 1991. Moreover, experts believe that a very small percentage of attacks on Romas are ever reported. Helsinki Watch also received many reports that the police failed to intervene or to arrest those who attacked Romas.

Foreigners living in Hungary also became targets of skinhead violence. The Martin Luther King Association, a Hungarian organization documenting racist attacks, reported that in 1992 there were seventy-seven racist attacks on foreigners by nationalist youth groups. All involved foreign students from Africa, Asia and the Middle East. This trend continued in 1993. Helsinki Watch received reports that the police refused to disperse the attackers, were rude to those foreigners who complained, and were slow to investigate and resolve these cases. Police abuse against dark-skinned foreigners also appeared prevalent. In separate incidents in December 1992 and January 1993, the Fifth District Police Station in Budapest allegedly detained and beat about twelve people of Middle Eastern origin. Moreover, officials at the Kerepestarc detention camp for illegal aliens were severely criticized by human rights groups because former detainees complained that guards used torture or very abusive treatment. The camp authorities and the government denied allegations of ill-treatment and torture.

Controversy surrounded the Hungarian media during 1993, as the government engaged in a dispute over the control of radio and television. Political parties and human rights organizations accused the government of monopolizing and manipulating the media. In December 1992, parliament had approved a bill that placed the budget of the radio and television under the prime minister's office. In the spring of 1993, the Constitutional Court upheld a moratorium on the privatization of radio and television until a media law could be passed. As of mid-November, no media law had been voted on by the parliament.

The Right to Monitor

Helsinki Watch was not aware of any attempt by the government to impede human rights observers in their investigations and reporting during 1993.

U.S. Policy

U.S. policy toward Hungary was responsive to human rights issues during 1993. The U.S. Embassy in Budapest used various opportunities to express concern about the growth of right-wing extremism and anti-Semitism. For example, in an interview with the Hungarian daily *Magyar Hirlap* on July 3, Amb. Charles Thomas stated:

There have been manifestations of anti-western, anti-democracy irredentism, pro-ethnic cleansing, and anti-Semitic concepts that appeared in writings last summer. Should these ideas

prevail—and I am confident that they will not—it would be a disaster for U.S.-Hungarian relations. The U.S. could never be friends with a regime that attempted to summon up these demons from the past.

Similarly, when asked whether concern about extremist movements is "overemphasized in the western press" in an interview with *The Hungarian Observer*, Ambassador Thomas stated:

"I think concern about the emergence of right-wing radicalism in Hungary is something that people should be very sensitive to and that's why I don't think reactions are exaggerated in the west and they should be deeply concerned about this." On October 21, Secretary of State Warren Christopher visited Budapest, reiterating U.S. support for democratization and economic reform in Hungary. It was Christopher's first visit to an East European country since becoming Secretary of State.

The Work of Helsinki Watch

Helsinki Watch's work in Hungary centered on two principal issues: the rights treatment of the Roma minority and freedom of the press. In January, Helsinki Watch sent a mission to Hungary to investigate the treatment of Romas. A report issued in July 1993 concluded that Romas were increasingly singled out as targets for violence by skinheads and other militant nationalists, and that public authorities had not responded adequately, either in apprehending or prosecuting the offenders. Moreover, Helsinki Watch concluded that excessive force and unlawful detention at the hands of the police appeared to be more prevalent against Romas than against ethnic Hungarians, as the authorities apparently acted out the widely-held racist stereotype of Romas as dishonest and violent.

In September, Helsinki Watch sent a fact-finding mission to investigate allegations of Hungarian government interference with the print and broadcast media. A report on the mission's findings was planned for release in late November.

KAZAKHSTAN

Human Rights Developments

Kazakhstan remained relatively consistent during 1993 in its human rights practices, both those that protected human rights and those that restricted them. On January 28, it adopted a constitution enshrining many fundamental rights, and there were no substantial reports of ethnic discrimination during the year. However, the government maintained restrictions on freedom of association and continued to apply the law protecting the "honor and dignity" of the president and other government officials, in violation of the right to free speech.

Two cases of alleged violation of the "honor and dignity" law were prosecuted during 1993. The sixty-year-old scholar Karishal Asanov was charged with violating Article 170-3, parts 1 and 2, of the criminal code in August 1992, and his house was searched. He was subjected to a psychiatric examination, which found no signs of mental disturbance, and spent several months in pre-trial detention before being released for health reasons. Charges were brought in connection with his article "Don't Believe the President's Smile," a synthesis of arguments he made in a two-volume history of the Kazakh people that was critical of President Nursultan Nazarbaev. Numerous delays and reversals in court rulings dragged out the case into 1993, culminating in his conviction on May 25 and sentencing to three years of imprisonment, commuted to two years of probation. As of November, the case was on appeal.

Ruslanbek Chukurov, a doctor, also faced charges of violating the law on "honor and dignity" (Article 170-4, part 2, of the criminal code). Dr. Chukurov was first charged in 1992 when he publicly accused former Minister of Health Aliev of corruption. Conflicting decisions by two different courts have left the case unresolved.

More independent trade unions were registered during 1993, and *Birlescu*, the trade union movement's newspaper, reportedly was allowed back to press in August after being suspended by city authorities. Nonetheless, although Article 10 of the new Kazakhstan Constitution guaranteed the rights of public organizations, restrictive legislation continued to force parties, movements and independent trade unions to register in Kazakhstan.

The Right to Monitor

Helsinki Watch received no reports of restrictions or attempted restrictions on the work of human rights monitors during 1993.

U.S. Policy

U.S. policy focused on providing humanitarian and technical assistance (the treaty granting Kazakhstan Most Favored Nation status went into effect in February) and supporting the Kazakhstan government's efforts to fulfill its promise to surrender all nuclear weapons by the year 2000.

The strong support of the Clinton administration stemmed from its assessment that Kazakhstan, according to a U.S. official in October, "is doing everything right."

The Work of Helsinki Watch

At the end of 1992, Helsinki Watch sent its first fact-finding mission to Kazakhstan since 1990, responding to allegations of violations of free speech and free association. Representatives met with human rights activists and with governmental and independent groups, and discussed their human rights concerns, such as the need to repeal the "honor and dignity" law.

In 1993 Helsinki Watch twice sent representatives to observe the ongoing trial of Karishal Asanov, and once to monitor the trial of Ruslanbek Chukurov. Both men were facing criminal charges for exercising their right to free speech.

LATVIA

Human Rights Developments

Citizenship and naturalization continued to be the most controversial rights issues in Latvia during 1993. Alone among the Baltic States, Latvia passed neither a naturalization nor a permanent residency law. Latvia took the idea of legal succession, the concept that the Baltic States were not new states but the legal successors to their inter-war predecessors, to its most literal end.

Consequently, the last Latvian Supreme Council, Latvia's legislative body from 1990 through mid-1993, refused to pass legislation concerning naturalization because a majority of deputies in the Supreme Council saw the council as a Soviet organ. Instead, on October 15, 1991, the Latvian Supreme Council passed legislation restoring citizenship to citizens and their descendants who resided in Latvia prior to the Soviet Union's 1940 annexation of the country. The October 1991 law left an estimated 34 percent of the population without citizenship. In parliamentary elections on June 5 and 6, 1993, in which only these "restored" citizens could participate, voters elected a new Saeima, or parliament. The Saeima was debating draft naturalization laws as of November.

In order to determine who was a citizen or the descendant of a citizen of Latvia prior to Soviet annexation in 1940 and therefore able to restore his citizenship under the October 1991 law, the Latvian Supreme Council passed a law on the registration of residents in December 1991. The Department of Citizenship and Immigration conducted registration, which lasted from spring 1992 to June 5, 1993.

Serious problems arose during the implementation of the registration guidelines. On its face, the law on registration was intended to register all of Latvia's residents, providing each with a personal code, similar to a Social Security number in the U.S. According to the law, only active-duty Russian military personnel

and their families were not to be registered.

The Department of Citizenship and Immigration, however, intentionally and in violation of the law "On Registration," conducted a policy of denying certain non-citizen groups registration. Those denied registration included residents of temporary housing, retired Soviet military personnel, civilian employees—both past and present—of the Soviet military, and individuals who resided in housing built by the Soviet military but in many cases later transferred to civilian housing authorities. Estimates of those denied registration reached as high as 150,000. The unregistered had no right to receive social services and were considered temporary residents.

The Saeima's debate on a naturalization law also raised concern because the draft considered most likely to be passed into law included quotas severely limiting the number of non-citizens, estimated at 700,000, who could be naturalized in a given year. In the *The Baltic Observer*, Andrejs Pantelejevs, the ruling Latvia's Way party's parliamentary chairman, stated that only 300,000 of Latvia's non-citizens would be eligible for naturalization "in the next few years", while the plight of the remaining 400,000 would require an "international solution." Latvian politicians cited the precarious demographic situation of ethnic Latvians in Latvia, where they constituted a slim majority of 52 percent of the population, as the main reason behind a strict quota-based naturalization system. The Soviet government's policy of diluting the ethnic Latvian population through the forced immigration of non-Latvians, however heinous that policy may have been, does not justify a quota-based naturalization system that treats Latvia's non-citizen population en masse, and not as individuals.

The Right to Monitor

Helsinki Watch was not aware of any instance in which human rights monitors were hindered in their work by the Latvian Government.

U.S. Policy

The United States government noted no human rights violations in Latvia and called for the immediate withdrawal of all Russian troops. High-level official visits to Latvia toward the end of the year, however, including one by Secretary of State Warren Christopher on October 26 and 27, suggested heightened U.S. interest in ethnic relations in Latvia. Secretary Christopher called on the Latvian government "to act generously" regarding the adoption of a naturalization law, adding that it was "a matter of great concern to the United States...We want to pursue this vigorously." Other U.S. initiatives included the nomination of Jerry Hamilton, Deputy Coordinator for East European Assistance for the State Department, as ambassador to the recently approved CSCE mission to Latvia, and funding for a "National Forum", a round table for negotiations among governmental, ethnic minority, and non-citizen groups.

The Work of Helsinki Watch

Helsinki Watch's work in Latvia during 1993 centered on two issues: the non-citizen community and naturalization legislation. Helsinki Watch sent two missions to Latvia, one in August and September and the other in October. A report issued in October 1993 commented that, "In its investigations, Helsinki Watch has uncovered sufficient evidence to substantiate serious, systematic abuses in Latvia's Department of Citizenship and Immigration...the Department, in violation of the laws it was entrusted to implement, has targeted certain groups and denied them registration."

FORMER REPUBLIC OF MACEDONIA

The Former Yugoslav Republic of Macedonia is the only one of the former Yugoslav republics to have become independent without bloodshed. It is bordered by Serbia (including the province of Kosovo),

Bulgaria, Greece and Albania. Its population is about two million, composed of about 65 percent ethnic Macedonians, 22 percent ethnic Albanians, 5 percent ethnic Turks, 2 percent Macedonian Muslims, 3 percent Roma (Gypsies), 2 percent Serbs and .04 percent Vlachs. The human rights issues in Macedonia revolved around the rights of minorities.

A dispute with Greece over the country's name was resolved in April 1993 by admitting it to the United Nations with a temporary name, the "Former Yugoslav Republic of Macedonia." To simplify, we use the term "Macedonia" in this chapter.

Macedonia established itself as a parliamentary democracy. Following a public referendum, the country declared its independence and adopted a new constitution in November 1991. The present government is a coalition of the Social Democrats (formerly the Communist Party) the largest Albanian party, and others. During 1993 five of the twenty-four ministers in the government were ethnic Albanians; one was an ethnic Turk. Serbs, Turks, Vlachs and Albanians were represented among vice-ministers. An inter-ethnic council composed of two representatives of each minority was created by the parliament.

Macedonia was making the difficult transition from communism to democracy and a free market economy, while facing a grave threat of a spillover of the Bosnian war. A United Nations Protective Force (UNPROFOR) of about 700 troops was deployed in Macedonia in December 1992; the U.S. added 300 troops in 1993.

The Macedonian constitution provides guarantees of equality, due process of law, free expression, freedom of religion, political freedom and other fundamental rights. But a stalemate in Parliament blocked passage of new laws needed to implement the constitution.

Free expression is guaranteed in the Macedonian constitution. There was no state censorship during 1993. In a legacy from communist times, the government owned the only newspaper printing facilities and controlled newsprint supplies (which were imported) and distribution. The government company, Nova Makedonija, printed daily newspapers in Macedonian as well as newspapers in Albanian and Turkish. Opposition views appeared in the government-controlled press. The largest opposition party, the Internal Macedonian Revolutionary Organization (VMRO, which was nationalist and anti-communist), published its own paper. Some in the opposition believed that the government limited free press by charging inordinately high fees for printing and distributing opposition journals. However, the only opposition journal issued during 1993, *Dejlo*, was printed at a government printing plant outside of Skopje, the capital. Three earlier independent journals shut down for economic reasons.

The government owned and operated several radio and television stations. Many hours of programs in Albanian, Turkish, Vlach and Romany (the Gypsy language), but none in Serbian, were broadcast daily. Many private TV and radio stations had sprung up since independence.

Demonstrations, including protests against government actions, were freely held.

The government reported that it was re-training the police, moving away from the political police practices of the old regime.

