

## Human Rights Developments

The face of Europe has changed radically in recent years, blurring what was once a clear distinction between East and West. Although the legacy of communism will remain for many years—not so much in the way countries are governed as in the mentality of the people and in their understanding of human rights and the rule of law—the countries of the former Soviet bloc have taken on distinctive personalities no longer defined by geographical spheres of influence. Western Europe has also been profoundly affected by the political and economic aftermath of communism's demise.

In a region once divided between countries with democratic systems and those ruled by communist dictatorships, just about every known form of human rights abuse was found in 1994 in a depressing patchwork with few bright colors. Yet, as difficult as the post-communist transition may be, enough time has passed not only to assess the human rights situation in Europe but to hold all European governments, including the governments of the new states, responsible for their behavior.

The breakup of the Soviet Union, Yugoslavia, and Czechoslovakia, swelled the ranks of the Helsinki signatory countries from thirty-five to fifty-three; the range of abuses in these countries was very wide in the year just past. Among abuses in 1994 were bestial crimes of war; unchecked violence against ethnic minorities, foreigners, refugees, and displaced persons; a growing roster of political prisoners; the beating, harassment, and short-term detention of political oppositionists; restrictions of free speech and assembly; torture in pre-trial detention; political trials; and discriminatory citizenship and residency laws.

"Ethnic cleansing," a new term coined in Croatia and Bosnia-Herzegovina, is a euphemism for savage acts including murder, rape, torture, and looting, aimed at forcing terrified, unwanted minorities to flee their homes. It continued unabated in Bosnia-Herzegovina in 1994, where a war in which civilians were both hostages and targets raged throughout the year. Although abuses were committed by all sides, the vast majority were by Bosnian Serbs. The international community failed to protect even the "safe areas" the United Nations had created, and "ethnic cleansing," which initially was used by the Bosnian Serbs in the fight to attain territory, became even more menacing as it continued in northern Bosnia in areas, now under the firm control of Bosnian Serbs, where no fighting was taking place. The so-called demilitarized zone around Sarajevo did not prevent the continued deaths of innocent civilians as a result of snipers and shelling.

War crimes against civilians also continued, far from the public eye, in Nagorno-Karabakh, where one of the longest conflicts in the region entered its seventh year. Despite a May 1994 cease-fire, there seemed no end in sight for the civilian victims on both sides of the Karabakh war, in which ethnic Armenians, covertly aided from outside by the Armenian government, were fighting the government of Azerbaijan for their independence.

Another conflict in the region, also largely neglected by the outside world, was taking place in eastern Turkey where the Turkish government has long been battling a violent guerrilla group known as the PKK (Workers Party of Kurdistan). The struggle continued to escalate in 1994 in the face of government vows to bring it to an end militarily before the close of the year. Ethnic Kurds were the main victims of the war in southeast Turkey. On the one hand, they were forced by the Turkish military to become "village guards" against the PKK, thereby becoming subject to PKK retribution. On the other hand, they were violently punished by the PKK for any cooperation with the state. The residents of villages who refused to become part of the village

guard system became targets of the military, their residents driven from their homes in brutal sweeps. More than 1,000 villages and hamlets in eastern Turkey were reportedly depopulated by the Turkish armed forces; their inhabitants have become internal refugees within Turkey, deprived of homes and means of support. Turkey has imposed a cloud of secrecy over the situation in the east, restricting access by journalists and human rights investigators and suppressing free expression and association in the region. There were numerous reports of torture, deaths in detention, disappearances, and death squad-style assassinations as Turkey pursued its "anti-terrorism" campaign.

Armed conflict also continued in areas of Tajikistan, despite a cease-fire and sporadic peace talks between the government and a cluster of opposition movements. The government held elections in November despite the fact that most opposition leaders remained in exile. Other armed conflicts in the region—in Georgia and Russia's southern regions of North Ossetia and Ingushetia—subsided, albeit uneasily, in 1994.

Suppression of political dissent and free expression was severe in a number of countries, including parts of the former Yugoslavia. Serbia maintained its repressive control of the ethnic Albanian province of Kosovo, where unwarranted arrests, police beatings, political trials and abuse in detention continued. Repression of civil and political rights, although to a lesser extent than in Kosovo, also continued in other parts of Serbia and Montenegro and in Croatia.

Political dissent was also suppressed, to varying degrees, in many parts of the former Soviet Union. In Uzbekistan and Turkmenistan, former communist leaders maintained authoritarian control in a fashion similar to that which prevailed under the communists. Both governments exercised control by enforcing complete censorship of the press, prohibiting free expression and association and keeping dissenters under constant surveillance, which sometimes amounted to virtual house arrest. In Uzbekistan, where there were a number of political trials, the list of political prisoners continued to grow. Georgia, although it tried to show a liberal face to the West, continued to be harsh with political dissenters, who were beaten, harassed or arrested. Torture and forced confessions in pre-trial detention, appalling conditions in places of detention and failure to provide timely access to legal counsel raised deep concerns about the criminal justice system throughout Georgia. In Tajikistan, whose government still holds many political prisoners, there was mistreatment in detention, illegal searches of homes, and violations of due process. In Azerbaijan, state of emergency decrees were aimed at suppressing opposition parties, whose members were beaten and harassed and their demonstrations broken up.

In Russia, there was grave concern about free expression at the beginning of the year because of a crackdown on political dissent and against non-Muscovites in October 1993, following the violent October events at the Russian parliament. Yet considerable freedom of expression was exercised throughout the year. In August 1994, the presidential Human Rights Committee issued a "white paper" dealing with human rights abuses within Russia in 1993, a hard-hitting document that did not spare important political figures such as the powerful mayor of Moscow. Nevertheless, there remained many causes for concern over human rights. President Boris Yeltsin introduced a law allowing arbitrary house searches and detention for thirty days without trial, and other forms of "anti-crime" legislation were used in a discriminatory fashion, especially in Moscow where local authorities continued to pick on dark-skinned people from the Caucasus or Central Asia, beating, fining, and harassing them if they did not have proper residency papers. At the same time, the Russian government continued to express concern about discrimination against the many Russians living elsewhere within the Confederation of

Independent States (C.I.S.).

Reports of abysmal prison conditions in Russia and throughout the C.I.S. and of abuses within the army also continued to surface. Security forces from other C.I.S. states—Tajikistan, Uzbekistan, and Turkmenistan, in particular—persecuted with impunity their dissident nationals who had fled to Russian soil. The fact that little public attempt was made by Russian authorities to curb such operations gave rise to suspicions of widespread collusion among security agencies throughout the C.I.S.

Persecution of foreigners and ethnic minorities was by no means limited to Russia. Xenophobic sentiments gave rise to distressing developments in Europe as a whole. A wave of violence and resentment toward foreigners was in evidence throughout the former communist countries and in Germany and other parts of Western Europe as well. Ethnic minorities, foreigners and asylum-seekers were subject to discrimination and acts of violence often tolerated and sometimes abetted by law enforcement authorities. Roma (Gypsies) were among the most persecuted, especially in Romania and Bulgaria, where entire Roma villages were attacked and burned by non-Roma villagers, while the police did little or nothing to prevent such abuse. Discrimination against Roma and/or foreigners was also reported in Germany, England, and France, as well as in countries of the former communist bloc. In the Czech Republic, Roma were also victimized, and provisions of a new citizenship law seemed aimed at preventing Roma from becoming Czech citizens.

There were efforts to restrict freedom of the press in several of the countries of eastern Europe and the C.I.S. For example, journalists in Albania, Romania, and Slovakia were prosecuted for articles considered insulting to the "state" or to specific government officials. In both Slovakia and Hungary, the governing parties made efforts to manipulate state-controlled media especially during national electoral campaigns. The governments of Tajikistan, Uzbekistan, Turkmenistan, and Azerbaijan continued routinely to censor the media using old, Soviet-era tactics.

There were a few bright spots in the region at the close of 1994: the establishment of a war crimes tribunal for the former Yugoslavia and, with the appointment of a chief prosecutor, the start of serious investigations; a cease-fire and peace talks in Northern Ireland; a cease-fire in the fighting between Muslims and Croats in Bosnia and the establishment of a fragile Muslim-Croat Federation there; the work of the presidential Human Rights Committee in Russia in documenting and publicizing human rights abuses; and the passage of an amended naturalization law in Latvia that omitted quotas. But these isolated occurrences were small solace in a region beset with the ethnic and political antagonisms that characterize the post-communist fallout in Europe.

### The Right To Monitor

The freedom that governments provided to indigenous human rights monitoring groups and to visiting human rights groups from abroad was not necessarily a measure of the human rights situation in a country, as it had been in the communist days. Some countries with unsatisfactory human rights practices nevertheless allowed human rights groups to function on their territories. In a sense, this was a tribute to the growing strength of the human rights movement and the moral imperative it brings to human rights monitoring. Repressive governments concerned with their international image sometimes allowed human rights work to be conducted in their countries in order to show the world that they respected human rights. In this way they tried to exploit the

efforts of local or foreign monitors.