Government opponents continued to complain of excessive use of force by police, however. The most serious incident took place in November 1992 following the police beating of a teenage Albanian cigarette seller. Hundreds of ethnic Albanians rioted; four people were killed. Police were also wounded by gunfire during the riot.

Equal treatment of minorities is guaranteed in the constitution. Minorities have the right to speak their own languages, issue newspapers or books in their own languages, and set up private schools. Government schools provide instruction in most minority languages where the number of minority children warrants it.

Nonetheless, many minority members have alleged discrimination in education. Most minorities argue that there were not enough elementary or secondary schools or universities for their children.

Job discrimination was another minority complaint. Ethnic Albanians asserted that they were discriminated against in government jobs and that, in areas where Albanians make up 80 percent of the population, the police force is 97 percent Macedonian. The prime minister confirmed this and told Helsinki Watch that the government had set a goal of 20 percent for minorities in the police academy, and that other affirmative action efforts were being undertaken in the army and the diplomatic service.

Ethnic Albanians contended that their representation in parliament was unequal; however, twenty-three of the 120 members of Parliament were Albanian. Ethnic Turks, whose members were not as concentrated, claim that voting districts were gerrymandered; Parliament contained no Turkish members.

A 1992 citizenship law established a fifteen-year residency requirement; Albanians argued for a five-year requirement. Thousands of ethnic Albanians have migrated to Macedonia from the Serbian province of Kosovo in recent years to escape abuse by the Serbian government. Because the 1991 census counted citizens, but not residents, ethnic Albanians boycotted it. A new census was planned for 1994.

The Serbian minority has some problems in addition to those shared with other minorities. Serbs are not mentioned by name in the preamble to the constitution, but are included only as an "other nationality"—a sore point with many Serbs.

During 1993, government television and radio stations provided no programs in Serbian, asserting that Serbs could receive programs from Serbia. Many Serbs, however, contended that Serbian programs provided news only about Serbia, and not about Macedonia.

Some Serbs alleged police brutality against young Serbs who wore Serbian hats or sang Serbian songs or in other ways asserted their Serbian identity.

Serbs could speak their own language and use their own names, although some alleged that Serbs with Serbian names were not given state jobs.

The Right to Monitor

No groups actively monitored general human rights abuses in Macedonia. The government cooperated fully with Helsinki Watch's monitoring mission in July.

U.S. Policy

The U.S. had not yet recognized the Former Yugoslav Republic of Macedonia as of November. State Department representatives had been stationed in Macedonia since before its independence; a liaison office was established in Skopje in November to provide support for the U.S. troops serving with UNPROFOR and to provide liaison with a mission of the Conference on Security and Cooperation in Europe (CSCE) which began monitoring conditions in Macedonia in 1992.

The U.S. allotted \$10 million in SEED (Support for East European Democracy) funds for Macedonia for fiscal year 1993, and the administration requested \$10 million for fiscal year 1994. As of November, \$6 million had been obligated for specific projects.

The Work of Helsinki Watch

Helsinki Watch maintained a continuing presence in the former Yugoslavia, including Macedonia. Helsinki Watch sent a fact-finding mission to Macedonia in July and planned a report for early 1994. Its work in Macedonia involved monitoring human rights, particularly questions of free expression, minority rights, and the use of force by police.

MOLDOVA

Human Rights Developments

Compared with the gross violations committed in 1992, when armed conflict raged in Moldova's eastern territories, the country's human rights situation improved in 1993. Fear of large-scale ethnic discrimination—an ostensible cause of much of last year's conflict—proved largely unfounded. The situation remained worrisome, however.

The self-proclaimed "Dniester Moldovan Republic" (DMR), which took control of a strip of land between the Dniester River and the Ukrainian border in 1992, *de facto* seceded from the Republic of Moldova, and the

government in the Moldovan capital of Chisinau ceased monitoring human rights practices or prosecuting violators in the secessionist area. Moreover, chaos reigned in the halls of government. The country debated whether to retain full independence or to join the Commonwealth of Independent States; several high-ranking government officials resigned; and Parliament was crippled by numerous walk-outs and the prospect of elections. As a result, human rights legislation fell from parliamentary agendas, and investigation and prosecution of civil and political violations were neglected by law enforcement bodies.

One of the most vivid cases of human rights abuse involved six men on trial on criminal charges in Tiraspol, the regional "capital" of the "DMR." They were arrested during the conflict of spring and summer 1992 on charges of terrorism; after several aborted beginnings of a trial, all six remained incarcerated, as of November 1993. Violations of these defendants' right to due process included denial of their right to counsel and alleged gross mistreatment in detention. Since most were former members of the Popular Front of Moldova, which had vehemently opposed the "DMR" authorities, it was possible that the terrorism charges against these men were politically motivated.

Nina Maximovtsela, the defense attorney for one of those charged, reported that she had suffered from serious harassment in the "DMR" in connection with her work. She claimed she had been under surveillance, threatened by one of the investigators in the case and by several unidentified individuals, and attacked with a knife, and that her apartment had been broken into, all, she believed, for the purposes of intimidating her. The Moldovan government sent guards for her protection during the summer, but the "DMR" government rejected their authority, leaving her with no legal recourse.

The Right to Monitor

With the exception of minor harassment reported by members of the Romanian Helsinki Committee in the "DMR," such as apparent stalling on the part of local authorities in granting them a visit with a prisoner, Helsinki Watch received no reports of restrictions or attempted restrictions of the work of human rights monitors during 1993.

U.S. Policy

Four residents of Moldova participated in a program in the United States, sponsored by the U.S. Information Agency (USIA), to study protection of minority rights, an issue of particular concern in Moldova. Moldova was also the beneficiary of an Overseas Private Investment Corporation (OPIC) agreement and enjoyed Most Favored Nation status.

The Work of Helsinki Watch

Helsinki Watch tried during 1993 to focus international attention on the various violations committed in connection with the "terrorism" trial in Tiraspol. In August Helsinki Watch wrote to the International Commission of Jurists raising concerns about the harassment of Nina Maximovtsela, the defense lawyer for one of the defendants, and requesting action for her protection. In September a letter was sent to the *de facto* authorities requesting clemency for Andrei Ivanȃoc, one of the six defendants facing terrorism charges in Tiraspol. Mr. Ivanȃoc was under medical observation for psychiatric and physiological disorders, yet, except for one month, was kept in prison pending the completion of the trial.

ROMANIA

Human Rights Developments

Respect for the rights of minorities remained an elusive goal during 1993. The Roma (Gypsy) minority continued to face severe discrimination and mistreatment in Romania, and was often unable to obtain effective remedy for abuses. In September 1991, Helsinki Watch issued a report documenting numerous

incidents of mob violence against the homes and persons of Roma, and the failure of the Romanian authorities to provide protection against such violence. More than two years later, no person had been convicted for the vigilante attacks, and Helsinki Watch had no information that local officials or police officers had been prosecuted or disciplined for their role in these violent attacks.

There were additional reports of violence against Romas in 1993. On September 20, Romas in the town of Hadareni were attacked by a large mob. During the violence three Romas were killed. One Romanian, who was stabbed by a Roma man during the violence, also died. In addition, thirteen houses of Romas were set on fire and destroyed, and another twenty-five were partially or seriously damaged. Reports indicated that the police were slow to arrive on the scene of the violence and did little or nothing to intervene to protect the Romas who were being attacked. The Romanian government responded more aggressively in the Hadareni case by, among other things, dismissing the county police chief and taking disciplinary measures against two local police officers.

The Hungarian minority continued to face obstacles in equal treatment in education and culture, and were underrepresented in both local and national government administration. The most serious abuses against Hungarians occurred at the local level, where local officials placed restrictions on freedom of assembly, association and speech.

The Romanian government failed to take measures that adequately remedy these abuses. Government officials were rarely disciplined, much less prosecuted, for committing clear violations of Romanian law. The legal mechanisms for holding abusive officials accountable remained weak, and there were inadequate safeguards to ensure that minorities could obtain sufficient legal remedy when violations occur.

In the spring of 1993, the government announced that it was replacing the co-prefects of Covasna and Harghita counties (one Hungarian, one Romanian), with two Romanians; Hungarians make up 85 and 90 percent of the population there respectively. Because of the government's decision, not a single ethnic Hungarian held this highest county government position. Moreover, as prefect of Covasna county, the government appointed a man who was closely associated with the highly nationalistic organization Vatra Romaneasca.

In the spring of 1993, the Romanian government announced the formation of the Council for National Minorities that had long been a demand of ethnic minorities in Romania and was viewed by many as a potentially significant step toward addressing minority concerns. However, little progress was made during the year to address the substantive concerns of minority groups.

Although the Romanian government made some recent attempts to distance itself from the extreme right-wing parties and their policies, it adopted at the same time several measures that were particularly insensitive to the concerns of minorities, as well as to all Romanians opposed to nationalistic and racist propaganda. In January 1993, President Ion Iliescu appointed Paul Everac to head the state-controlled Romanian Television. Everac had been widely criticized for being anti-Semitic and anti-minority.

In February 1993, the president of Romanian Television, Razvan Theodorescu, announced that the television program schedule would be reorganized, as a result of which the number of hours of minority programming would be reduced. Similarly, according to a directive by the Romanian Television leadership, news and current events were to be banned on minority-language broadcasts. The directive restricted such programming to cultural and "traditional" themes. While reports indicated that the directive might not be enforced in all cases, its existence left a strong impression that minority language programming was a target of the television leadership.

Helsinki Watch continued to receive reports of police brutality against detainees in 1993, including one case of a death in detention under suspicious circumstances. Costel Covalciuc, a thirty-five-year-old from the town of Dorohei, was arrested on June 29 for having allegedly threatened his wife and mother-in-law with a knife. He was tried and convicted the next day. On July 4, his family was informed that he had died that morning. Members of the family, who viewed Covalciuc's body at the morgue, reported visible signs of physical abuse. The autopsy report, however, concluded that Covalciuc had died of a heart attack, and the military prosecutor of Iasi concluded that there was no evidence of mistreatment in the case.

The Right to Monitor

Helsinki Watch was unaware of any instance in which human rights monitors had been hindered in their work by the Romanian government during the year.

U.S. Policy

In June, President Clinton issued the annual report to Congress on the implementation of the Helsinki Final Act and other Conference on Security and Cooperation in Europe (CSCE) documents. The report concluded that respect for human rights had improved significantly in Romania, but also identified ongoing problems in the treatment of minorities such as the Hungarians and Romas.

On October 12, the U.S. House of Representatives approved by consensus a resolution restoring most favored nation (MFN) trading status to Romania. The Senate also approved restoration of MFN by unanimous consent on October 21. The Clinton administration had supported the resolution, stating that "to withhold MFN status would strengthen extremist groups and undermine the human rights progress made to date."

The Clinton administration made no significant public comment on human rights developments in Romania during 1993. An information sheet prepared by the State Department during Congress's consideration of MFN noted that Romania had "made vast progress on human rights." It also stated that "the government took steps to remedy scattered instances of racist violence in 1992/93."

The Clinton administration failed, however, to point out that the Romanian government had fueled ethnic tensions and hostilities by being slow to denounce firmly and clearly acts of vigilantism against Romas over the past four years. Moreover, the administration made no reference to the highly inflammatory role played by the state-controlled television by presenting highly biased reports on Romas.

The Work of Helsinki Watch

In addition to Helsinki Watch's ongoing effort to document the most serious human rights abuses in Romania, in 1993 Helsinki Watch focused extensive efforts on raising the profile of human rights issues in Romania in the Council of Europe, which was reviewing Romania's application for membership, and in the U.S. Congress, which was considering renewal of most favored nation trading status for Romania.

In January, Helsinki Watch issued a newsletter on conditions in police lock-ups in Romania. The newsletter concluded that:

Nearly every arrestee reported having been beaten by police investigators before arriving at the lockups. In some cases arrestees were beaten after they admitted to the crimes for which they were arrested but refused to confess to other, unsolved crimes.

In September, Helsinki Watch conducted an extensive investigation into the freedom of the press in Romania. A newsletter was planned for release in December 1993.

Helsinki Watch also concentrated, during 1993, on monitoring the treatment of ethnic minorities in Romania. On October 12, Helsinki Watch sent a letter to Prime Minister Nicolae Vacariou expressing concern about the death of three Romas and one Romanian during mob violence in the town of Hadareni, and about the police response to the violence. Helsinki Watch called on the Romanian government to take a clear position condemning violence against Gypsies and to guarantee the protection of all Romanian citizens from violence or bodily harm, regardless of their ethnic or national origin.

A report titled *Struggling for Ethnic Identity: Ethnic Hungarians in Post-Ceausescu Romania*, was issued in October documenting human rights abuses against the Hungarian minority since 1990, as well as the Romanian government's failure to take the measures necessary to remedy these violations. The report concluded that:

The government's willingness, on occasion, to manipulate ethnic tensions for political gain has

done little to reassure Hungarians about the government's sincere commitment to the protection of minority rights. In- consistent policies toward minorities, as well as positive statements accompanied by little or no specific action, have increased suspicion that the Romanian government is more concerned about its international reputation than addressing concerns of minorities.

In November, Helsinki Watch conducted an investigation into ongoing human rights abuses against the Roma minority. A newsletter was projected for early 1994.

RUSSIA

Human Rights Developments

The dramatic events of October 3 and 4 in Moscow, in which armed defenders of the parliament (or Supreme Soviet) attempted to seize power, threw into question the state of Russian democracy. Government sources estimated that 143 people died and more than 700 were wounded as a result of the armed uprising, which was crushed by the Russian army and troops under the Ministries of Interior. Unofficial sources, however, speculated death figures might be as high as 400 or more.

The Supreme Soviet had throughout 1993 undermined President Boris Yeltsin's reform program and executive power in Russia. Although President Yeltsin's September 21 decree suspending parliament, which sparked the armed uprising, violated key articles of the Russian constitution, he was supported in his action by the heads of state of many democratic governments including the United States. But the consequences of Yeltsin's decision and his actions in the aftermath of the violence were very damaging to human rights in Russia.

In accordance with a state of emergency declared by President Yeltsin on October 3, about fifteen opposition newspapers were suspended, some of them well-known for racist and fascist tendencies. Two newspapers were restored a week later, and two others were offered the option of changing their titles, editors-in-chief, and general political line in exchange for regaining the right to operate. The right-wing news program "600 Seconds" was taken off the air, reducing further the meager access of opposition opinion to Russian state-owned television. During October 5 and 6, censors cut at least ten articles from major newspapers. When government censorship was lifted, the Ministry of Press and Information encouraged journalists and editors to practice self-censorship. Six political parties and organizations were suspended and banned from participating in the December 12 parliamentary elections. With Yeltsin's temporary suspension of the Constitutional Court, the opportunity to appeal these violations of civil rights on constitutional grounds was severely limited.

Police brutality, long a problem in Moscow, worsened during the two-week state of emergency. Dozens of supporters of the Supreme Soviet, including deputies themselves, were captured and beaten by riot police and Interior Ministry troops as they left the parliament building. Victims of police beatings included at least thirty-three journalists and hundreds of individuals detained for violating the 11 p.m. curfew.

Moscow Mayor Yuri Luzhkov used the state of emergency as a pretext to enforce the *propiska*, or residence requirement, system already established in the capital. Earlier, when the Russian Supreme Soviet finalized legislation abandoning the *propiska* system for Russia, the Moscow mayor's office had issued regulations that retained it for Moscow, but these regulations, on the whole, were not implemented. The regulations required non-Muscovites to register with the police and pay a fee for each day they remained in the city, and set out administrative penalties for violators. Although applicable to any non-Muscovite, the mayor's office told Helsinki Watch in May that they were intended mainly for people from the Caucasus, who, it said, were responsible for the lion's share of organized crime.

During the state of emergency, police strictly enforced these regulations, forbidding cars with license plates from the Caucasus to enter the city and forcing non-Russians in Moscow to leave. As of November

the Ministry of Interior estimated that 9,000 individuals had been put on trains and sent out of Moscow, and that 10,000 others had left voluntarily. Detention centers sprang up in Moscow to hold individuals while they proved they were in the city legally. Most were from the Caucasus and Central Asia, which pointed out the discriminatory manner in which the regulations were conceived and enforced. Helsinki Watch and local human rights groups received many reports of individuals beaten by police in their homes, on the streets, and in police stations during passport checks.

Police brutality during the state of emergency brought to the surface the long-standing problem of police beatings during detention. Helsinki Watch received two reports of murder suspects who were so beaten badly as to require hospitalization; one of the victims also required exploratory surgery. Although police maintained that the two men incurred their bodily damage attempting to escape, a state medical examiner's report on one of the victims supported his claim that he had been beaten. The May 1 marches in Moscow demonstrated that police and riot police had poor crowd control techniques. Thousands of radical, anti-Yeltsin demonstrators, violating a city ordinance, marched from a major square in Moscow south, away from the city. When demonstrators approached a police barricade, they apparently attacked police and riot police, who responded violently. No tear gas was used, and water cannons did not function properly. One policeman died in the incident, and as many as 300 on each side are believed to have been wounded.

Several laws adopted by the Russian parliament in 1993 chipped away at civic freedoms. Amendments to the law on freedom of conscience adopted in August attempted to ban foreign missionary work, including proselytizing, publishing, and advertising, and would have required missionaries to be registered by Russian religious organizations. President Yeltsin's amendments proposed a softer variant, requiring foreign religious organizations to register (or re-register) with the Ministry of Foreign Affairs. July amendments to the Law on State Security Bodies granted the Ministry of Security the right to search private homes without warrants. During the summer the Supreme Soviet attempted unsuccessfully to disband the parliamentary human rights committee.

Hardships connected to economic reform disproportionately affected women, who in 1992-1993 accounted for 70 percent of layoffs. Gender discrimination in the workplace was reportedly rampant and ignored or even sanctioned by public officials. In a February press conference on privatization, the Minister of Labor remarked, "Why should we employ women when men are unemployed? It's better that men work and women take care of children and do the housework. I don't want women to be offended, but I seriously don't think women should work while men are doing nothing."

As a result of the 1992 armed conflict in the northern Caucasus between two indigenous ethnic groups, the Ossetians and the Ingush, 65,000 Ingush from the North Ossetian republic of Russia remained refugees in Ingushetia, and Ingush claimed that about 287 Ingush continued to be held hostage, although this figure may also have included disappeared persons. Ossetians claimed that Ingush continued to hold about forty Ossetians hostage. Ingush settlements in the mountains of North Ossetia remained basically in a state of blockade, relying heavily on accompaniment by Russian Interior Ministry troops or international relief organizations to travel to Ingushetia for supplies. The Russian Constitutional Court in September ruled unconstitutional a North Ossetian government decree stating that Ossetians and Ingush could not live peacefully together, thereby deflecting responsibility for resettling Ingush refugees.

Regions outside Moscow continued to enforce the propiska system, mainly to prevent the settlement of ethnic minorities. In the Mineralnye Vody region, for example, local government officials attempted to expel seventy-two families (most of them Armenian) dwelling in villages without propiskas, and between four and seven families were actually expelled, with the assistance of local Cossacks. Cossacks also attempted to expel nine Chechen families dwelling in the Don region. Cossacks reportedly forced six Armenian families to leave the village of Nizhny Podkumsk, located near the resort town of Piatigorsk; local authorities were either unwilling or unable to stop the action. Some reports indicated that Cossacks were targeting Jews as well in the Krasnodar area. Given the dangers that Cossacks pose to ethnic minorities the Russian government's decree, signed in March, granting Cossacks the right to set up their own military using special Interior Ministry and Defense Ministry forces was very troubling.

Far-right nationalist and neo-Nazi groups regularly published anti-Semitic newspaper articles and tracts, and anti-Semitism was palpable among the crowds supporting the parliament in September and October. Attackers twice during the summer broke windows of the Moscow synagogue and left graffiti saying "Kill the Kikes." After the second incident the Moscow city police set up a guard booth outside the synagogue, and although no further attacks occurred, "Kill the Kikes" graffiti reappeared around the synagogue during the September-October parliament uprising.

Russia's generous refugee law came into effect in March, but its implementation was disappointing. The newly created Federal Migration Service (FMS), overburdened and underfunded, processed 348,000 refugees and displaced persons in Russia from July 1992 through October 1993, while unofficial figures put the total number of refugees and displaced persons as high as two million. Many non-Russians complained of discriminatory treatment at FMS, whose staff often insisted that they had an overwhelming number of Russians to process and encouraged non-Russians (in cases that Helsinki Watch is familiar with, Tajiks and Uzbeks) who were facing no immediate problems simply not to apply.

Prison conditions in Russia remained a serious human rights concern, with overcrowding worsening in pre-trial detention centers. Five people died and forty were injured (about half of them law enforcers) during a prison uprising in Vladimir that was suppressed by police and mostly unarmed Interior Ministry troops using two armored personnel carriers. Local prisoners' rights groups noted no significant implementation of the much-acclaimed 1992 prison reform. Some reports indicated that, in institutions for the criminally insane, inmates were forceably drugged with Sulfazine, which had been forbidden in Russia. Because Russia is the most powerful state to have emerged from the former Soviet Union, and because it sought to exercise considerable influence in the newly independent states, its foreign policy in the region (known in Russia as the "near abroad," a term deeply resented by many of its now-independent neighbors) merited close examination. In the area of human rights, a double standard prevailed. While the rights of ethnic Russians in the Baltics led the Russian government to maintain constant diplomatic and economic pressure on the Estonian and Latvian governments, the truly massive human rights violations committed by governments that Russia supported in Central Asia (in Tajikistan especially, with the country's economy and security heavily dependent on Russia) drew little or no public criticism. In February, President Yeltsin announced that Russia should be given special powers to conduct peacekeeping in the conflicts on the territory of the former Soviet Union, and in June he stated that Russia would seek to maintain its military bases in the former Soviet Union. This was a troubling development indeed, considering the Russian army's practice of taking sides in such conflicts, its reputation for providing the weapons that escalate conflict, and, as a result, its responsibility for worsening violations of humanitarian law in places like Moldova, Abkhazia, and Tajikistan.

The Right to Monitor

Human rights groups, local and international, operated basically freely in Russia. A Helsinki Watch representative was denied entry into the Supreme Soviet compound, as were all newspaper correspondents, on September 28, after it had been surrounded by police and Interior Ministry troops but several days before the outbreak of fighting.

U.S. Policy

The Clinton administration unswervingly supported President Yeltsin throughout 1993. This support was evident in the vigor with which the administration promoted a \$2.5 billion aid package to the former Soviet Union, of which two-thirds was earmarked for Russia, and in the many public statements of support issued at critical moments during President Yeltsin's confrontations with the Supreme Soviet.

The unqualified nature of this support for Yeltsin was disturbing because it apparently crippled the administration's ability to offer criticism of Russia's human rights record. When Yeltsin suspended the Supreme Soviet on September 21, Secretary of State Warren Christopher remarked:

Just as we did at the time of the April referendum, the Clinton administration supports President

Yeltsin and his program for democratic reform. We believe that the Russian people should have the right to determine the political future of their country at the ballot box. We urge Russian leaders at all levels to work together in a democratic process that maintains peace and stability while fully respecting civil liberties and individual human rights.

On September 29, five days before the Supreme Soviet building was stormed, Secretary Christopher expressed concern for the rights of those individuals holding out there.

Yet two weeks later, following the attempted coup by the Supreme Soviet, as the Russian government engaged in blatant violations of civil rights—including the closing of opposition newspapers and political organizations, routine and brutal police beatings, and the eviction from Moscow of ethnic minorities—the Clinton administration offered no substantial criticism. While Secretary Christopher rightly pointed out that Russians would determine their political future at the ballot box, distressing signs that the December elections would not be fully democratic drew no later remarks from the Clinton administration.

The administration's personalized Russia policy centered on President Yeltsin was reminiscent of the Bush administration's "Gorbymania." It became defined in late March, when Yeltsin first attempted to dissolve the ultra-conservative Supreme Soviet. On this occasion President Clinton announced:

The United States supports the historic movement towards democratic political reform in Russia. President Yeltsin is the leader of that process, he is a democratically elected national leader. He has United States support, as do his reform government and all reformists throughout Russia.

The Clinton administration apparently lobbied European governments to adopt such a personalized policy as well. According to the Associated Press, after German Chancellor Helmut Kohl's late September statement of support for democracy and democratic forces in Russia, President Clinton telephoned the German leader and convinced him to issue a statement backing Yeltsin personally. American embassies throughout Europe reportedly had instructions to likewise lobby their host governments.

On September 30, President Clinton signed into law a \$2.5 billion aid package (two-thirds of which was to go to Russia, the remainder to be distributed among the rest of the former Soviet Union), perhaps the cornerstone to his administration's Russia policy. The aid breaks down into \$750 million to assist privatization and private sector development, \$500 million to encourage trade and investment, and \$200 to \$300 million for programs in each of the following areas: democracy development, humanitarian assistance, energy and environmental restructuring, and housing for demobilized Russian officers from the Baltic and other countries.

Conditions placed on aid included the timely withdrawal of Russian troops from Latvia and Estonia, respect for territorial integrity within the former Soviet Union, and ceasing aid to Cuba. No human rights conditions were attached to the aid, however, other than those set out elsewhere in U.S. foreign aid legislation. This was a serious shortcoming considering the fragile state of Russian democracy and civic freedoms. Indeed, the Clinton administration's failure to link human rights to U.S. aid was similar to that of the previous administration.

Ambassador Strobe Talbott testified to the Senate Foreign Relations Committee on September 21 that "the Administration would rather not have these restrictions and conditionality, because we feel that it limits somewhat our ability to use these programs as a fully effective instrument of our foreign policy goals." This policy seemed to Helsinki Watch misguided: if it aimed to create and strengthen democracy and free markets, then surely the aid should have been connected to continued fulfillment of democratic freedoms and respect for human rights.