An example of such manipulation occurred in Georgia, where the government harassed local human rights activists but cooperated with a Human Rights Watch/Helsinki mission. In Turkey, a country that cares greatly about its international image, two effective human rights organizations operated legally, but not without great difficulty. The Human Rights Association, which had numerous branches in the troubled southeast of Turkey, was subjected to official repression and threats from right-wing groups suspected of ties to the government. (Ten members of southeastern branches of the Turkish Human Rights Association have been assassinated in recent years.) A publication of the Human Rights Foundation was seized by the government in November 1994 and charges were brought against two foundation members, including its chairman. On separate occasions, the Turkish government prevented a member of the Amnesty International staff from entering Turkey and, in August, the Turkish military command in the southeast gave no cooperation to a Human Rights Watch/Helsinki mission that was expressly interested in documenting PKK abuses against civilians.

Although the government of Tajikistan grudgingly tolerated outside monitors, no indigenous human rights groups functioned there. The situation was even worse in Uzbekistan and Turkmenistan, where almost all local activists were followed and hounded and in almost all cases prevented from meeting with visiting dignitaries.

Serbia denied access to the U.N. Commission on Human Rights' special rapporteur for the former Yugoslavia and expelled a Conference on Security and Cooperation in Europe (CSCE) mission from Serbia and Montenegro. A representative of Human Rights Watch/Helsinki was detained in Kosovo and was also detained and expelled from Serbian-controlled Bosnia while attempting to do human rights research in both areas.

Elsewhere in the region—in Albania, Armenia, Azerbaijan, Bulgaria, Croatia, the Czech Republic, Germany, Hungary, Kazakhstan, Latvia, Romania, Russia, Slovakia, and the United Kingdom—human rights monitoring was generally unobstructed.

### U.S. Policy

With a few exceptions, the Clinton administration's human rights policies with regard to the Helsinki countries were either non-existent, reliant on quiet diplomacy, or, as in the case of Bosnia and the rump Yugoslavia, hopelessly weak and inconsistent.

The administration's main focus in Eastern Europe and the newly independent states of the former Soviet Union was, as before, on furthering the development of market economies. The administration seemed to believe that free enterprise would lead to a pluralistic, democratic society and that respect for human rights would come naturally in a democracy. Neither of these assumptions, however, is necessarily true. The administration's commitment to developing market economies actually served at times to undermine human rights by becoming a justification for avoiding forthright criticism of human rights abuses. In Uzbekistan, where Most Favored Nation status was granted unconditionally, the administration missed an opportunity to speak up for human rights compliance; it did so vociferously, however, when activists were detained for trying to meet with a visiting U.S. Senator. Presumably in response to the Armenian lobby in the United States, the U.S. government did not speak out publicly about Armenia's involvement in the Karabakh war, although sanctions remained in place with regard to Azerbaijan, the other party to the war. The U.S. remained mainly silent throughout the year about human rights conditions in places as varied as Bulgaria, the Czech Republic, Georgia, Hungary,

Kazakhstan, Northern Ireland, Romania, and Turkmenistan, limiting itself largely to assurances that human rights matters were raised privately in the high-level meetings that were held with the leaders of many of these countries.

U.S. policy in both Russia and Georgia continued to be tailored to support the policies of President Yeltsin and Head of State Eduard Shevardnadze. Russian support of so-called stable governments in the "near abroad," including severe human rights offenders such as Tajikistan, Uzbekistan, and Turkmenistan, may have been a factor in the U.S. government's quiet approach to diplomacy in those places. In bilateral meetings on human rights, John Shattuck, Assistant Secretary of State for Human Rights, Democracy and Labor, and other U.S. officials raised privately some important concerns, such as emigration, abuse of the residence permit system, and anti-Semitism, but continued to avoid other issues such as Russian policies affecting human rights in the "near abroad." Because Kazakhstan signed the nuclear Non-Proliferation Treaty, it received high praise from the U.S., praise which appeared to encompass everything the Kazakh government did while ignoring the human rights problems that were evident in Kazakhstan in the course of the year.

The U.S. State Department's Country Reports on Human Rights Practices for 1993, issued in February 1994, continued to offer an informed and realistic view of the human rights situation in most of the countries in the region. Moreover, U.S. embassy personnel in most, if not all, of the countries in the region monitored the human rights situation and worked to improve it. But the information offered in the country reports, largely based on evaluations by the various embassies, seldom seemed to be translated into a meaningful day-to-day policy.

The worst failings of the Clinton administration were revealed in its policies toward Serbia and Bosnia, countries in which the human rights situation demanded attention that could not be deferred. Despite statements early in the year that the U.S. government would not support the lifting of sanctions against the rump Yugoslavia until Serbia agreed to cooperate with the U.N.'s international war crimes tribunal for the former Yugoslavia, the U.S. later went along with the lifting of some sanctions when Serbia agreed to cut off aid to the Bosnian Serbs and to allow observers on the border to verify its actions. Moreover, by November the U.S. was considering the further lifting of sanctions against the rump Yugoslavia if Serbia agreed to give diplomatic recognition to Bosnia and Croatia. The contradiction between the statements and the actions of the U.S. government continued to undermine its credibility. Human Rights Watch/Helsinki urged that the lifting of sanctions against Serbia be conditioned on an improvement of the internal human rights situation in Serbia and on Serbia's cooperation with the international war crimes tribunal, including allowing prosecutors to conduct investigations on its territory and facilitating the extradition of those indicted by the tribunal. It is our belief that the Serbian government should be held accountable for past crimes and not rewarded merely for undoing some of the damage it created.

With regard to Bosnia, the U.S. policy was, on the whole, weak and indecisive. The U.S. failed to protect sufficiently the "safe areas" established by the United Nations; NATO retaliation was minimal and did little to prevent continuing Bosnian Serb abuses. When the "safe area" of Gorazde was under attack, the U.S. vacillated on approving NATO air attacks. It wavered on the question of lifting the arms embargo against Bosnia. It went along with the European peace plan to partition Bosnia after stating firmly that it would protect the territorial integrity of Bosnia. Efforts to address continuing violations by Bosnian Serb forces were virtually non-existent.

To its credit, the U.S. successfully brokered a cease-fire between Muslims and Croats in

Bosnia and helped establish a Muslim-Croat federation.

The most positive developments in U.S. human rights policies toward the Helsinki countries occurred with respect to its NATO allies, Turkey and Germany. U.S. officials made several high-level visits to Turkey in 1994, including two by Assistant Secretary of State John Shattuck, whose second visit was to eastern Turkey. Assistant Secretary Shattuck and others visiting Turkey made unprecedentedly forthright public statements about the need to improve the human rights situation in Turkey and the possibility of Turkey losing U.S. aid on human rights grounds. The U.S. Congress also approved a bill making 10 percent of U.S. aid to Turkey conditional on the administration's providing a report on human rights improvements there.

The U.S. Embassy in Berlin was unusually outspoken in publicly criticizing the German government's response to right-wing extremism, although the State Department moved quickly to distance itself from the embassy's comments. The U.S. engaged in discussions with the German government on ways in which it could cooperate in combatting "hate crimes."

#### The Role of the United Nations and European Institutions

The U.N. played an ineffective and uncertain role in the former Yugoslavia in 1994, failing to protect "safe areas" under attack and hastening to lift some sanctions against the rump Yugoslavia despite Serbia's uncertain enforcement of the border blockade with Bosnia. U.N. and NATO officials disagreed on their approach to Bosnian Serb violations of U.N. resolutions protecting human rights: NATO's attempts to penalize such violations were frequently thwarted by U.N. officials who sought accommodation with the Bosnian Serbs. Although the U.N. Security Council mandated the use of force to protect peacekeeping operations, U.N. officials were reluctant to use such force. Instead, the need to protect U.N. peacekeeping forces on Bosnian territory became a reason in itself for not punishing violations of human rights. U.N. peacekeepers did not have the manpower or the official encouragement to prevent the crimes associated with "ethnic cleansing" and often stood by while such abuses took place. In the fall of 1994, attacks against civilian areas in Bosnia were launched from Serbian-controlled parts of Croatia, which were under U.N. supervision and which should have been demilitarized by the U.N. in 1992.

After long delays, the international war crimes tribunal, established by the U.N. to adjudicate war crimes and crimes against humanity in Croatia and Bosnia-Herzegovina, finally got underway in 1994 with the appointment of a chief prosecutor, the start of intensive investigations, and the issuing of indictments.

The Council of Europe played a positive role with regard to Russia's application for membership by spotlighting human rights concerns. In the fall of 1994, experts from the council concluded that Russia did not meet the council's human rights standards. Nonetheless, political pressure for Russia's admission to the council continued.

The CSCE played an active role in Latvia dealing with the issue of citizenship. The United Nations Development Program and the Council of Europe also weighed in on citizenship issues in Latvia, and each body was to be credited for the eventual passage of a citizenship law that omitted strict naturalization quotas.

#### The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki continued its efforts to improve the human rights situation in

many of the countries it monitored by bringing pressure upon the offending governments directly whenever possible and also through other governments and international bodies that had influence on the countries in question. Our main efforts in this respect involved the U.S. government, the Russian and other national governments, the United Nations, the European Union, the Council of Europe, and the CSCE. Our country specialists went to Brussels to meet with staff members at the European Union, to the Hague to meet with the prosecutorial staff of the international war crimes tribunal, and to Budapest to discuss a range of human rights concerns with delegates to the CSCE Review Conference. In Budapest we spoke at a public forum about problems in Turkey and in Yugoslavia and violence against Roma in Romania and Bulgaria. Throughout the year, we conducted missions to various countries in the region, prepared reports and publicized these reports by holding press conferences, issuing press releases, and trying in every way possible to pressure and/or embarrass the government in question into improving its human rights practices.

Human Rights Watch/Helsinki prepared a detailed critique of the human rights situation in Russia for the Council of Europe, whose parliamentary committee subsequently concluded that Russia's human rights record did not yet conform with council standards. We also called attention to human rights problems in Russia in meetings with the staff of the European Union and with delegates to the CSCE Review Conference in Budapest. Similar points of pressure were used with regard to other C.I.S. countries such as Tajikistan, Uzbekistan, Georgia, Turkmenistan, Armenia, and Azerbaijan. During the visit to the United States by the president of Armenia, we urged President Clinton to pressure the Armenian government about its role in human rights abuses in the Nagorno-Karabakh war. We publicized human rights abuses in Tajikistan and Georgia before the leaders of those countries were to visit New York at the opening of the U.N. General Assembly. We also publicly urged the CSCE and participants at its September seminar in the Uzbekistan capital to pressure the government of Uzbekistan to speak out about abuses, particularly the detention of political prisoners, and thereby earn the international legitimacy implied in hosting the seminar, and we were gratified when five political prisoners were subsequently released. Human Rights Watch/Helsinki also kept up its work of documenting abuse of and discrimination against foreigners in Moscow. We followed the citizenship issue in Latvia and achieved some success from our efforts in Latvia with the firing of the head of the Department of Citizenship and Immigration and the passage of a naturalization law in Latvia that eliminated quotas.

Halfway through the year we stationed a representative in Tajikistan which enabled us to monitor human rights developments there firsthand, to publish information about political prisoners and to monitor pre-election conditions in the country.

We used a two-pronged approach with regard to Bosnia. The first was to continue our detailed monitoring of human rights abuses in Bosnia, where our staff engaged in lengthy missions, interviewing the victims of war crimes in Bosnia. In 1994 we published eight reports detailing war crimes and other abuses in various parts of the former Yugoslavia. Our other major focus in Bosnia included both public and behind-the-scenes efforts to get an appropriate chief prosecutor appointed to the war crimes tribunal for the former Yugoslavia so that work could get underway. Our staff made its detailed files on war crimes available to the prosecutorial staff of the tribunal. It was our belief that the war crimes tribunal, by prosecuting criminals at the highest level, could help dispel the notion of collective ethnic guilt and perhaps avoid future conflicts by placing blame on the individuals responsible for the crimes. With this in mind, we continued to

urge that amnesties not be granted to war criminals, especially those at the highest levels, and that witnesses and victims be granted adequate protection by the tribunal.

In addition to our work on war crimes in Bosnia we reported on civil and political rights in Croatia and on repression by the Serbian government in Kosovo.

In 1994 Human Rights Watch/Helsinki focused most of its work in Turkey on the under-reported abuses in the Turkish southeast. We verified reports of depopulated villages by interviewing refugees who had been driven from their homes and publicized our findings in Turkey and elsewhere. We also reported on abuses by the PKK and continued our efforts to gain access to southeastern Turkey in order to investigate such abuses at first hand.

Human Rights Watch/Helsinki kept up its work of documenting violence against Roma. In 1994 we published new reports on attacks on Roma in Bulgaria and Romania and released those reports in Budapest during the CSCE Review Conference there.

In 1994 we conducted thirteen missions and issued twenty-one reports based on research and missions in the field. We also sent seventy-four lengthy letters of protest or inquiry to government officials in fifteen countries; many of the letters ultimately found their way into the pages of the press. Human Rights Watch/Helsinki continued its association with the International Helsinki Federation for Human Rights in 1994 and planned to continue to be represented on its executive committee in 1995.

## ALBANIA

### Human Rights Developments

Albania has undergone radical change since democratic reforms began in 1990. Still, 1994 was marred by serious human rights abuses directed in particular at the independence of the judiciary, freedom of the press, and the rights of minorities. Police abuse and harassment of the political opposition also remained serious problems.

Throughout the year, there were many examples of political tampering with the courts, as well as trials and investigations that contained violations of both Albanian and international law.

Several judges were transferred to lesser posts or fired after passing verdicts in politically sensitive cases. About 200 people received law degrees and were then appointed as judges, prosecutors and investigators in 1994 after attending a six-month legal training course. Most of the students were selected by local chapters of the ruling Democratic Party.

One of the most prominent trials during 1994 was that of Fatos Nano, a member of parliament and leader of the opposition Socialist Party. Mr. Nano was arrested in 1993 on charges of corruption when he served as prime minister of a 1991 transition government. After eight months in detention, Nano was tried and sentenced to twelve years in prison. The proceedings before and during the trial contained many irregularities, suggesting political motives for his conviction and harsh sentence.

Albania is currently run under a series of transitional constitutional laws that establishes the country as a parliamentary democracy with a commitment to international human rights documents. The Chapter on Fundamental Human Rights and Freedoms protects basic civil and political rights, as well as the rights of minorities. On November 6, a popular referendum rejected a complete constitution that would have affirmed these rights, but was criticized for the power it gave the president.

In late 1993, several communist-era articles of the penal code were repealed. However, new amendments were passed that made it a crime to insult or defame publicly the president,



parliament or other state organs, putting a chill on peaceful political criticism.

Albanian television and radio were the principal means of communication with the mostly rural population and remained strictly controlled by the Democratic Party. No legislation allowed for private electronic media. There were many independent newspapers and magazines in the country, but they continued to face frequent threats, including high taxes, criminal prosecution and, on occasion, attacks on journalists by unknown assailants.

In October 1993, a new press law was enacted, despite protests from many Albanian journalists and numerous international human rights and journalists' organizations. Although the law recognized the freedom of the press, it also allowed for prior restraint and government confiscation of publications under vague conditions. In addition, violators of the press law were subject to disproportionately high fines. Six journalists were brought to court under the new press law or the penal code for slander or revealing state secrets. All of them were convicted, although four were subsequently pardoned by presidential decree on May 3, 1994, in honor of World Press Freedom Day.

Greek-Albanian relations took a marked turn for the worse during 1994 following a series of violent border incidents. The debate centered on the trial of five Albanian citizens from the Greek minority who were convicted in August to between six and eight years of imprisonment for espionage and the illegal possession of arms. Investigations by a Human Rights Watch/Helsinki representative and reports from international observers confirmed that the defendants were denied basic procedural protections before and during the trial. On the first day of the trial, a crowd of people outside the courtroom was beaten and dispersed by Albanian police, and at least twenty-two people were detained. Albanian and Greek journalists covering the trial complained of continual harassment by the Albanian police.

Greece responded to the trial by expelling about 70,000 Albanian emigrants who had been working in Greece; many complained of brutal treatment by the Greek police. The Greek minority in the south of Albania complained of a strong presence by the Albanian secret police, which contributed to an atmosphere of fear.

Other human rights issues of continuing concern included a high level of police abuse. During the year, a number of people died as a result of police violence, while many others complained of abuse during detention. Disciplinary actions against abusive police were rarely taken.

Human Rights Watch/Helsinki also observed the continual harassment of the political opposition. The government sometimes denied opposition parties permission to hold public meetings. On January 26, in Shkoder, a party activist for the opposition Democratic Alliance, Gjovalin Cekini, was shot to death after a struggle incited by individuals who had disrupted a party meeting. As of early November, police had still failed to identify the murderer. Similarly, although the files of the former secret police (Sigurimi) were supposedly closed and under state control, opponents of the government occasionally found that portions of their files were selectively used against them and published in the pro-governmental newspapers.

Local elections held on May 29 in four districts were marked by procedural irregularities and a high incidence of threat and intimidation primarily directed against opposition candidates. Among other incidents, a large number of unregistered soldiers voted in the village of Zallherr. In other districts, unknown assailants reportedly harassed and, in some cases, assaulted candidates and voters.

### The Right to Monitor

Human Rights Watch/Helsinki received no reports during 1994 of human rights groups who were hindered in their monitoring efforts. However, the Society for Democratic Culture, a local political initiative supported by the U.S.-based National Democratic Institute, reported anonymous threats made against its members who were monitoring the local elections in May.