Russia's apparent involvement in the armed conflicts outside its borders, which seriously worsened human rights conditions in those areas, drew only mild criticism from the Clinton administration. In his September 7 testimony before the Senate Foreign Relations Committee, Ambassador Talbott stated that, for example, while there was evidence that elements of the Russian army may have been assisting the Abkhaz

separatists in Georgia, the Russian role in Georgia was "overall a constructive and stabilizing one." During the summer of 1993, the Clinton administration unveiled a policy for peacekeeping in regions of armed conflicts in the former Soviet Union. Under the coordination of James Collins, former Chief of Mission to the U.S. Embassy in Moscow, American mediation would be available, within the framework of the CSCE and the United Nations, to those parties who requested it.

The Work of Helsinki Watch

Through published articles and reports and in consultation with officials, Helsinki Watch repeatedly cautioned the U.S. administration against employing a policy in Russia that gave unqualified support to one Russian leader, President Yeltsin, as the previous administration had done with Mikhail Gorbachev. Helsinki Watch carefully monitored any actions by President Yeltsin's government that were anti-democratic in nature and cautioned U.S. policy makers about Yeltsin's anti-democratic tendencies. During a May visit with Moscow Deputy Mayor Anatolii Braginskii, Helsinki Watch also objected to Moscow's unimplemented but discriminatory residence requirements.

In October Helsinki Watch wrote a letter to President Yeltsin protesting the crackdown on the media and police brutality following the October 4 uprising. The letter was published in full in *Nezavisimaia Gazeta* (The Independent Newspaper) and *Express Khronika*. After the October crackdown on residence requirement violators, Helsinki Watch wrote a letter of protest to Moscow Mayor Yuri Luzhkov and a press release protesting the regulations and their racist application, and gave many press interviews on the topic. A press release issued during Secretary Christopher's October visit to Moscow sharply criticized the Clinton administration's neglect of human rights in its Russia policy. During a November visit to Moscow, Helsinki Watch met with high-level government officials in Moscow in part to insist that the residence regulations be dropped.

A letter to President Yeltsin and Defense Minister Grachev sent in March expressed Helsinki Watch's deep concern over the proposal for the Russian army to play an expanded role in "peacekeeping" in the armed conflicts plaguing the former Soviet Union, and set out recommendations for preventing violations of humanitarian law in these conflicts.

In June, Helsinki Watch wrote a letter pressing the Russian Procurator General to release the opinion submitted by an independent medical expert in the case of a murder suspect reportedly beaten for ten hours during questioning and to investigate the beating itself. The medical information was later released to the man's attorney.

Committed to strengthening the human rights movement in the former Soviet Union, Helsinki Watch continued to maintain a staff and office in Moscow. During 1993, Helsinki Watch's Moscow representatives conducted a series of training seminars for local human rights groups and assisted in the formation of a Moscow-based human rights monitoring group for Central Asia.

Helsinki Watch selected Yuri Markovich Schmidt, a former dissident activist and well-known human rights lawyer, to be one of the international monitors honored by Human Rights Watch at its observance of Human Rights Day in December.

THE SLOVAK REPUBLIC

Human Rights Developments

The Slovak Republic ("Slovakia") became an independent state on January 1, 1993, with the peaceful breakup of the Federal Republic of Czechoslovakia. Slovakia declared that it considered itself bound by the legal instruments ratified by the Federal Republic, including international human rights covenants. The Slovak constitution went into effect in September 1992, providing, *inter alia* that international instruments on human rights and freedoms ratified by the Slovak Republic shall take precedence over national laws.

In 1992, the government of Prime Minister Vladimir Meciar had announced that the Czechoslovak lustration

law, which excludes former communist collaborators from certain appointive positions, would be abolished in Slovakia. However, a survey in early 1993 found that more than half of Slovak citizens supported retaining the law. Although it was not repealed, Helsinki Watch had no information that the law was being enforced.

Direct censorship did not occur, but the Slovak government used various means to prevent journalists from criticizing its policies and tried to force journalists to give only positive accounts of the government. During the 1992 election campaign, journalists who failed to present what the government called the "true picture of Slovakia" were not invited to government press conferences and not allowed to participate if they attended without an invitation. Helsinki Watch received reports that the government cut subsidies for various periodicals based on their political content, although the government claimed that its subsidy policy was based primarily on educational goals.

In January, the board of directors of the state-owned newspaper *Sme* fired Josep Weiss, the director, and Karol Jezik, the chief editor, who had printed articles critical of the Meciar government. This intensified fears that press freedom in Slovakia was being curtailed in the new state. Despite this effort to intimidate independent journalists, Weiss and Jezik were able to establish an independent daily called *Sme* shortly after they were fired from their previous job. *Sme* operated without government interference.

Helsinki Watch received numerous reports of discriminatory policies and statements by local and national government officials against the Roma (Gypsy) minority living in Slovakia. On July 1, 1993, the village of Spisske Podhradie instituted a curfew for "gypsies and other suspicious persons" between the hours of 11 P.M. and 4:30 A.M. After an outpouring of protest from human rights and minority rights groups, the curfew was declared unconstitutional by the Slovak National Council.

According to a report in Slovakian *Pravda* on August 9, 1993, the management of a private hotel in Zilina decided not to allow Romas to enter the premises of its gambling halls in order "to protect private property and the good reputation of the hotel."

On September 3, in a clear reference to Romas, Meciar stated that it was necessary to curtail family allowances that encourage "widespread reproduction" because Gypsies are having children who are "mentally and socially unadaptable." Meciar was criticized by human rights groups for fostering ethnic hostilities and prejudice.

There are approximately 600,000 ethnic Hungarians living in Slovakia. They are primarily concentrated along the border with Hungary, and constitute the country's largest ethnic minority. Although they have achieved greater rights and freedoms over the last four years, there are ongoing concerns regarding language rights and access to Hungarian-language education.

During 1993, the Slovak government initiated a series of measures criticized by the Hungarian minority as a policy of harassment. In many areas, even where Hungarians constitute the overwhelming majority, official road signs bearing Hungarian names of towns and streets were removed over the last year. Furthermore, a Slovak law on appropriate names for children also required that first names be chosen from an official list that excludes many Hungarian names. Ethnic Hungarian parents who attempted to give their children authentically Hungarian names were not allowed to register the children.

During the process of examining Slovakia's application for membership in the Council of Europe, a series of recommendations were made to the Slovak government, including amending its legislation to provide for bilingual signs and to allow Hungarian names. In response to the Council's recommendations, the Slovak Parliament passed a bill in July 1993 that would have allowed the use of Hungarian family names in official records without modification to comply with Slovak grammar and spelling rules. A week later, after Slovakia had been admitted to the Council of Europe, Meciar refused to sign the bill into law. Similarly, bilingual town and street signs, which had been installed as a concession to the Council of Europe prior to its vote on June 30, were ordered removed in early August. The Minister of Transportation justified the action by saying that bilingual road signs confuse motorists and tourists.

On September 5, Chief Rabbi Baruch-Meyers, a U.S. citizen and Slovakia's first chief rabbi in over twenty-five years, was attacked and beaten by a group of skinheads. President Michal Kovac issued a statement condemning the attack and emphasizing that it did not represent the attitudes of most Czech citizens.

An alternative university in Trnava, which is viewed as a haven for academics critical of the Slovak government, experienced government harassment during 1993 as it had the previous year. The government delayed the appointment of Dr. Anton Hajduk as rector. After international criticism from academic and human rights groups, however, the Slovak government finally released bank account funds that had been frozen in 1992, and appointed Dr. Hajduk. Nevertheless, the government continued to discriminate against the university by apportioning a smaller budget than the it was entitled to based on the size of its student body.

The Right to Monitor

Helsinki Watch was not aware of any interference in the work of human rights monitors by the government of the Slovak Republic.

U.S. Policy

On January 1, 1993, the United States officially recognized the Slovak Republic. In February 1993, the Committee on Foreign Affairs of the U.S. House of Representatives published the report of a November 1992 study mission, which included a visit to Slovakia. The report studied the implications for Slovakia of the dissolution of Czechoslovakia and recommended continued aid to support economic reform, democracy and human rights in Slovakia.

The report also noted some problems with the government's sensitivity to criticism and its desire to control the media and restrict academic freedom, as well as the concerns of the Hungarian minority. However, the committee recommended diplomacy and assistance to overcome these deficiencies, rather than condemnation.

Slovakia received over \$80 billion of investment insurance assistance from the Overseas Private Investment Corporation.

The Clinton administration made no significant additional comment on human rights practices in Slovakia in 1993.

The Work of Helsinki Watch

During 1993 Helsinki Watch's work in Slovakia focused primarily on the rights of minorities and restrictions on press freedoms.

On January 15, 1993, Helsinki Watch sent a letter to Prime Minister Meciar expressing concern about reports that the Slovak government had interfered with the independence of the press by firing the editor-in-chief and director of the daily *Smena*, and had attempted to silence those critical of the government's policies.

Helsinki Watch conducted an extensive investigation into freedom of the press in Slovakia during 1993, and scheduled a report on freedom of the press for late November.

On March 8, 1993, Helsinki Watch criticized a Slovak law that prevents ethnic Hungarians from freely choosing any name they want for their children. Helsinki Watch called the law "a violation of the fundamental right of an individual to express freely his or her ethnic identity and heritage." Helsinki Watch also criticized a decree from the director of the state-owned Slovak television banning Hungarian-language programs from using the Hungarian names for cities and towns. Helsinki Watch stated:

Given that the Slovak state still exercises a virtual monopoly over television broadcasting, it is incumbent upon the government to encourage diversity in its programming. Helsinki Watch considers this recent decree an unnecessary restriction by the government on the Hungarian-language programs.

In May, Helsinki Watch sent a mission to Slovakia to investigate allegations of discrimination against the Hungarian minority. A newsletter was published in November.

TAJIKISTAN

Human Rights Developments

Following the government's victory in the civil war against an alliance consisting of the Democratic Party of Tajikistan (DPT) and the Islamic Revival Party (IRP), Tajikistan became a human rights disaster area. From early December 1992 through February 1993 the Tajikistan government, led by Emomali Rakhmonov, presided over an extraordinarily ruthless campaign of revenge against individuals believed to have supported or sympathized with the DPT-IRP coalition, which had governed Tajikistan for six months in 1992. In later months the government began arresting and convicting persons for their conduct during the DPT-IRP coalition period, continued a crackdown on the press, and banned the country's four main opposition political organizations.

The war brought disaster to Tajikistan, killing an estimated between 20,000 and 50,000 people and wrecking the country's cotton-dependent economy. More than 500,000 residents of Tajikistan fled the civil war, seeking refuge either in other parts of Tajikistan or in Afghanistan. In the spring and summer refugees and the displaced began to return to their homes and suffered harassment, beatings, and killings, partly due to inadequate protection measures on the part of local governments.

Pro-government paramilitary groups entered Dushanbe, the capital of Tajikistan, on December 10, 1992. Led by the Popular Front of Tajikistan, the main pro-government army in the civil war, they conducted a campaign of summary executions and "disappearances" of people of Pamiri and Garmi (regions of Tajikistan that had supported the DPT-IRP coalition) origins, killing more than 300 and "disappearing" hundreds of others. According to eyewitnesses interviewed by the Moscow-based human rights group Memorial and Helsinki Watch, Popular Front soldiers and other pro-government forces stopped buses and trolley buses, stopped people on streets, and deployed forces at the Dushanbe airport in order to check individuals' documents. In many instances, those whose passports indicated that they were born in Pamir or Garm were killed or simply taken away and not heard from again. Graves containing as many as twenty or thirty corpses were exhumed in several places in and around Dushanbe.

The Popular Front committed summary executions in villages on the outskirts of Dushanbe after DPT-IRP rebels had already retreated, and, in at least one instance, the village of Subulak, in places that had never been a base for rebels. In another village called Kyrgyzon in January, the Popular Front, apportioning to itself law enforcement responsibilities, arrested and executed a thirty-one-year-old man (of Garmi origins) whom a neighbor had accused of murder. The summary execution was preceded by a two-minute "people's trial" in front of villagers.

The current government made no attempt to investigate the summary executions in Subulak and Kyrgyzon, and did not acknowledge that a campaign against Garmis and Pamiris took place from December 1992 through February 1993, attributing the large number of murders to the high rate of crime and banditry that characterized the government's first few months in power.

It is not known how many people disappeared in 1993. The disappeared were principally individuals who supported the DPT-IRP coalition or who were of Pamiri or Garmi origins. Their captors were paramilitary bands and warlords, mainly from Kuliab, one of the regions of Tajikistan that supports the current government. In some cases law enforcement officials may have been involved in the disappearances. A highly-placed Ministry of Internal Affairs (MVD) official, in an informal conversation with Memorial, alleged that MVD staff members sometimes collaborated in kidnapping. In addition, he stated that the MVD was most likely aware of the general pattern of disappearances and the reported existence of so-called "informal prisons." In the second half of 1993, disappearances became more professional and, in at least two cases, took place in the full view of local government or law enforcement officials.

Some of the disappeared were believed to have been brought to informal prisons, or buildings appropriated by warlords and used as detention centers for their captives. Helsinki Watch had good reason to believe that the Tajikistan government was aware of the existence of at least two informal

prisons.