### U.S. Policy

The United States has maintained very close relations with the Albanian government since 1991, including high levels of foreign aid and the granting of MFN status in August 1992. Various senior U.S. officials from the State Department, military, and Congress visited Albania during 1994. Military cooperation between the two countries also continued, as U.S. military advisors stationed in the country worked closely with the Albanian Ministry of Defense. On February 23, Albania became a member of NATO's Partnership for Peace.

The State Department's Country Reports on Human Rights Practices for 1993 praised Albania for the progress it had made toward "establishing a multiparty democracy with legal guarantees for human rights." However, the report appropriately criticized "significant human rights problems," such as police abuse and restrictions on the freedom of press and assembly.

In July, the State Department issued a statement calling on the Albanian government to provide a fair and objective trial for the ethnic Greeks accused of espionage and arms possession (one of the accused also held an American passport).

### The Work of

#### Human Rights Watch/Helsinki

Human Rights Watch/Helsinki concentrated its effort during 1994 on the most egregious human rights abuses, particularly the government's attempts to silence or intimidate its critics. On March 2, Human Rights Watch/Helsinki sent a letter to President Berisha protesting government restrictions on freedom of the press. On September 8, Human Rights Watch/Helsinki criticized the trial of the five ethnic Greeks, and urged President Berisha, among other things, to investigate reports of mistreatment and denial of basic rights.

Human Rights Watch/Helsinki plans to release a short report documenting the condition of the Greek minority in Albania and a comprehensive report on the human rights situation in Albania in the coming months.

## ARMENIA

### Human Rights Developments

In its seventh year, the conflict over the former Nagorno-Karabakh Autonomous Oblast of Azerbaijan continued in large part to shape human rights developments in Armenia. Forced draft raids were common, and many complained of the increased power of security forces.

During 1994, the country still remained under an Azerbaijani trade embargo that reduced energy and food supplies to the country, forcing the government to reopen the troubled Metsamor nuclear reactor. An estimated percent of the population has left the country. Conscripts were forcibly drafted into the army in raids using press-gang tactics as Armenia continued to send forces including conscripts to fight in Nagorno-Karabakh and in other parts of occupied

Azerbaijan.

The year began with the as-yet-unexplained deaths of eight Azerbaijani prisoners of war in a Armenian Defense Ministry prison in January 1994. Other areas of concern included harassment of Hari Krishna temples in Armenia and the allegedly politically-motivated trial of Vahan Avakyan, former deputy of opposition political leader Ashot Manucharyan. Armenia failed to ratify a new constitution during the year, complicating economic and political reforms.

From the beginning of the Karabakh conflict, Armenia provided aid, weapons, and volunteers. According to Karabakh authorities, Armenia was providing upwards of 90 percent of the enclave's yearly budget in the form of interest-free credits. Some analysts believed that payments to Karabakh constituted 7 to 9 percent of Armenia's yearly budget.

Armenian involvement in Karabakh escalated after a December 1993 Azerbaijani offensive. The Republic of Armenia began sending conscripts and regular Army and Interior Ministry troops to fight in Karabakh. In January 1994, several active-duty Armenian Army soldiers were captured near the village of Chaply, Azerbaijan. While Armenia denied involvement in the conflict, in London in February 1994 President Levon Ter-Petrosyan stated that Armenia would intervene militarily if the Karabakh Armenians were faced with "genocide" or "forced deportation." The fighting during this Azerbaijani offensive, which lasted until February 1994, was exceptionally brutal. International aid agencies and foreign governments were concerned at the low number of prisoners of war registered given the scale of fighting.

To bolster the ranks of its army, the Armenia government resorted to press-gang raids to enlist recruits. Draft raids intensified in early spring, after Decree no. 129 was issued, instituting a three-month call-up for men up to age forty-five. Military police would seal off public areas, such as squares, and round up anyone who looked to be draft age. All male Armenian citizens between the ages of twenty-five and forty-five were forbidden to leave the country without special permission. According to a report in the influential German daily Sueddeutsche Zeitung, the United Nations High Commissioner for Refugees issued an order by which Armenian draft resisters should be given refugee status.

A particularly troubling human rights development in Armenia in 1994 was the unexplained deaths of the eight Azerbaijani prisoners of war in Yerevan. They were in the custody of the Armenian Ministry of Defense on January 29, 1994, their deaths remained unexplained as of this writing. According to the official version, after an aborted escape attempt in which a guard was killed, eight of the prisoners committed suicide with a pistol in a matter of minutes. The Armenian government originally issued two different, contradictory explanations of the deaths. An independent forensic pathologist who examined the bodies stated that, "the pattern of injuries of the six individuals who died of gunshot wounds to the head suggest mass execution, but the possibility of a mass suicide cannot be absolutely excluded, however unlikely."

Domestically, there were widespread reports of the harassment and imprisonment of members of the Hari Krishna religious group, who were reportedly threatened and forced to leave various cities where they had gone to disseminate literature. Although these attacks often came from private citizens or from clergy of the Armenian Orthodox Church, the police response was at best perfunctory. On August 28, 1994, an unidentified group raided the main Hari Krishna temple in Yerevan, beating several members. Three days later, the police reportedly arrested sixteen Hari Krishna members.

On May 6, 1994, Vahan Avakyan was arrested by Armenian security forces at

Sheremetovo-2 airport in Moscow and taken to Armenia. Avakyan was charged with transporting contraband, illegal weapons possession, and divulging state secrets. According to the Russian newspaper Utro Rossii, a multiparty Armenian parliamentary commission found the charges against Avakyan baseless, but nevertheless his case was sent to trial. Many believe Avakyan's trial to be politically-motivated, an attempt to discredit his former chief, opposition politician leader Ashot Manucharyan, former national security adviser to Armenian President Ter-Petrosyan. On October 10, Avakyan was found guilty of divulging state secrets then sentenced in November to five years imprisonment. At the time of this writing, an appeals court was set to review the sentence.

### The Right to Monitor

Human Rights Watch/Helsinki was unaware of any interference with human rights monitoring in Armenia, and during an April 1994 mission to Armenia received full government cooperation.

### U.S. Policy

While the Clinton administration adopted a more balanced approach regarding the conflict in Nagorno-Karabakh (see section on Azerbaijan), it has consistently refused to acknowledge publicly Armenia's military involvement there, which is marked by gross human rights abuses by all sides. The Armenia section of the State Department's Country Reports on Human Rights Practices for 1993, for example, only mentioned "Armenian support" for the Karabakh Armenian rebels, not the human rights consequences of that support. This official administration silence was most apparent during Armenian President Ter-Petrosyan's official visit in August to Washington, when President Clinton made no public statement concerning Armenian involvement in Karabakh or its consequences for human rights.

Armenia has consistently been the largest per-capita recipient of U.S. aid in the former Soviet Union. Through December 1993, Armenia received \$305 million in humanitarian aid and \$30 million in technical assistance. In fiscal year 1994, the U.S. Department of Agriculture provided \$66 million in food aid, while the U.S. Agency for International Development expected to provide \$11 million in food aid for children and post-partum mothers. The United States also allocated about \$15 million for the transport of kerosene, kerosene heaters, and containers, while supporting market economy and democratization programs. An estimated \$75 million in assistance has been allocated to Armenia for fiscal year 1995.

### The Work of

### Human Rights Watch/Helsinki

In 1994, Human Rights Watch/Helsinki tried to focus attention on Armenian involvement in the war in Nagorno-Karabakh, a conflict beset by human rights abuses. We pressed the U.S. government to withhold all aid, except humanitarian, from all parties engaged in the Nagorno-Karabakh conflict. Human Rights Watch/Helsinki sent an April 1994 mission to Armenia, where we met with government and military officials, political parties, and the press. We brought widespread attention to the deaths of the eight Azeri prisoners in Yerevan. Throughout the year, we were also in close contact with the Armenian government concerning these deaths. In August 1994, a Human Rights Watch researcher met the Armenian Foreign Minister Vahan Papazyan to discuss this issue. We also criticized the human rights consequences of Armenian military intervention in Nagorno-Karabakh, addressing a letter to President Clinton before his August 1994 meeting with President Ter-Petrosyan, holding a press conference in

Moscow, and meeting with European Union officials in Brussels.

## AZERBAIJAN

### Human Rights Developments

In 1994, as in the preceding year, political chaos, internal revolt, bombings, political assassinations, and battlefield setbacks in the war over Nagorno-Karabakh all took a disastrous toll on the human rights situation in Azerbaijan. The government of Heidar Aliyev continued to intimidate opposition political parties (especially former President Elchibey's Popular Front), harass the press, and prevent political demonstrations. Armenian forces from Karabakh seized more Azeri territory, creating nearly 50,000 Azeri displaced during one brief April 1994 offensive. Over 800,000 Azeri refugees and displaced persons from Armenia, Nagorno-Karabakh, and the Azeri-provinces surrounding Nagorno-Karabakh are still unable to return to their homes, crowding tent cities, public buildings and hotels, or simply squatting along the roadside.

On September 30, gunmen assassinated the deputy speaker of Azerbaijan's parliament, Rasul Guliyev, and President Aliyev's security chief, Shensi Ragimov.

Shortly thereafter, police units whose members had been charged in the assassinations seized Azerbaijan's general prosecutor, Ali Umarov, and held him hostage, prompting the October 3 imposition of a sixty-day state of emergency in Baku, Azerbaijan's capital, and a similar decree seven days later in Ganje, Azerbaijan's second largest city. President Aliyev charged that his prime minister, Surat Husseinov, was plotting a coup in Ganje, a replay of the June 1993 coup that brought Aliyev to power. Several ministers were arrested, and Husseinov was stripped of his post and charged with treason.

Among other restrictions, the state of emergency decree banned all rallies and demonstrations, outlawed political parties that "obstruct normalization of the political situation," and expelled non-Baku residents who did not follow "social regulations."

Political life in Azerbaijan and the activity of certain parties especially the Popular Front fell victim to government repression in 1994. There was evidence of illegal searches of opposition parties' headquarters as well as beatings and harassment of their members. A February 28 raid on the Azeri Popular Front headquarters in Baku resulted in the police banning the party. Allegedly weapons were found in the basement of the party headquarters, and Azerbaijan's procurator claimed that the Popular Front had been plotting a coup for March 5. The Popular Front denied the charge. As a result of the raid more than one hundred Popular Front and Musavat Party activists were arrested. On March 29, a Musavat party parliamentarian was beaten by an Aliyev adviser. There were reports that an estimated 450 individuals were fired from government jobs in the first few months of 1994 for their political beliefs.

Political demonstrations, many of them to protest proposed Karabakh peace settlements, also were repressed by security forces. On March 26, a rally to be led by former Popular Front Interior Minister Iskender Hamidov was broken up by police, and several demonstrators and journalists were detained. On May 21, a demonstration by thirteen opposition parties opposed to a would-be Karabakh peace plan was dispersed forcibly by police. At least 125 individuals were arrested, and it was reported that the police detained passersby and those holding opposition newspapers. Parliamentarians Tofik Gassimov, Ibrahim Ibrahimli, Hijran Kerimli, and Tair Kerimli were

beaten and detained. On September 10, another demonstration protesting Aliyev's Karabakh policy was disrupted by the police, with a reported 400 injured and seventy-seven detained, including the former Interior Minister Iskender Hamidov.

Free speech also suffered from government repression, prior censorship, and state harassment in 1994, with major papers and television and radio operating under Soviet-era regulations and conditions. On December 6, 1993, military censorship was instituted after a December 2 decree banning publication of independent newspapers was lifted. Opposition publications, like the Popular Front's Azadlyg, were severely repressed. The police often raided the office on the pretext of looking for draft evaders: on April 18, for example, police raided Azadlyg's office and arrested fifteen individuals allegedly for evading the draft, though several were past draft age. On May 14, security forces again raided Azadlyg's headquarters and forced out the staff, which was allowed back in the next day. Other publications or news organizations suffering from government oppression were the Turan news agency, the satirical newspaper Chasma, and the National Independence Party of Azerbaijan's Millat.

The war over Nagorno-Karabakh entered its seventh year in 1994, with human rights violations such as the abuse and possible execution of prisoners committed by all sides in the conflict. In 1993, Karabakh Armenian forces often with the aid of the Republic of Armenia had seized all Azeri-populated provinces surrounding Nagorno-Karabakh on the south, west, and east and expelled approximately 450,000 Azeris and destroyed their homes. Two major offensives marked the course of the war in the year covered by this report: a December 1993 Azerbaijani offensive that for the most part failed to regain territory seized in 1993 by Karabakh Armenian forces; and an April 1994 Karabakh Armenian offensive against Terter that resulted in over 50,000 displaced Azeri civilians.

A May 1994 cease-fire was still in effect as of November, which allowed confidence-building measures such as the exchange of prisoners and hostages. On September 7, 1994, the International Committee of the Red Cross facilitated the exchange of three Azeris and three Karabakh Armenians; a week later the Karabakh Armenians released twenty-four Azeri female hostages.

### The Right to Monitor

There were no known restrictions on foreign human rights groups in Azerbaijan in 1994, but local human rights groups cited the overall repressive atmosphere as an impediment to their activities.

### U.S. Policy

The United States government and embassy in Baku raised human rights issues such as the repression of the press and of political opponents both publicly and in meetings with the Azerbaijani government during 1994. This concern was reflected in the Azerbaijani section of the State Department's Country Reports for Human Rights Practices for 1993. At the same time, the Clinton administration sought repeal of Section 907 of the Freedom Support Act, which denies all aid to the Azerbaijani government because of its conduct of the war in Karabakh and its blockade of Armenia. Azerbaijan was the only state in the former Soviet Union to be denied such aid, and the Clinton administration believed this restriction prevented the U.S. from acting as a fair arbiter in the conflict. In early 1994, at the behest of the Clinton administration, Rep. Lee Hamilton, chair of the House Foreign Affairs Committee, introduced legislation that would

have repealed the restriction on aid to the Azerbaijani government. The resolution did not pass. Under Section 907, the United States government can channel support to private-volunteer organizations operating in Azerbaijan. As of November, the U.S. had provided 34 million dollars in humanitarian assistance and 2 million in technical aid to private volunteer organizations for disbursement in Azerbaijan. Human Rights Watch/Helsinki took the position that no aid, other than humanitarian assistance, should be provided to any party in the conflict in Nagorno-Karabakh.

#### The Work of Human Rights Watch/Helsinki

While not neglecting its monitoring of domestic human rights developments in Azerbaijan, in 1994 Human Rights Watch/Helsinki sought to focus international attention on the human rights consequences of the under-reported war in Nagorno-Karabakh. We highlighted involvement in the war by the Republic of Armenia and the consequences of Armenian policy for human rights. In March/April 1994, a researcher for Human Rights Watch/Helsinki visited numerous refugee camps in Azerbaijan to interview displaced from 1993 Karabakh Armenian offensives against Azeri provinces surrounding the Armenian enclave. In August 1994, we called on President Clinton to raise the issue of Armenian military involvement in the conflict during his meeting with Armenian President Ter-Petrosyan.

### BOSNIA-HERCEGOVINA

#### Human Rights Developments

Abuses against Bosnia's three ethnic groups—Muslims, Serbs, and Croats—continued in late 1993 and early 1994 but the overwhelming majority continued to be perpetrated by Bosnian Serbs. Most of these abuses were associated with "ethnic cleansing," whose main objective is the removal of an ethnic group from a given area through murder, population exchanges, forced displacement, and terrorization. Non-Serbs in northern Bosnia continued to be "cleansed" from their homes by Bosnian Serb authorities, while abuses between Bosnia's Muslims and Croats noticeably decreased after the two groups ended their year-old war. Despite a lull in the fighting in Sarajevo, the city remained under siege by Bosnian Serb forces for much of 1994.

On February 5, a Bosnian Serb mortar attack killed sixty-three people in Sarajevo's open market. By late February, a NATO ultimatum forced Bosnian Serb forces to pull back their weaponry around Sarajevo or place it under U.N. supervision and a weapons exclusion zone was established around the city. As a result, shelling in Sarajevo decreased and a general cease-fire remained in place until mid-year, although snipers continued to kill civilians in the city. By July, however, shelling and sniping increased in Sarajevo, and roads on Mount Igman, which had been open for commercial traffic since February, were once again too treacherous to transit.

In April, the Bosnian Serb army used indiscriminate and disproportionate force in retaliation against Bosnian army provocation in the Gorazde enclave, which had been designated as a "safe area" by the U.N. in 1993. Bosnian Serb forces eventually captured part of the Gorazde enclave and then prevented journalists and some U.N. personnel from entering the area to assess the material damage and loss of civilian life. In response to the Bosnian Serb attack, Muslim forces within Gorazde expelled some Serbs and placed under house arrest others who remained

in the enclave. Bosnian Serb forces restricted access to the area throughout the year.

In October, a Bosnian army commando unit killed twenty Bosnian Serb soldiers and military medical personnel on Mount Igman, an area which had been declared a demilitarized zone by the U.N. in 1993. Soon after the attack, Bosnian Serb forces opened fire on a trolley car in Sarajevo, wounding eight civilians. The Bosnian army refused U.N. demands that it withdraw from Mount Igman, saying it would do so only if the U.N. guaranteed the opening of a road through which commercial traffic could enter Sarajevo. As of mid-November, a tunnel under the airport was Sarajevo's primary link with the outside world.

Bosnian Serb forces were responsible for most of the attacks on humanitarian aid convoys throughout 1994. In October, they attacked a U.N. convoy and killed a U.N. driver near Gorazde. Bosnian Serb forces cut utilities to the Bosnian capital in mid-September and prevented opening of the Sarajevo airport in late September by refusing to guarantee the safety of U.N. relief flights.