Instead of leading an effort to punish all parties guilty of crimes during and after the civil war, the government imprisoned during the year at least nineteen people who supported the DPT-IRP coalition. These included four television journalists, some of whom were beaten in detention, accused of "agitation and spreading propaganda for the violent overthrow of the government"; at least three members of the Islamic Renaissance Party, two of whom were charged with publicly calling for the overthrow of the government; one of the most well-known poets in Tajikistan, who was charged with inciting ethnic hatred with his poetry and was accused of having made a speech at the spring 1992 mass demonstrations that criticized members of parliament, and which the current government considers was a signal for the crowd to seize as hostages a group of parliamentarians; and the former dean of the law faculty of Dushanbe, a co-chairwoman of the DPT. In northern Tajikistan, which was left untouched by 1992's civil unrest and civil war, six members of the DPT, IRP and the popular movement Rastokhez were arrested in January. Five of these were charged with possession of bullets and pistols, but of the three who had been convicted as of November, including the chairman of the Leninabad region DPT, fingerprint tests were never ordered on the arms found.

On June 21, the Supreme Court of Tajikistan banned the DPT, IRP, the popular movement Rastokhez, and La'li Badakhshan (a Pamiri organization) for having organized the mass demonstrations in 1992 and for allegedly organizing fighters during the civil war. Freedom of expression suffered dramatically in Tajikistan after the current government came to power. In the first few weeks of December 1992, pressure on journalists stemmed from the apparent desire from armed groups associated with the Popular Front and the Kuliabi regional faction to take revenge on newspapers and journalists who had been their sharpest critics. In December, most of the latter fled Tajikistan under threat. The editorial offices of *Adolat* (Equality), the DPT newspaper, and *Charogi Ruz* (Light of Day), an independent newspaper, were ransacked; their writers and editors went into exile. Although Tajikistan government officials never officially closed the above newspapers, the harassment eliminated critical voices in the press, and during 1993 even newspapers loyal to the government were prevented from publishing material on such matters as government corruption.

The government attempted, but failed, to arrest two *Charogi Ruz* journalists. Officials of the Procuracy (the executive branch's investigative arm) searched the apartments of one opposition journalist who fled the country, confiscating all of his archives, journalistic material, and personal albums. As an extension of this harassment campaign, four Moscow-based journalists who write about Tajikistan were attacked in Moscow in the course of 1993.

Some 20,000 refugees and displaced persons returning to their homes in southern Tajikistan were beaten, harassed, and killed in 1993. Their homes had become areas where they were seen as the enemy, and where local government and the police force were led by former commanders of the Popular Front, the army that forced the refugees out in the summer and autumn of 1992.

Most of the internally displaced who returned to their homes did so on their own, with neither coercion nor aid. Toward the end of March, however, the government expelled many of the 30,000 to 40,000 refugees in Dushanbe. Government troops forced the displaced onto trains headed south for Kabodion, where local residents refused to allow them back to the villages. The displaced were then abandoned in an open area with no food, water, or electricity. Several were killed by local people. After they were reintegrated into their villages, the returnees suffered beatings for some time.

Killings and beatings of returnees decreased in June but became frequent again in several districts in southern Tajikistan after July 13, when Tajik rebels in Afghanistan attacked Russian border troops. Violence against returnees grew so severe that the U.N. High Commissioner for Refugees (UNHCR) temporarily suspended its repatriation program.

Returnees are frustrated by their inability to reclaim their property. In the Kabodion district, local officials allowed the displaced to return on condition that they sign a statement renouncing their claims to stolen property. Returnees are living in appalling conditions in mosques because their homes were either burned or are occupied.

The Right to Monitor

Helsinki Watch and Memorial attempted to visit four journalists who had reportedly been beaten in prison in Tajikistan. Despite their initial promises to help us gain access, high-level law enforcement officials deferred the decision to the case investigator, who at first refused, citing the need for secrecy during the investigation, and then "bargained" meters: Helsinki Watch and Memorial refused the investigator's final offer, which consisted of walking the journalists (shirts on) past us at a distance of five meters.

Local lawyers representing political prisoners in Dushanbe have reported receiving repeated telephone threats on their lives.

U.S. Policy

The State Department maintained almost complete silence on human rights abuses in Tajikistan during 1993. This degree of neglect was troubling in view of the grave human rights violations that continued there, and the key role played by Russia in the region. On those occasions when Tajikistan figured in the State Department's public agenda, the country's poor human rights record was not criticized.

The State Department's has rarely raised concerns about human rights violations in Washington; fortunately, the U.S. Embassy in Tajikistan took seriously its human rights mandate. The Ambassador has personally visited Mirbobol Mirakhimov in prison, and visited with the wife of Bozor Sobir, the imprisoned poet; Embassy staff has also attended his trial. He also regularly raises specific human rights cases in his meetings with Tajik government officials. Embassy officials have made themselves available to opposition members who suffer persecution.

Following intense rebel attacks along the Tajik-Afghan border, in July, a State Department spokesperson mentioned that the subject "was of great concern to the United States, something that we expressed our concern to Russia about." Following Ambassador Strobe Talbott's visit to Tajikistan, the State Department reported that the ambassador's delegation had had "serious discussions with President Rakhmonov on the need for political reconciliation within Tajikistan. President Rakhmonov indicated that he was willing to work with international organizations to bring peace to Tajikistan."

Tajikistan received close to \$50 million in assistance in 1992 and 1993, most of it humanitarian relief. In September, Ambassador Talbott announced that the U.S. government would promise \$45 million in humanitarian aid to Tajikistan, provided the latter observed international human rights norms. In July 1993, Congress signed a trade agreement with Tajikistan.

Despite Tajikistan's dismal human rights record, there was no evidence that the U.S. government had invoked the human rights provisions of the Overseas Private Investment Corporation (OPIC) mandate, which require that governments receiving this insurance for U.S. business operations respect basic human rights.

Russian Federation Policy

Tajikistan relies heavily on Russia for military, economic and other assistance. Russian officials—including President Yeltsin—consider Tajikistan's border with Afghanistan their own. During 1993 Russia provided 70 percent of Tajikistan's foreign aid and was believed to provide as much as 50 percent of Tajikistan's state budget. The Russian army assisted in the formation of the Tajik National Army, and its own 201st Motorized Division assisted in the defense of the Tajik-Afghan border and in internal security, and was implicated in humanitarian law violations, fighting on the side of the government in the civil war.

Russian policy in Tajikistan aimed to fight "Islamic fundamentalism" and to protect Russians living in Tajikistan. While the Russian-Tajik Friendship Treaty provides for an intergovernmental human rights commission, the latter had not yet been formed as of November 1993. Indeed, Russia appeared to have no publicly stated human rights agenda in Tajikistan, and Russian government officials spoke out only once against human rights violations in Tajikistan. To his credit, Foreign Minister Kozyrev, however, encouraged

the Tajik government to negotiate with the Tajik rebels in Afghanistan. The Russian Supreme Soviet, in a joint effort with the Russian Ministry of Foreign Affairs, sent a delegation to Tajikistan in May to explore human rights conditions there, but had not issued a report as of November.

The Work of Helsinki Watch

Helsinki Watch devoted much time and resources to Tajikistan during 1993, seeking to have an effect both on the government of Tajikistan and on the Russian government. Beginning in December 1992, Helsinki Watch sent a series of five letters to Emomali Rakhmonov, chairman of Tajikistan's Supreme Soviet, inquiring about or protesting human rights abuses. Four of the letters were released to the press.

The results of a June fact-finding mission, carried out jointly with Memorial, were released in a preliminary report at a press conference in July in Moscow. Thanks to Memorial's efforts the report was widely distributed in the Russian parliament and among the Russian Foreign Ministry's special working group on Tajikistan. A final report, *Human Rights in Tajikistan: In the Wake of the Civil War*, was scheduled for publication in December.

TURKEY

Human Rights Developments

Human rights abuses in Turkey continued at an appalling rate in 1993. Security forces continued to shoot and kill civilians in house raids and during peaceful demonstrations; brutal torture continued to be a routine and systematic interrogation technique (fifteen people died in suspicious circumstances while in police custody); hundreds of people were assassinated in southeast Turkey and the government failed to investigate their deaths; and members of the Kurdish minority in southeast Turkey were killed, tortured, detained and forced to abandon their villages and fields. Moreover, free expression continued to be sharply restricted, as were freedom of assembly and association.

The promises made by the coalition government that took office in November 1991 (made up of Suleyman Demirel's True Path Party and Erdal Inonu's Social Democratic Party) continued unfulfilled. Following the death of President Turgut Ozal in April, Parliament elected former Prime Minister Suleyman Demirel president. In June, Tansu Ciller, a member of the True Path Party, became prime minister—the first woman to hold that office. The coalition government endured; unfortunately, so did the pattern of gross violation of human rights.

In southeast Turkey, a guerrilla war started in 1984 by the Workers' Party of Kurdistan (PKK), a separatist group, escalated. Of more than 7,000 deaths that have taken place in the nine-year conflict, more than 2,000 took place in 1993. Support for the PKK in southeast Turkey appeared to grow rather than to decline.

In western Turkey, extremist groups that espouse political violence, chiefly Dev Sol (Revolutionary Path), continued to attack and kill current and former police and government officials; at least fifteen were killed in 1993.

Unfortunately, the government chose to deal with these problems by shooting and killing suspected members of extremist groups in violation of international agreements and standards. Rather than capture and try suspects, police and gendarmes (who perform police duties in rural areas) frequently raided houses or apartments believed to be used as homes or meeting places by suspects and shot and killed the occupants, announcing afterward that the suspects were killed in shoot-outs, although eye-witnesses often reported that no shots were fired by the victims. Tellingly, reports from the press and human rights groups indicate that, although many suspects died in such raids, security forces were rarely killed or injured in the same raids creating a strong presumption that the suspects were deliberately executed. Press reports show that forty-two people died in house raids during the first ten months of 1993: twenty in

Istanbul, one each in Ankara and Izmir, and twenty in southeast Turkey. In these killings, police effectively acted as investigators, judges, juries and executioners.

Contrary to international agreements and standards, Turkish security forces continued to use deadly force against demonstrators in 1993. On August 15, police or gendarmes shot nineteen demonstrators dead during demonstrations in southeast Turkey celebrating the ninth anniversary of the start of the guerrilla war. Ten demonstrators were killed in Kars, six in Agri, and three in Malazgirt. One police special-team member was also killed.

Cruel torture of suspects of both ordinary and political crimes continued as a routine part of their interrogation by police and gendarmes, in violation of international standards and agreements. Eighteen people died in suspicious circumstances while in police custody through the end of October. Two deaths took place in Istanbul, one in Ankara, one in Gaziantep, and the rest in southeast Turkey. Officials explained the deaths variously as suicides or the results of heart attack or illness.

An appalling pattern persisted in southeast Turkey, in which civilians were killed in death squad fashion--frequently with one bullet to the back of the head. In almost no case did the government make serious efforts to investigate and to bring the killers to justice. Among those executed in this way were a Kurdish Member of Parliament; four journalists and two newspaper sellers, all connected to pro-Kurdish, left-wing journals; two human rights leaders; several members of the Democratic Party and its forerunner, the People's Labor Party; doctors, lawyers and other community leaders, as well as shepherds and villagers. The Turkish government was unresponsive to protests and pleas to investigate from Helsinki Watch and other human rights organizations. It was widely believed in Turkey that a counter-guerrilla organization tied to security forces had carried out the killings. Several of the murdered journalists had written articles describing a purported relationship between security forces and the alleged counter-guerrilla force.

As in previous years, Turkish authorities pressured villagers in the southeast to act as village guards prepared to fight against the PKK. When they refused, security forces often ordered their villages evacuated. More than 400 villages have reportedly been forcibly evacuated since January 1992. During 1993, many villages were bombed, houses deliberately incinerated, and livestock destroyed. Security forces' treatment of Kurdish villagers was often savage. In some instances, villagers were forced to gather in the village square, to lie on the ground and be beaten for hours by security forces. Many Kurds allegedly uninvolved with the PKK were detained, interrogated, tortured, and imprisoned.

On its part, the PKK violated the laws of war by increasingly targeting civilians. Many were killed, others kidnapped, beaten and released. The PKK captured foreign tourists, detained them for days or weeks and then released them unharmed, in an attempt to focus international attention on southeast Turkey. In October, alleging false and incomplete reporting from the area, the PKK banned national and foreign journalists on threat of death.

Free expression continued to be sharply restricted by the government. While mainstream newspapers were largely untouched, left-wing and/or pro-Kurdish journals suffered harassment, raids, confiscations and trials. The newspaper *Ozgur Gundem* was particularly hard hit. Six of its journalists and five distributors were killed between June 1992 and July 1993. In addition, thirty-nine of its first 228 issues were confiscated by a state security court and proceedings begun to ban its publication. Charges against *Ozgur Gundem* included "separatist propaganda," "portraying Turkish citizens as Kurds," "using the words 'Kurd' and 'Kurdistan' in a way that breaches the Constitution in which Turkey is defined as a unitary state." Other journals suffered similar treatment.

At least seven journalists were tried, convicted, and sentenced to prison terms of from five to ten months. Moreover, in the course of the year, many newspaper offices were raided, journalists beaten, and dozens of journalists detained and interrogated.