"Ethnic cleansing" in Bosnian Serb-held areas continued during the early part of 1994 but decreased following international condemnation. However, in July, non-Serbs from the Bosanska Krajina and Bijeljina regions were once again expelled in large numbers and those who remained behind in Serbian-occupied territory were conscripted into work gangs and used as forced labor. Between July and October, more than 10,600 non-Serbs were expelled from northern Bosnia.

The war that raged between the mostly Muslim forces of the Bosnian army and the Bosnian Croat militia (HVO) after mid-1993 ended in late February 1994. On February 28 and March 1, the Bosnian Croats and the Bosnian government reconciled and formed a federation. At the same time, Bosnia and the Republic of Croatia, which supported the Bosnian Croats, also agreed to form a confederation. Following the formation of the federation, human rights abuses in central and southwestern Bosnia-Herzegovina decreased substantially. Despite the arrival of administrators from the European Union in mid-1994, abuses in the Croat-held part of Mostar continued, albeit to a lesser degree than in 1993. More than one-hundred Muslim families were evicted from Mostar after the signing of the Muslim-Croat federation. In an apparent assassination attempt on September 11, HVO soldiers launched a rocket-propelled grenade into the bedroom of Hans Koschnik, the E.U. administrator of Mostar. The Croatian authorities arrested four soldiers and removed the local police chief after the incident, but tensions between Muslims and Croats in the city remained high. Moreover, an ombudsman and court established by the federation to monitor human rights had not begun work as of early November. Repatriation of the displaced had not begun either, because minority populations in parts of the federation were not guaranteed safety.

Despite its past support for the Bosnian Serbs, Serbia closed its border with its Bosnian surrogates in September, following the Bosnian Serbs' refusal to accept an internationally brokered peace plan. One hundred and thirty-five international observers were stationed along the Bosnia-Serbia border and, by mid-October, the Bosnian Serbs generally were denied fuel and military support from Serbia. As of this writing, no violations of international law by either Bosnian army or HVO forces during their latest offensives in the Bihac, Sarajevo or Kupres areas had been reported. However, thousands of Serbs fled the offensive and sought refuge in Serbian-held areas of Croatia and other parts of Bosnian Serb-held territory.

#### The Right to Monitor

The Bosnian government and Bosnian Croat officials generally did not impede human rights monitoring by domestic and international organizations, but the Bosnian Croats continue to reject



U.N. efforts to rectify the eviction of Muslims from their homes in west Mostar.

By contrast, human rights monitoring was severely restricted in Bosnian Serb-held areas. International monitors and much of the international press were banned from entering, or their movements were severely restricted within, Bosnian Serb territory. In August, a Human Rights Watch/Helsinki researcher attempted to interview Serbs who had left or been forced to leave Bosnian government-controlled areas of Sarajevo. Upon her arrival on August 26 in Pale, the headquarters of the Bosnian Serb authorities, the researcher was told by the "state security forces" to leave on the next bus. An advisor to Bosnian Serb leader Radovan Karadzic overruled this order and advised her to stay. The next day, she was again ordered by a plainclothes police officer to leave; the officer also threatened and insulted the researcher and accused her of espionage. Hours later, the officer told her that she was welcome to stay. Finally, forty-eight hours after she had arrived in Pale, the researcher was placed under armed guard in a car and not told where she was being taken. Finally, at 1:00 A.M. she was brought to the border with Serbia and expelled from Bosnian Serb territory.

## The Role of the International Community

### U.S. Policy

With the notable exception of brokering a peace between Bosnia's Muslims and Croats, the Clinton administration's policy toward Bosnia was marked by indecision and policy reversals. Having distanced itself from the Bosnia crisis in late 1993, the U.S. reluctantly joined its allies in January 1994 calling on the NATO command to prevent the strangulation of Sarajevo and other U.N.-declared safe areas in Bosnia.

The Clinton administration's major accomplishment in Bosnia during 1994 was the brokering of a peace agreement between Bosnian Croats and Muslims. In late September, the Clinton administration pledged \$20 million in non-humanitarian aid to the federation. The aid was intended to rehabilitate housing and infrastructure primarily in central Bosnia. In late October, the U.S. announced that it would send approximately fifteen U.S. military officers to Bosnia to integrate the military alliance between Bosnian government forces and the HVO.

On March 30, Madeline Albright, U.S. representative to the U.N., and Gen. John Shalikashvili, chair of the Joint Chiefs of Staff, visited Sarajevo in a show of support for the Bosnian government. In a speech there, Ambassador Albright supported the sovereignty of Bosnia and announced that the U.S. would donate \$10 million to the reconstruction of Sarajevo. The following day, however, the U.S. blocked passage of a U.N. Security Council resolution authorizing the deployment of 10,000 more peacekeeping troops to Bosnia, citing the financial strain of the U.N. field mission and the potential unwillingness of the U.S. Congress to approve the U.S. share of the bill. The U.S. sponsored instead a compromise resolution which approved an initial deployment of 3,500 peacekeepers and left the deployment of further troops for a later date.

The Clinton administration's vacillations in the face of the Gorazde crisis in April were emblematic of U.S. policy toward Bosnia more generally. As Bosnian Serb forces began a new and vigorous offensive against the Bosnian government-controlled enclave of Gorazde, a U.N.-declared safe area, the Clinton administration faced the familiar situation of attempting to avoid military intervention while, at the same time, risking a potential loss of credibility as

further Bosnian Serb abuses went unpunished. On April 3, following the start of the offensive against the encircled Bosnian town, U.S. Secretary of Defense William Perry stated that the U.S. would not use military power to prevent the fall of Gorazde. Perry's statements seemed to jeopardize U.S. peace efforts in Bosnia by sending a "green light" to Bosnian Serb forces to do as they pleased. An embarrassed U.S. tried to provide a different impression of its intentions on April 7, when National Security Adviser Anthony Lake claimed that "neither the president nor any of his senior advisers rules out the use of NATO air power to help stop attacks such as those against Gorazde."

On April 10, as Bosnian Serb troops stood on the verge of overrunning Gorazde, two U.S. jets flying a NATO mission attacked a Serbian command post outside the besieged town. The attack represented not simply the first NATO air strike of the Bosnian war, but the first air strike in NATO history. Bosnian Serb forces briefly halted their offensive, but by the next day they advanced once again. U.S. jets carried out a second mission, this time destroying a Bosnian Serb tank. On the same day, President Clinton announced that NATO would continue to use air power until the advancing forces withdrew from the Gorazde area.

The U.S.'s newfound resolve quickly dissipated. Faced with Russian criticism and dissension within U.N. ranks, NATO did not follow up on its first round of air strikes, even as Serb forces continued their offensive. Finally, on April 17, the Clinton administration announced that it would seek no new air strikes against Serb forces in Bosnia. Three days later, however, the administration endorsed a plan by which NATO would use air power to protect all six U.N.-declared safe areas in Bosnia as weapons-exclusion zones, which NATO had previously established in the Sarajevo area. A version of this plan became NATO policy on April 22.

In a major policy shift, U.S. officials signaled at the same time that they were ready to entertain European proposals gradually to phase out U.N.-imposed sanctions against Serbia in exchange for Serb cooperation in Bosnian talks. Previously, the Clinton administration had opposed any loosening of sanctions against Serbia and its surrogates in Bosnia and Croatia until, among other things, they demonstrated cooperation with the international tribunal established to adjudicate war crimes and crimes against humanity in the former Yugoslavia. Given the continuing assault on Gorazde, the apparent involvement of Yugoslav army troops from Serbia in that attack, and the Serbs' unwillingness to accept the legitimacy of the tribunal, the Clinton administration's new position on easing of sanctions against Serbia was particularly ill-timed.

On April 25, U.S., Russian, and British officials announced the establishment of a "contact group," consisting of representatives from the U.S., the United Kingdom, Russia, Germany, and France, that would seek to broker an end to the Bosnian war. The contact group presented a map giving the Muslim-Croat federation control of 51 percent of Bosnia, and both the Bosnian government and the Bosnian Croats eventually accepted the proposal. Bosnian Serbs rejected the plan because it decreased their control of Bosnia from 70 percent to 49 percent. In light of Bosnian Serb rejection of the plan, Bosnian President Alija Izetbegovic withdrew his government's support for the plan in late July. U.S. support for the contact group's plan marked a departure from its long-articulated support for the territorial integrity of Bosnia. However, Viktor Jakovich, the U.S. Ambassador to Bosnia-Herzegovina, promised U.S. support for "an undivided Sarajevo and for a free and democratic Bosnia-Herzegovina within its internationally recognized borders" at the July 4 opening of the U.S. Embassy in Sarajevo.

The proposed plan focused solely on the territorial division of Bosnia; it offered no protection to minorities, particularly non-Serbs who continued to be persecuted in Bosnian

Serb-held areas, nor was the right to repatriation mentioned. Though the contact group repeatedly threatened to adopt severe punitive measures against any party that refused to accept the proposed map, its members were far from united in their desire to punish the Bosnian Serb forces for their rejection of the plan. Indeed, in October, members of the contact group began considering new concessions to the Bosnian Serbs in exchange for their accession to the peace plan. In particular, Russia argued that the plan should be amended to allow the Bosnian Serbs to form a confederation with Serbia proper, as the Bosnians had done earlier in the year with Croatia.