Similar forms of intimidation restricted speech. Publishers and writers were charged and tried for their writings, speakers for their speeches, activists for hanging posters or distributing leaflets. One writer, Edip Polat, was sentenced in June to two years in prison. Frequent charges were: insulting Ataturk, or the president, or the armed forces, or holding symposiums on the Kurdish question. Many meetings and marches were banned, and demonstrators frequently beaten, interrogated and detained.

The Right to Monitor

The Human Rights Association (HRA), a large membership organization with forty branches throughout Turkey, continued to monitor human rights. The Human Rights Foundation, an independent group set up by the HRA, maintained a documentation center with detailed information on cases of abuse. Both operated legally.

Two HRA officials and one member were assassinated in 1993: Metin Can, the president of the Elazig HRA branch, was murdered with HRA member Dr. Hasan Kaya in February; a founding member of the Urfa branch, Kemal Kilic, a journalist, was also assassinated in February. No one had been charged with their deaths as of November.

HRA branches were harassed and raided, their documents seized and their members detained, tortured, and charged with various political offenses. The Istanbul branch was raided in January. In September, the Public Prosecutor took the Istanbul HRA to court and asked that it be closed down because of a panel discussion in December 1992 in which the Kurdish question was discussed. The trial began in October.

Several branches were closed: Elazig (one week), Mersin (first for fifteen days and then indefinitely), and Adana (re-opened in January after two months' closing). The Usak branch was investigated, its monthly bulletin said to contain writing based on racial and regional factors, provoking people to commit crimes. The monthly bulletin of the national HRA was seized because of an article on Kurds written by Ismail Besikci, a Turkish sociologist who has spent more than ten years in prison for his writings on Kurds.

Detained, tortured or threatened with death were HRA officers and members Husnu Undal, Mehmet Gokalp, Hafiz Uzun, Yavuz Binbay, Osman Ozcelik, Gulseren Baysungur, and Hacı Oguz. Ercan Kanar, the Istanbul branch president, was tried for insulting the state when he said in a speech, "the state is not only a terrorist but also immoral." Four HRA members were among 126 people tried for making an application to the United Nations regarding human rights abuses.

In addition, meetings were banned, HRA members who wanted to meet with prisoners were themselves detained, and members were tried for distributing leaflets and for collecting signatures for a petition to end rape during war.

Human rights groups from outside Turkey have conducted fact-finding missions without difficulty.

U.S. Policy

Turkey continued to be an important U.S. ally; in 1993 it was the third-largest recipient of U.S. aid. In fiscal year 1993, Turkey received \$450 million in military aid in the form of loans and \$3,100,000 in military grants, as well as "excess military equipment," including Cobra Helicopters and A-10 aircraft. It also received \$125 million in economic grants.

The Clinton administration sent mixed signals on human rights abuses in Turkey. Speaking during Turkish Prime Minister Tansu Ciller's visit to Washington in October, President Clinton stated: "Like our own nation, Turkey is a shining example to the world of the virtues of cultural diversity," thus completely ignoring the Turkish abuses of the Kurdish minority.

On the other hand, meeting with Turkish leaders in Ankara in June, Secretary of State Warren Christopher reportedly asked them to cooperate with a detailed United States proposal to help end widespread human rights abuses in Turkey and indicated that the U.S. would reward "better behavior" by Turkey with economic cooperation and favors. Unfortunately, at the same time, the U.S. announced that it would provide Turkey with \$336 million in aircraft and other military equipment.

The U.S. Department of State developed a new human rights strategy for Turkey, hoping to engage the Ciller government in a discussion of positive actions that would measurably improve the protection of human rights in Turkey. The three areas of concentration were torture, extrajudicial killings and freedom of expression.

Concerning torture, the U.S. has asked Turkey to work toward the elimination of torture, incommunicado detention, and arbitrary arrest by implementing the Criminal Trials Procedure Law (CMUK) and extending its jurisdiction throughout Turkey and to crimes in the jurisdiction of state security courts; establishing

mechanisms for government oversight of police and gendarmes; human rights training for police; and prosecution of officials responsible for abuses. Helsinki Watch opposed implementation of the CMUK; although some useful provisions were included in the law, it provided for very long detention periods (eight days for non-political suspects; as much as thirty days for political suspects) in violation of international law and standards.

Regarding freedom of expression, the U.S. has recommended a dialogue with opinion makers representing many groups; the right to free speech, including the use of the Kurdish language; and protection of freedom of the press. No specifics were given in the plan released to the public. Helsinki Watch believed that Turkey should be pressed to investigate promptly, thoroughly and impartially the murders of the sixteen journalists assassinated since February 1992; and to release from detention or prison all those imprisoned for the peaceful expression of their views.

As to the U.S. objective of eliminating disappearances, extrajudicial killings, and excessive use of force by government forces, the State Department did not publicly release specific recommendations.

Turkey's dreadful abuse of its Kurdish minority—detention, torture, killings, forcible evacuations, bombing and shooting of civilians—was not addressed in the U.S. proposals.

The U.S. continued to provide anti-terrorism training to Turkish police. In 1992, Helsinki Watch representatives saw displayed on the wall of a police official a State Department certificate stating that he had been trained in the U.S. That official was in charge of a division of the police in which political suspects were routinely and systematically tortured. Helsinki Watch met with Congressional staff members in an effort to persuade them to work toward ending such training; the policy was not altered, however. The State Department reported that it had established unspecified benchmarks to be used in future anti-terrorism assistance programs. Helsinki Watch strongly opposed U.S. training of Turkish police. In our experience, human rights training is useless unless the political will exists to order torture stopped. Moreover, when the U.S. provides training to police who continue to torture detainees, the U.S. is implicated in such torture. U.S. efforts to increase the dialogue with Turkey on human rights abuses during 1993 were commendable; Helsinki Watch will monitor these efforts to see if they are fruitful.

The Work of Helsinki Watch

Helsinki Watch continued in 1993 to attempt to improve human rights in Turkey by focusing national and international attention on Turkey's dreadful human rights record and by urging the U.S. government to pressure the Turkish government to end human rights abuses. Helsinki Watch sent a mission to Turkey in June 1993 in cooperation with the HRW Women's Rights Project; the purpose was to investigate the government's use of "virginity controls" (examinations) to control and punish women. A report was planned for release in early 1994.

In March, Helsinki Watch issued a major report, *The Kurds of Turkey: Killings, Disappearances and Torture*, which described the government's abysmal abuse of the Kurdish minority. A comprehensive newsletter issued in August, "Free Expression in Turkey, 1993: Killings, Convictions, Confiscations," described in detail abuses of freedom of the press, publishing, speech and the arts. Four other newsletters were released denouncing deaths in detention and execution-style killings by unknowns.

TURKMENISTAN

Human Rights Developments

Patterns of abuse similar to those of the former communist regime and leveled at individuals critical of the government continued unabated in Turkmenistan during 1993. With its wealth of natural resources and small population, Turkmenistan was poised to become one of the wealthiest of the former Soviet republics. It boasted of stability to foreign investors when, in fact, such stability was maintained by a one-party

system that restricted and punished critical voices in the media and alternative political circles with impunity.

The number of individuals openly critical of the government had dwindled from thousands in the late 1980s to several dozen in 1993, in large part due to persecution by law enforcement authorities. During the year government officials detained and interrogated dissenters, frequently without bringing charges; denied them the right to travel abroad; dismissed them, their relatives and associates from their places of work; stripped them of union membership; and maintained surveillance of them and their families.

Helsinki Watch was aware of one likely prisoner of conscience in Turkmenistan: Karadzha Karadzhaev, an accountant who had supported publication of an independent magazine, *Daianch*. He was arrested on August 12, reportedly on charges of embezzlement and slander. He remained incarcerated as of November although the charges against him did not warrant physical restraint, and he had not been afforded legal counsel of his choice, in violation of his rights under international law.

The ruling Democratic Party (formerly the Communist Party) was the only legal party in Turkmenistan. The government had consistently denied applications for registration submitted by the popular movement Agzybirlik (Unity), for example, a group which had been highly critical of President Saparmurad Niyazov, and had hounded its members. A provision in the 1992 constitution banned ethnically and religiously based political parties, a clause which was invoked arbitrarily in some cases.

The Turkmenistan government detained dissidents during 1993 to prevent them from meeting with visiting foreign dignitaries. On April 20, several individuals who were thought to be on their way to a meeting with representatives of the Conference on Security and Cooperation in Europe (CSCE) were rounded up by local law enforcement officials, interrogated and held without charges until the delegation left. The harassment was repeated on August 18 in connection with a scheduled meeting with U.S. Cong. Robert Torricelli: seven were detained for questioning before and after a meeting with the congressman at the home of a U.S. Embassy staff member.

Turkmenistan's four million residents were denied free access to information because of heavy censorship. Newspapers and television and radio stations tended to run virtually identical stories, consisting almost exclusively of government statements; the stories expressed a uniformly positive attitude toward the state. Local correspondents for Radio Liberty, the U.S.-sponsored radio station that frequently broadcast critical opinions, reported being harassed and prevented from leaving the country. President Niyazov publicly stated in September that censorship would not be lifted.

The Right to Monitor

Although several individuals were active in human rights monitoring and at least one was affiliated with the Central Asian Human Rights Society, which is based abroad, there continued to be no formal independent human rights groups in Turkmenistan.

There was a slight improvement in the ability of foreigners to monitor human rights in Turkmenistan as compared with conditions in October 1992 when the government deported two representatives of Amnesty International, using improperly processed visas as an excuse. By contrast, Helsinki Watch representatives who visited in April 1993 were hosted officially by the Turkmenistan Ministry of Foreign Affairs, which largely kept its promise that no one with whom the delegation met would be harassed. However, during the Helsinki Watch visit, several of the individuals with whom we met were followed, and at least one reported having his telephone line cut during the period of our stay, preventing him from making contact with us. When a delegation from the CSCE, which is responsible for maintaining compliance with the human rights provisions of the CSCE documents, visited Turkmenistan in April, several local dissidents were detained by law enforcement officials and prevented from attending the scheduled meeting.

U.S. Policy

The State Department repeatedly protested human rights abuses in Turkmenistan. It issued numerous written protests, and reportedly raised human rights concerns at meetings with President Niyazov. Ambassador Joseph S. Hulings III reportedly advised top U.S. officials not to meet with President Niyazov,

citing human rights grounds. In one particularly strong statement, Ambassador-at-Large Strobe Talbott declared in September that Washington would not provide economic aid if Turkmenistan did not enact democratic reforms. In at least one case (when the Turkmenistan government was proposing an educational exchange that discriminated on the basis of gender), protests from the U.S. side reversed the Turkmenistan government's practices.

The Clinton administration became particularly engaged in protesting violations when incidents affected U.S. diplomats. In the wake of Congressman Torricelli's ill-fated August visit to Turkmenistan, Ambassador Talbott refused to sign a bilateral assistance treaty, to signify U.S. protest of the treatment of those detained in connection with Congressman Torricelli's visit. The gesture was more ceremonial than real, however, because the treaty—which provided a certain amount of protection for American organizations operating in Turkmenistan—had no monetary value.

The force of verbal protests was undermined, moreover, by the administration's lack of will to condition economic development aid on an improved human rights record. There was no evidence, for example, that the U.S. government had invoked the human rights provisions of the Overseas Private Investment Corporation (OPIC) agreement, signed in 1992, despite Turkmenistan's failure to comply with those provisions. In addition, on March 23 the U.S. signed a trade agreement preliminary to ratification of Most Favored Nation (MFN) status, but State Department officials later expressed to Helsinki Watch serious ambivalence about MFN on human rights grounds.

The U.S. government's reprimands, although necessary, did not in themselves carry sufficient weight to prevent Turkmenistan law enforcement officials from harassing dissidents with impunity. The Turkmenistan government's blatant disregard for the U.S. government's censure of its human rights practices called for stronger action from the U.S.

The Work of Helsinki Watch

Helsinki Watch sent its first fact-finding mission to Turkmenistan in April 1993 to learn about the government's human rights policies and to make personal contact with government officials and victims of human rights abuses. Subsequently, Helsinki Watch launched a campaign to criticize publicly violations of civil and political rights, issuing an article and a comprehensive report on human rights abuses.

Helsinki Watch also wrote to President Niyazov protesting the detention of the individuals who were invited to meet with Congressman Torricelli in August, and inquiring about the progress of investigations into the suspicious deaths of two leading opposition figures in 1991. In October Helsinki Watch raised concerns in a letter to the procurator general about the probably illegal imprisonment of dissident Karaja Karajev and the continuing denial of his access to legal counsel in detention.

UNITED KINGDOM

Human Rights Developments

The United Kingdom continued to receive little attention from the international human rights community in 1993. However, emergency legislation continued to suspend basic guarantees of due process in Northern Ireland; freedom of expression was still restricted throughout the U.K.; and conditions in many British prisons violated international standards.

As of November 1993, more than 3,000 people had been killed in political violence in Northern Ireland since 1969. A state of emergency significantly restricting human rights had been in effect in the province since 1922, more than seventy years. Emergency laws continued to give security forces—the Royal Ulster Constabulary (RUC, the Northern Ireland police force) and the British army—broad powers to stop people on the street, to question and search them, to search their homes, to detain them for as long as seven days without charges, and to exclude people from Northern Ireland or Great Britain.