For much of the year, the Clinton administration faced strong pressure from Congress to lift the arms embargo against the Bosnian government and confronted opposition to such action by the E.U. and Russia. Although President Clinton's rhetoric signified his support for lifting the embargo, his public dithering on the issue and his vigorous campaign against Congressional initiatives showed that he was unwilling to differ with the European allies on the issue for much of the year.

On August 11, President Clinton declared that he would urge the U.N. Security Council to lift the arms embargo against the Bosnian government if the Bosnian Serbs failed to accept the contact group's proposal by October 15. Despite E.U. rejection of such a proposal, the U.S. renewed calls for lifting the arms embargo in mid-October, this time saying it would consider lifting the arms embargo unilaterally.

Reportedly under pressure by the U.S., and in light of French and British threats to pull out their troops in Bosnia, Bosnian President Izetbegovic accepted a six-month postponement for lifting the arms embargo. Izetbegovic's statement, made before the U.N. General Assembly on September 27, spared President Clinton the need to confront both the E.U. and the U.S. Congress. In late October, the Clinton administration introduced a resolution at the U.N. to lift the embargo in six months' time unless the Bosnian Serbs accepted the contact group's peace proposal by then. Then, in a decision bound to strain relations with NATO allies, the Clinton administration announced on November 10 that it had directed the U.S. military to stop enforcing the arms embargo against the Bosnian government as of November 12.

In 1994, the U.S. was forthcoming with humanitarian aid for victims of the war in Bosnia. In addition to the \$10 million pledged for Sarajevo's reconstruction and \$20 million to support the Muslim-Croat federation, the U.S. gave a total of \$387 million for humanitarian efforts in Bosnia-Herzegovina in the 1994 fiscal year.

### The United Nations and NATO

In 1994, U.N. and NATO officials disagreed on their approach to Bosnian Serb violations of U.N. resolutions and NATO ultimatums: while NATO was generally willing to penalize Bosnian Serb violations, U.N. officials sought to accommodate Bosnian Serb demands.

Though existing Security Council resolutions mandated the use of force to protect peacekeepers and to ensure the delivery of humanitarian aid, military and civilian authorities of the U.N. Protection Force (UNPROFOR) were reluctant to exercise this option. This inaction drew criticism from two commanders of U.N. forces in Bosnia, one of whom was removed and the other resigned. On the occasions that the U.N. did use force, the action was typically marked by short-sightedness and lack of a broad-reaching strategy or goal. As a result, the U.N. suffered a devastating lack of credibility.

On January 19, a week after the NATO alliance had reasserted its willingness to carry out

U.N.-requested air strikes, U.N. Secretary-General Boutros Boutros-Ghali formally announced his opposition to air strikes in Bosnia, arguing that they would endanger the U.N. peacekeeping mission. Around the same time, the international press announced that both Britain and France were seriously considering withdrawing their troops from the U.N. mission in Bosnia.

Following the highly publicized February 5 marketplace massacre in Sarajevo, the international community responded to intense pressure to make good on its previous threats. On February 9, the NATO allies issued an ultimatum to the Bosnian Serb forces, demanding that by February 21 they either withdraw their heavy weaponry at least twenty kilometers from Sarajevo and place it under U.N. control, or face NATO air strikes. The ultimatum represented a bold new step in Western policy toward Bosnia, and, because the threat of military action seemed credible, Bosnian Serb troops complied with NATO's demands.

By May 18, however, the U.N. was admitting to the presence of at least four Serb tanks and ten other heavy weapons within the NATO-declared weapons exclusion zone. Because NATO and the U.N. refused to enforce compliance with the weapons exclusion zone, Bosnian Serb leaders grew increasingly confident in their ability to test the world community's resolve and resumed the siege of Sarajevo by mid-year.

On March 2, two U.S. aircraft under NATO command shot down four Serb jets near Banja Luka in northwestern Bosnia. Though an April 1993 U.N. resolution authorized the enforcement of a "no-fly zone" over Bosnia, the downing of the Serb jet represented the first enforcement after nearly 1,400 reported violations.

According to an April 22 NATO ultimatum, Bosnian Serb forces were ordered to immediately halt their attack on Gorazde, allow the free passage of displaced persons and relief personnel, and withdraw all troops from the town's center. NATO threatened air strikes against Bosnian Serb heavy weaponry and other military targets found within a 12.4-mile radius of Gorazde's center, and later extended the ultimatum to include the remaining U.N.-declared safe areas of Bihac, Srebrenica, Tuzla, and Zepa.

On April 24, when it appeared that Bosnian Serb forces were not complying with NATO demands, then-NATO Secretary-General Manfred Werner asked that the alliance begin conducting air strikes. After the U.N. extended their deadline, the Bosnian Serbs made significant strides in withdrawing its troops from the 1.9-mile zone, and both NATO and U.N. authorities stated that air strikes would not be necessary. NATO and U.N. leaders expressed satisfaction with the withdrawal, but a number of Serbian forces remained within the exclusion zone in violation of NATO's demands.

In July, UNPROFOR forces found themselves under increasing attack by Bosnian Serb militias. On August 5, two U.S. war planes under NATO command bombed a Bosnian Serb antitank vehicle near Sarajevo after Serbian soldiers sneaked into a U.N. weapons collection point and removed heavy guns. In the fourth NATO attack in 1994, NATO war planes strafed and bombed an vacant Bosnian Serb tank near Sarajevo in retaliation for a Serb attack on French U.N. peacekeepers.

In October, Bosnian Serbs attacked a U.N. convoy and killed a U.N. driver, forcing British U.N. soldiers to return fire. The attack lasted two hours, but senior U.N. officials decided not to call for a NATO air strike for logistical reasons.

Throughout 1994, NATO and the U.N. were at odds over the use of force in Bosnia. NATO was more willing to use force when U.N. troops or safe areas were attacked, while the Russians and Lt. Gen. Sir Michael Rose, the commander of U.N. forces in Bosnia, were opposed

to expanding the use of force or the role of NATO in the Balkans. On October 27, NATO and the U.N. reached a draft compromise that would allow unannounced air strikes when there is little danger of civilian casualties, and require warnings if the strikes could endanger civilians.

On August 15, South African Judge Richard Goldstone took office as prosecutor to the international war crimes tribunal established by the U.N. to adjudicate war crimes and crimes against humanity in Bosnia and Croatia. The prosecutor's office began investigating specific cases of abuse in 1994 and, on November 8, it issued its first indictment against Dragan Nikolic, the former commander of the Bosnian Serb-run Srebrenica camp. On the same day, the tribunal announced that it would ask Germany to extradite Dusko Tadic, a Serb accused of atrocities in the Omarska detention camp in 1992, who had been arrested in Munich in February. Other suspected war criminals from the former Yugoslavia had been apprehended in Denmark, Switzerland, and Austria by mid-November.

### The Work of

#### Human Rights Watch/Helsinki

Throughout 1994, Human Rights Watch/Helsinki continued monitoring and reporting on violations of the rules of war in Bosnia, with a view to identifying by name those responsible for such abuses. We also urged international negotiators to address human rights concerns as part of an overall peace settlement.

In April, we reported on, and identified persons responsible for, crimes in the northern Bosnian town of Bosanski Samac. In June, we issued a report about continuing human rights violations in the Banja Luka area and criticized international peace negotiators' disregard for continued "ethnic cleansing." Indeed, on June 28, prior to a meeting of the G-7 leaders (Canada, France, Germany, Italy, Japan, United Kingdom, and United States), Human Rights Watch/Helsinki issued a press release warning the G-7 not to endorse the contact group's peace proposal partitioning Bosnia until human rights concerns were made part of an overall peace settlement; we sent a similar letter to President Clinton. In early September, we issued a press release calling on the contact group to use its influence with Bosnian Serb authorities to stop "ethnic cleansing" in Bijeljina and other parts of northern Bosnia. We continued calling on the international community to respond to continued "ethnic cleansing" in northern Bosnia in a November newsletter. In a March letter to Jose Ayala Lasso, U.N. high commissioner for human rights, we suggested improvements in the UNPROFOR mission in Croatia and Bosnia-Herzegovina.

Human Rights Watch/Helsinki sent a mission to Sarajevo in May and June and issued a newsletter in October reporting on past and present human rights violations in the city. In September and October, Human Rights Watch/Helsinki sent a mission to central and southwestern Bosnia to investigate the status of human rights and accountability for past crimes in the Muslim-Croat federation. We met with E.U. administrators of Mostar in the field and in Brussels. Also in the fall, we researched the campaign to "ethnically cleanse" eastern Bosnia of Muslims and to identify persons who planned or perpetrated abuses in the area in 1992.