The right to a fair trial was restricted in Northern Ireland. Jury trials were denied for offenses connected with political violence, the right to silence had been sharply curtailed, and evidentiary rules permitted the admission of confessions that might have been obtained by abusive treatment in detention. Moreover, lawyers representing political suspects continued to be harassed and intimidated in 1993.

In a positive development, three detectives and a retired senior officer were charged in 1993 with perjury and intending to pervert justice in the case of the UDR Four. The UDR Four were members of the Ulster Defense Regiment, a unit of the British army stationed in Northern Ireland; three were released in 1992, after six years in prison, when an appeals court held that police officers had lied at their trial in 1986.

In some troubled areas, the RUC abandoned normal policing. As a result, paramilitaries on both sides created alternative informal criminal justice systems in which suspects of ordinary crimes—both children and adults—could be informally tried and punished without due process. Punishments ranged in 1993 from warnings to brutal beatings, shootings and banishments.

Ill-treatment of detainees during interrogation continued. During 1993, adults and children under eighteen were psychologically abused, tricked and threatened. Following pressure from local and international human rights groups and criticism from the U.N. Subcommission on the Prevention of Discrimination, physical abuse in detention was markedly reduced.

In December 1992, an independent commissioner was appointed for the holding (detention) centers in Northern Ireland. Whether his appointment would significantly decrease abuses remained to be seen even late in 1993. The government had still not agreed to proposals by Helsinki Watch and other groups that interrogations be video- and audio-taped. Detainees could still be interrogated for up to forty-eight hours without the right to consult a solicitor. Moreover, political suspects could be detained for up to seven days. The U.K. had derogated from the provision of the European Convention on Human Rights that requires that a detainee be brought promptly before a judge. In May 1993, the UK's derogation was upheld by the European Court of Human Rights.

In a significant development, for the first time since 1969, no cases were reported in 1993 in which security forces killed people in disputed circumstances. Paramilitary groups, however, both Protestant and Catholic, continued to kill alleged opponents. Seventy-two people were killed through October 30 in connection with the troubles, thirty by the IRA (including twelve current or former members of the police or the army) and forty-two by the UFF (Ulster Freedom Fighters) or the UVF (Ulster Volunteer Force). In addition, two men were killed by paramilitaries as informers—one by loyalists, one by republicans. Killings by paramilitaries violated not only domestic criminal laws but also, in the case of civilians, the principles underlying international humanitarian law, or the laws of war. In addition to the killings, many were injured, police stations were attacked with rockets and mortars, and bombs were set off, causing both injuries and property damage estimated at millions of pounds.

In a positive development, one paratrooper was convicted of murder in the 1990 shooting of teenage joy-rider Karen Reilly and received a life sentence. A second paratrooper was sentenced to seven years in the same case.

Murder charges were also brought in three additional cases. Two Royal Marines were charged with murder for the December 1990 killing of twenty-year-old Fergal Caraher; a trial was set for November 1993. An RUC officer was charged with murder in the killing of nineteen-year-old student Kevin McGovern in Cookstown in September 1991. Finally, two soldiers were charged with murder in the shooting death of Peter McBride in September 1992.

Questions continued to be raised about the investigation of killings by security forces, and decisions as to whether to prosecute were still shrouded in secrecy. The Independent Commission for Police Complaints remained ineffective; in five years, not one of the hundreds of complaints filed with the ICPC had been substantiated by that organization.

Security forces continued to use plastic bullets for crowd control. A west Belfast man was wounded by a plastic bullet in June, and four others were hit by plastic bullets in July.

Street harassment of children and adults by security forces continued. Children under eighteen and

adults were stopped on the street, hit, kicked, insulted, abused and threatened by security forces. In house searches, police continued to harass people and damage their homes; the Northern Ireland Office (the office delegated by the British government to run Northern Ireland) reported that 2.8 million pounds was paid out in 1992 and 1993 in compensation for damage caused by searches or patrols.

In the United Kingdom as a whole, serious curbs on free expression continued, made possible in part by the lack of written protection for individual liberties; the U.K. has no Bill of Rights. A wide range of government activities were screened from public view, primarily by operation of the Official Secrets Act, which criminalizes disclosure of broad categories of foreign policy, defense and military information. Suppression of information under this act was aggravated by the government's failure to adopt freedom of information legislation. During 1993, the British still did not enjoy an affirmative right of peaceful assembly, and the Public Order Act of 1986 afforded police extensive power to restrict or ban public demonstrations, marches and assemblies; in prior years, it had been used to prosecute anti-apartheid demonstrators and organizers of peaceful protests.

Regulatory bodies routinely interfered with the content of radio and television broadcasts, and the government ban on broadcast interviews with the Irish Republican Army (IRA), Sinn Fein and proscribed loyalist groups continued in Northern Ireland. The pro-plaintiff nature of British libel law—it requires the defendant to prove the truth of the allegedly defamatory statements—has a great chilling effect on journalists and writers, who, as in previous years, engaged in self-censorship out of the fear of a libel prosecution.

The United Kingdom had one of the highest prisoner-to-population ratios in Europe. Although the government made notable progress in improving prison conditions during 1992 and 1993, prisons remained overcrowded. The installation of in-cell plumbing continued during the year, with observers estimating that most prisoners would have access to in-cell sanitation by the end of 1994. The government also made significant progress in improving "problem" prisons, such as Wandsworth and Brixton.

The Right to Monitor

There was no evidence to indicate that human rights monitors were harassed by government officials in the U.K. Local and international groups monitored human rights openly and regularly.

U.S. Policy

There were no indications that the Clinton administration had tried publicly to persuade the U.K. to improve human rights conditions. U.S. policy toward Britain appeared unchanged from that of the Reagan and Bush administrations. The Clinton administration did not publicly criticize the U.K. for abuse of detainees during interrogations, for the suspension of due process in trials and other inadequacies in the criminal justice system, for in-house investigations of complaints against security personnel (all in Northern Ireland), or for restrictions on free expression and inhumane prison conditions throughout the U.K.

In April 1992, candidate Bill Clinton criticized human rights violations in Northern Ireland (citing the work of Helsinki Watch) and proposed that the U.S. send a "peace envoy" (mission unspecified) to Northern Ireland, but President Bill Clinton not act on this proposal.

The administration's stated policy on Northern Ireland was support of peace and reconciliation between Ireland and Britain; opposition to terrorism from all quarters; careful review of accusations of human rights violations and urging all parties to respect human rights; and support for the International Fund for Ireland, which aimed to promote reconciliation in Ireland and Northern Ireland through economic and social development.

In 1993 the State Department again denied a visa to Gerry Adams, the president of Sinn Fein, a legal political party affiliated with the Irish Republican Army.

The U.S. contributed \$20 million in fiscal year 1993 to the International Fund for Ireland.

The Work of Helsinki Watch

Helsinki Watch continued to monitor human rights developments in the U.K. during 1993. In February, Helsinki Watch and the HRW Prison Project sent a mission to the U.K. to follow-up the prison report issued in June 1992. In March, Helsinki Watch and the Fund for Free Expression issued an update on free expression in the U.K. In May, Helsinki Watch issued a newsletter reporting on human rights developments in Northern Ireland during 1992. Helsinki Watch's work in the U.K. involved the monitoring of human rights abuses, the publicizing of such abuses in the U.S., the U.K. and Europe, and at international fora, and work with other human rights groups toward effecting change.

UZBEKISTAN

Human Rights Developments

The Uzbekistan government's campaign to disband opposition groups and silence dissidents, launched intensively in the second half of 1992, continued in 1993, and was played out largely in the courtroom. Although the constitution adopted on December 8, 1992, enshrined many fundamental human rights and should have strengthened guarantees of protection in 1993, freedom of speech and religion and the right to form organizations continued to be violated. Uzbekistan's post-independence government continued to be run by largely unreformed Communist Party cadres who retained the previous era's *de facto* one-party rule and intolerance for dissent.

The government increasingly used legal mechanisms to silence dissent: by prosecuting leading members of the political opposition and religious groups and issuing ordinances closing organizations and political parties, it chilled free expression and association and put individuals who peacefully expressed criticism at risk of incarceration. At least eight prisoners of conscience remained in jail, and two more were believed to be in custody. Ten individuals, all of whom had publicly criticized the government of President Islam Karimov, were prosecuted and convicted in 1993 for criminal offenses, ranging from violating the "honor and dignity" of the president to illegal possession of narcotics. Approximately ten other criminal charges against dissidents were under investigation; others were suspended because the suspects were in hiding.

In all cases, the defendants were given prison sentences; all but one case ended in immediate release (in August, Pulatjon Okhunov, a teacher and local opposition movement leader, was sentenced to three years in a prison labor camp on narcotics and assault charges, which were likely to have been fabricated). In this way, the Uzbekistan government appeared to be showing "clemency" and avoided the stigma of holding many political prisoners. Such trials were merely another form of the repression of free speech practiced by the government under the guise of protecting law and order.

The opposition Democratic Party Erk (Will/Freedom) and Birlik (Unity) Popular Movement were the only political organizations legally registered to function in Uzbekistan except for the ruling Democratic Party (formerly the Communist Party). However, on January 19 the Supreme Court of Uzbekistan ordered Birlik closed for three months, and the headquarters of the Erk Democratic Party was sealed and party property confiscated in 1992.

In religious as in political activities, freedom of association was repressed. Although the right to freedom of conscience was enshrined in Uzbekistan's new constitution, and individual expression of religion was increasingly evident in daily life, the government continued to repress groups that attempted to organize on the basis of Islam, citing a 1992 ordinance. The government banned the Uzbekistan chapter of the Islamic Renaissance Party, and reportedly arrested its leader, Abdulla Utaev, in the last few days of 1992.

The government also banned Adolat (Justice), an Islamic group based in Namangan. In addition, it became known during 1993 that Adolat leader Khakim Satimov had been convicted the previous year of two

criminal charges, which were believed to have been fabricated. Five individuals from Namangan reportedly were arrested near the Afghanistan border in what they claimed was an attempt to study in an institution of higher education in Afghanistan and make pilgrimage to Mecca, Saudi Arabia; the government tried to prove a link between the defendants and Adolat, a connection the defendants and the head of Adolat reportedly denied. They were convicted on September 22 and sentenced to between ten and fifteen years of imprisonment on charges of betrayal of the motherland and illegally leaving the country; two were convicted on additional charges. The property of all defendants was reportedly confiscated. At least one of them, Khusnutdin Kubutdinov, reportedly claimed during his trial that he had been beaten in detention to extract a confession.

Article 54 of the new Uzbekistan criminal code, under which the men were sentenced, punishes both leaving the country "illegally" and failure to return, and carries a maximum sentence of death. Helsinki Watch denounced the arrests both for violating the right to freedom of movement and because charges were brought in a discriminatory manner.

There were no independent media for the twenty million residents of Uzbekistan. Newspapers published outside the country, including major papers from Russia containing articles criticizing Uzbekistan's repressive government, sometimes appeared in Uzbekistan with sections whited-out or with "offensive" articles replaced by advertisements.

Acts of violence against dissidents, already an established pattern, also persisted in 1993, including beatings and car bombs. On May 5, the co-chairman of the Birlik Popular Movement, Shukhrat Ismatullaev, was beaten on the street by unidentified assailants and spent six weeks in the intensive care unit in Tashkent suffering from head injuries. That attack mirrored almost exactly the attack on his counterpart in Birlik, co-chairman Abdurakhim Pulatov, in June of 1992. On October 4, Samad Murad was beaten in Karshi within days of his election as Erk's general secretary. No suspects had been apprehended in any of these cases as of early November 1993.

Tashkent police confirmed that on August 24 an explosive device destroyed the car used by Shukhrullo Mirsaidov, the former vice-president of Uzbekistan, who resigned in September 1992 after warning in an open letter that "democracy and a policy of openness are being replaced by an authoritarian regime." Mr. Mirsaidov and Shukhrat Ismatullaev were walking toward the car when it exploded, and narrowly escaped death. Several weeks later, on September 18, Mr. Mirsaidov and his son were beaten on the street; the elder Mirsaidov reportedly suffered multiple head injuries, a broken rib and several broken teeth. He claimed he was beaten by members of special security forces who had been following him for several days before his beating.

The Right To Monitor

Uzbekistan became the first of the Conference on Security and Cooperation in Europe (CSCE) signatory countries to refuse to issue visas to Helsinki Watch representatives since the Soviet Union lifted its ban on our observers in 1987. Despite verbal agreement by the Uzbekistan Ministry of Foreign Affairs, the ministry rescinded the promised visa support in April once Helsinki Watch representatives arrived in Moscow en route to Uzbekistan. Despite repeated requests, Helsinki Watch received no explanation for the denial.

Uzbekistan law enforcement authorities harassed, interrogated and expelled from the country numerous other foreign human rights observers, as well as several foreign defense attorneys and journalists. On February 22, security officials interrogated Helsinki Watch associate Alexander Petrov and Aleksei Tavrizov, a member of Memorial, the Moscow-based independent human rights organization, for ten hours following the two men's attempt to observe the trial of poet and Birlik activist Vasila Inoiatova, then forcibly escorted them to the airplane back to Moscow.

The fledgling independent human rights movement in Uzbekistan was severely restricted during 1992, and during 1993 functioned within very narrow limits. With few exceptions, all members of the Human Rights

Society of Uzbekistan, formed in 1991, were also members of banned opposition movements or parties; thus it was not possible to determine whether they were persecuted—placed under surveillance, arrested, and prevented from leaving the country—because of their human rights activities or their political affiliations.

U.S. Policy

The Clinton administration was firm and consistent in public statements about human rights in Uzbekistan. But the U.S. government did not use its economic leverage by imposing the human rights conditions of the Overseas Private Investment Corporation (OPIC) agreement on Uzbekistan. Late in the year, the U.S. government was negotiating the trade agreement preliminary to granting Most Favored Nation status, which the State Department indicated it expected to grant to Uzbekistan.

The U.S. Embassy in Tashkent issued written protests on numerous occasions to express its displeasure with human rights abuses, such as several beatings and violations of free speech. The political officer at the embassy responsible for human rights concerns fulfilled her monitoring duties energetically, frequently attending trials in which due process was in jeopardy. When an Uzbek national working for the embassy was attacked on May 25, the State Department acted quickly and decisively, cutting short the visit of an Uzbekistan delegation on tour in the U.S. and threatening to consider freezing bilateral programs with Uzbekistan. The detention of at least one individual in connection with the visit of Ambassador Talbott on September 13 provoked both a formal protest from the embassy and a particularly strong statement by Ambassador Talbott that Washington would not provide economic aid if there were no democratic reforms in the country.

The U.S. Information Agency (USIA), however, sponsored a visit to the United States in March by the rector of Tashkent State University, who had been responsible for the dismissals of members of his faculty who had criticized the government. By sponsoring the visit, the USIA implicitly condoned abuses committed under his leadership.

As violations of human rights increased during the year, U.S. diplomatic and embassy staff increasingly became involved in incidents of harassment. Diplomats were removed from courtrooms; Uzbekistan nationals invited to meet with U.S. dignitaries were detained; and embassy workers were beaten before the eyes of U.S. diplomats. Despite this alarming increase in violations, there was no indication that the U.S. government used available economic leverage, such as the human rights language of the Overseas Private Investment Corporation (OPIC) agreement, which conditioned non-humanitarian aid on an improvement in Uzbekistan's record of repression. Late in the year, the U.S. government was negotiating the trade agreement preliminary to granting Most Favored Nation status, which the State Department indicated it expected to grant to Uzbekistan.

The Work of Helsinki Watch

Helsinki Watch responded to the escalation of human rights abuses in Uzbekistan by issuing frequent protests; by attempting to engage the Uzbekistan government in dialogue about its human rights record; by monitoring trials where due process rights appeared to be in jeopardy; and by increasing public awareness, especially within the business sector, of the nature and scope of these violations.

Helsinki Watch issued six letters and telegrams to President Karimov to protest trials in which defendants were denied their right to due process—most frequently, their right to consult legal counsel of their choice or their right to an open trial—or where criminal charges were brought to silence free speech. Helsinki Watch also spoke out against the beatings of dissidents Shukhrat Ismatullaev, Shukhrullo Mirsaidov and Samad Murad, and sent numerous appeals for the release of prisoners of conscience. Other letters by Helsinki Watch addressed the right to monitor: Helsinki Watch vehemently condemned the harassment

and expulsion of its staff member from Uzbekistan, and in other letters attempted to clarify why requests to enter the country by Helsinki Watch representatives had been denied.

Despite obstacles, a Helsinki Watch representative attended two trials in the capital city of Tashkent: those of the poet and Birlik activist Vasila Inoiatova, and of members of the alternative political forum Milli Majlis (National Congregation).

In April, Helsinki Watch issued a newsletter documenting politically motivated dismissals from the workplace in Uzbekistan, primarily from institutions of higher learning. Numerous activist organizations responded to the newsletter by issuing their own protests. In May, Helsinki Watch published a comprehensive report on violations of civil and political rights in Uzbekistan. The documentation presented in the report, which was widely disseminated among international business and investment concerns, painted a disturbing picture of superficial stability masking profound domestic unrest. Helsinki Watch has urged the business and foreign aid communities to use the promise of increased economic investment to encourage an improvement in Uzbekistan's human rights record.

YUGOSLAVIA

Human Rights Development

Restrictions on freedom of the press, association and speech, abuses against minorities, increasing violence by police forces and paramilitary groups and continuing repression in Kosovo were causes for concern in Yugoslavia in 1993.

Police harassment and repression of organizations representing ethnic and political minorities intensified during the year. In February and March, police twice arrested the leader of Arkadia, a Belgrade-based gay and lesbian organization, demanding that he disclose the names of the groups' members. Muslims who tried to organize the Muslim community in Belgrade were arrested and beaten by the police in April. During a June 1 demonstration in Belgrade, police used excessive force against demonstrators. Members of the crowd were severely beaten with truncheons, and at least two police officers and five civilians suffered from gunshot wounds; one of the police officers later died. Opposition leaders Vuk and Danica Draskovic were arrested and severely beaten while in police custody; both were hospitalized in serious condition. In September, Dusan Reljic, the foreign affairs editor for the independent weekly *Vreme*, was abducted by two unknown persons and taken to an unknown location, where he was interrogated for two days about his contacts with foreigners. Reljic claims that the counter-intelligence service of the Yugoslav Army was responsible for his abduction, which appeared aimed at intimidating independent journalists.

Serbian paramilitary groups, with the apparent blessing of local, provincial and republican governments, continued to terrorize and forcibly to displace Croats, Hungarians, Slovaks and others in Vojvodina and Muslims in Sandzak. Although the government of former Yugoslav Prime Minister Milan Panic had arrested and indicted local government leaders responsible for inciting violence against non-Serbs in the village of Hrtkovci in mid-1992, such leaders were released almost immediately after Panic lost the December 1992 election for Serbian President to incumbent Slobodan Milosevic, and the terrorizing of non-Serbians resumed. Similarly, Muslims living in villages near the towns of Priboj in Montenegro and Plevlja in Serbia have been killed, shot at, harassed and terrorized by Serbian paramilitary groups and members of the Yugoslav Army. Muslims have been kidnapped or arrested in northern Montenegro and taken to Serbian-held areas of Bosnia, where they have been either disappeared or detained.

In early 1993, the Serbian parliament passed a law which called for the reorganization the Pristina-based Rilindja publishing house and its placement under Serbian government control. Workers at the publishing

house were threatened with dismissal if they did not sign loyalty oaths to the new management. Police violence against Albanian civilians in Kosovo escalated in the summer and fall of 1993. Albanians who had formerly been members of the Yugoslav Army, Albanian political leaders and human rights activists and others who had met with foreign delegations were brutalized by the police and abused in detention. The police and paramilitary forces terrorized and raided Albanian villages, particularly along the border of Kosovo and Serbia proper.

The Right to Monitor

The Yugoslav government severely obstructed international observers from monitoring human rights developments in Kosovo, Sandzak and Vojvodina. The Conference on Security and Cooperation in Europe (CSCE) was forced to close its mission in Yugoslavia, and members of the mission were denied visas. The Special Rapporteur for the U.N. Human Rights Commission was refused permission to open an office in Yugoslavia. Amnesty International representatives were denied visas to visit the country. Helsinki Watch representatives were threatened with arrest by local government officials in the village of Hrtkovci in Vojvodina and were denied access to areas of Sandzak by the Serbian police.

Several domestic groups continued to monitor human rights in Yugoslavia throughout 1993. The Belgrade-based Humanitarian Law Fund investigated Serbian-perpetrated violations of humanitarian law in Bosnia and the rights of minorities in Vojvodina, Sandzak, Kosovo and Montenegro. The Belgrade-based Center for Anti-War Action and leaders of some opposition political parties also lobbied on behalf of human rights. The Council for the Defense of Human Rights and Freedoms in Kosovo and Albanian political parties, Muslim groups in Sandzak and Croatian and Hungarian groups in Vojvodina also documented abuses committed against their ethnic groups.

The Role of the International Community

United Nations

Amplifying sanctions it had imposed in May 1992, the U.N. Security Council approved new sanctions against Yugoslavia on April 17 as punishment for its continued support of Bosnian Serb forces. Despite the imposition of further sanctions, Greece, Macedonia, Bulgaria and Romania continued to violate the U.N. sanctions, but the latter two quickly responded to international criticism and took steps to curb violations. In early February, there were reports in the London press that Russia had concluded a covert \$360 million arms deal with Serbia, in direct violation of the U.N.-imposed arms embargo against the former Yugoslav republics. Apparently to avoid incriminating the Yugoslav government, the signatures on the final agreement were those of Serbian leaders from the Krajina region of Croatia.

Despite the U.N.-imposed flight ban over Bosnia, in mid-March light aircraft carried out bombing raids against Muslim villages in Bosnia and then flew back toward Serbia.

Several nonaligned countries voiced a demand that reparations be extracted from Serbia for the death and destruction caused during the war in the former Yugoslavia.

After the Bosnian Serbs rejected the Vance-Owen peace plan on May 6, Serbian President Milosevic promised to cut off all supplies to Bosnia and declared that Yugoslavia would accept international monitors along its borders to ensure that nothing but humanitarian aid passed between the Bosnian and Yugoslav border. However, on May 25, Milosevic told Russian Deputy Foreign Minister Vitaly Churkin that Yugoslavia was no longer prepared to accept international monitors on its borders.

U.S. Policy

In its last month in office, the Bush administration generally maintained its policy of limited involvement in the affairs of the former Yugoslavia. But in late December 1992, President Bush drafted a letter to Serbian

President Milosevic and then-Yugoslav Army chief Zivota Panic threatening U.S. military action against Serbia should Serbian forces provoke an armed conflict in the majority-Albanian province of Kosovo. In January, U.S. intelligence reports indicated that Muslim and Croatian prisoners from Bosnia were being transferred to, and detained in, prison camps in Serbia. Bush administration officials held the information for months before releasing it to international humanitarian agencies in early 1993.

The Clinton administration took steps to punish Yugoslavia primarily for its support of Bosnian Serb forces but did not devote much attention to human rights within Serbia and Montenegro. However, U.S. Embassy personnel in Belgrade continued to monitor the human rights situation and to maintain contacts with human rights advocates, members of the political opposition and minority groups. After Vuk and Danica Draskovic were detained and beaten by police following the June 1 Belgrade demonstration, President Clinton sent a letter of support to the Draskovics in which he condemned the detention of, and denial of medical treatment to, the couple.

The Clinton administration took steps to tighten the U.N. embargo against Yugoslavia. In late February, the U.S. tracked a Greek ship carrying to Somalia weapons purchased from the Federal Directory of Supply and Procurement, an arms export agency for Yugoslavia. In March, the U.S. government publicly identified foreign companies that were helping Belgrade evade trade sanctions. The U.S. also offered to provide patrol boats to Romania and Bulgaria for use in enforcing the U.N.-imposed embargo on the Danube. Clinton offered to send teams of Treasury and State Department officials to work with European allies to crack down on Serbian financial transactions and imports. Such teams from the Treasury Department were sent to Cyprus, Germany and Austria.

On April 4, U.S. Secretary of State Warren Christopher discussed the possibility of new sanctions against Yugoslavia with Russian Foreign Minister Andrei Kozyrev. Two days later, the U.S. sought U.N. Security Council approval for additional sanctions against Yugoslavia. However, the U.S. agreed to delay a U.N. vote on new sanctions against Yugoslavia until after April 25; it was generally assumed to be a concession to the referendum in Russia, in which Russian President Boris Yeltsin sought to weaken the legitimacy of a conservative Russian Parliament that was sympathetic to the Serbs.

The Work of Helsinki Watch

In order to monitor human rights in Yugoslavia and Serbian-controlled areas in Bosnia and Croatia, Helsinki Watch maintained one or more staff members in Yugoslavia throughout 1993. Staff representatives investigated human rights violations and sustained contacts with human rights activists, government officials and members of the press in Yugoslavia.

On May 28, Helsinki Watch sent a letter to Serbian President Slobodan Milosevic condemning the closure of the publishing house Rilindja and calling for the re-opening of Rilindja and all other Albanian-language media in Kosovo that had been suppressed in the past. On June 4, Helsinki Watch sent a letter to Serbian President Slobodan Milosevic calling upon him to accept responsibility for Serbian police officers' excessive use of force against protestors and journalists on June 1 in Belgrade. In August, Helsinki Watch followed up its letter to President Milosevic and released a newsletter titled "Belgrade Demonstrations: Excessive Use of Force and Beatings in Detention."

Helsinki Watch published information concerning abuses in Serbia and Montenegro in a July 1993 newsletter titled "Abuses Continue in the Former Yugoslavia: Serbia, Montenegro and Bosnia-Herzegovina." A mission to Yugoslavia was conducted in September and October to investigate civil and political rights in Montenegro, Vojvodina, Kosovo and Serbia proper; a report will follow.

Helsinki Watch invited Nataša Kandić, the founder and executive director of The Humanitarian Law Fund, in Belgrade, to be honored by Human Rights Watch in its observance of Human Rights Day, December 10.