Throughout the year, Human Rights Watch/Helsinki kept up pressure for the establishment and support of the international tribunal to adjudicate war crimes and crimes against humanity in Bosnia and Croatia. In February, Human Rights Watch/Helsinki issued *The War Crimes Tribunal: One Year Later*, which called for the appointment of a prosecutor to the international war crimes tribunal and for the tribunal to begin its work. We also advocated for

proper funding and staffing of the tribunal, and on February 25 sent a letter to U.N. Secretary-General Boutros-Ghali expressing concern over the failure to provide adequate funding. In March, we urged U.N. budgetary bodies to allocate sufficient funds to the tribunal. Prior to and after the appointment of Judge Goldstone, representatives of Human Rights Watch maintained regular contact with the prosecutor's office and forwarded our documentation to the tribunal's staff.

## BULGARIA

### Human Rights Developments

The most serious human rights abuses in Bulgaria continued to be directed primarily at ethnic minority groups, and especially Roma (Gypsies), during 1994. Human Rights Watch/Helsinki continued to receive many credible reports of violence against Roma, much of it committed by police officers and private security guards. For example, on August 4, 1994, the police carried out a large-scale raid in the Roma neighborhood in the town of Pazardzhik. As in a similar raid in the same neighborhood in 1992, the police brutalized innocent victims and intentionally damaged the property of Roma. Lyubcho Terziev, a Roma who was arrested during the raid, died while in detention. According to the official death certificate, his death was the result of "cardiovascular insufficiency." However, persons who saw Terziev's body reported that there was evidence he had been beaten on the head and that there were burn marks on his genitals.

In addition to the numerous cases of police and private security guard violence against Roma, in the period covered by this report the phenomenon of mob violence against Roma intensified. During the month of December 1993, the Roma neighborhood of Pobeda in Burgas was attacked on several occasions. In each of the attacks, the perpetrators wore helmets and threw molotov cocktails. On January 10, 1994, six Roma houses in the same neighborhood were set on fire. During that attack, a Roma teenager was also severely beaten and a four-year-old child was badly burned.

On February 25, a Roma soldier robbed and murdered a seventy-year-old ethnic Bulgarian in the town of Dolno Belotintsi. The murderer was arrested about three hours later, but vigilantes took reprisals against the entire ethnic group. That evening, a group of ethnic Bulgarian villagers attacked the homes of Roma living in the village, rounding up and beating many of them. The Roma were then forced to march to the next town, and in the following days, several Roma homes were set on fire or damaged.

On March 26, 1994, approximately fifty skinheads attacked the homes of Roma in the town of Pleven, beating residents and setting one house on fire. Victims' testimonies indicate that the police not only did not intervene to protect them, but actually participated in the beatings.

On October 17, Kiril Yosifov Yordanov, a Roma who had filed a complaint against the police in Pazardzhik for allegedly having beaten him, was again detained with three other Roma and beaten by the police. While the police were looking at Yordanov's passport, they found a telegram from the Human Rights Project about his lawsuit and a notification from the court regarding the date of the next hearing. The officers reportedly then asked Yordanov if he was "the brave guy who is suing us?" The police then started beating him and cursing him. His request to contact his lawyer was denied.

There is substantial evidence that during 1994 Bulgarian police and prosecutors have failed to investigate acts of violence promptly and thoroughly when the victim was Roma. Prosecutors have frequently decided that there was not enough evidence to open a formal investigation in cases where Bulgarian and international human rights organizations had documented substantial evidence of police brutality and misconduct. Frequently the testimony of Roma victims was not even taken or, if taken, was disregarded.

Police abuse and use of excessive force against minorities in general continued to be a serious human rights concern. In addition to the numerous cases of police brutality against Roma discussed above, there were numerous other reports of police abuse, especially directed at racial and ethnic minorities. For example, following the murder of two policemen by Iranian citizens in December 1993, the Bulgarian police shot and killed four Iranian citizens over the following two weeks. Reports indicated that the police made no effort to arrest the Iranians or to warn them before shooting. An investigation was still underway in early November 1994, with no results to date. In June, representatives from the Movement for Rights and Freedoms also submitted a series of complaints of police brutality against ethnic Turks to the Ministry of the Interior.

The Bulgarian government continued to restrict the free expression and association of certain Bulgarian citizens who identify themselves as ethnic Macedonians during 1994. On April 23, the authorities denied a request by members of United Macedonian Organization Ilinden (OMO Ilinden) for permission to assemble to commemorate the anniversary of the death of Yane Sandanski, a Macedonian leader from the beginning of the twentieth century. (OMO Ilinden has been denied registration by the government because it is considered a separatist organization.)

In addition, efforts to restrict the activities of certain "non-traditional" religious groups intensified during 1994. On February 3, the law governing nonprofit organizations was amended to increase the discretion of the executive branch, which was already quite substantial, to determine which religious groups should be granted legal status. Article 133a of the Law on Persons and the Family, as amended, stated that "nonprofit juridical entities which have religious or related activities or perform religious education should be registered under this chapter after the approval of the Council of Ministers." The law, which entered into force on February 21, did not specify the conditions under which religious organizations could be denied registration. It did not set out the procedure for implementing the law, nor establish an appeals process. Previously registered nonprofit organizations and religious foundations were given three months to re-register. As of the end of July, thirty-nine religious organizations had been denied registration and twenty-three had been re-registered.

Denial of legal status made it impossible for an organization to rent public lecture halls or sign contracts in the name of the organization. An unregistered organization was unable to open a bank account or publish journals or newspapers in the name of the organization and was denied certain tax advantages. The law effectively discriminated against non-traditional religious groups and prevented many of them from functioning as legal entities in Bulgaria.

Attempts to prosecute those accused of abuses during the communist era progressed slowly during 1994. The murder trial of three former guards at the Lovetch labor camp, which had started in 1993, continued. President Zhelev pardoned former Prime Minister Gueorgui Atanasov who, along with the former Minister of Industry Stoyan Ovcharov, was sentenced in 1993 to ten years and nine years of imprisonment respectively for misappropriation of funds.

The pardon was due to Mr. Atanasov's poor health.

One encouraging step during the period covered by this report was the National Assembly's adoption of a new National Police Law on December 15, 1993. Among other things, the law, which entered into force on January 1, 1994, removed the police from the jurisdiction of the military courts, such that in the future, all allegations of police misconduct and brutality are now the responsibility of civil prosecutors and investigators.

Although the 1990 moratorium on the death penalty remained in effect during 1994, capital punishment remained legal and Bulgarian courts continued to issue death sentences. In January and February, the parliament discussed legislative initiatives to lift the moratorium, but they were never considered by the plenary hall of the parliament.

#### The Right to Monitor

Human Rights Watch/Helsinki was not aware of any instance in 1994 in which the government of Bulgaria had hindered human rights monitors in their work.

#### U.S. Policy

Bulgarian and U.S. officials held several high-level meetings during the year to discuss such issues as the Partnership for Peace initiative and the situation in the Balkans. However, the only significant public comment on human rights developments in Bulgaria were found in the State Department's Country Reports on Human Rights Practices for 1993. The section on Bulgaria was, for the most part, accurate and thorough in reporting on the human rights situation there.

#### The Work of

##### Human Rights Watch/Helsinki

Human Rights Watch/Helsinki concentrated its efforts during 1994 on encouraging international bodies to play an active role in ensuring that the Bulgarian government took the necessary steps to protect Roma from mob violence and to guarantee that the victims of such violence could obtain adequate remedy. To this end, we documented the Bulgarian government's tolerance for and acquiescence in the violence committed against the Roma minority. In May 1994, Human Rights Watch/Helsinki sent a mission to Bulgaria to investigate recent reports of police brutality and cases of mob violence against Roma. A report on the findings of the mission was released during the Conference on Cooperation and Security in Europe (CSCE) Review conference in Budapest in early November. In addition, Human Rights Watch/Helsinki used the information contained in the report to urge representatives of the various member states of the Council of Europe and the European Union to initiate a dialogue with the government and to insist that concrete steps be taken by the government to address our concerns, targeting especially those countries that have close ties to Bulgaria and may therefore have more influence with the Bulgarian government. In November, Human Rights Watch/Helsinki called on the Council of Europe and the CSCE, among other things, to initiate a dialogue with the Bulgarian government and to insist that the Bulgarian government take concrete steps to address our concerns.

Human Rights Watch/Helsinki also raised with the Bulgarian government a number of other human rights concerns, including restrictions on religious freedoms and the arrests of several Macedonian leaders.

#### CROATIA



## Human Rights Developments

Although there were some human rights improvements in Croatia in 1994, the Croatian government continued to evict persons living in housing formerly owned by the Yugoslav army and to impede the functioning of a free press. To its credit, the Croatian government pressured its surrogates in Bosnia to accept a peace plan between Muslims and Croats in late February, which had a positive effect on human rights in that country. Having already "cleansed" non-Serbs from much of the area under their control, insurgent Serbian forces in Croatia continued to deny water to the civilian population in Croatian government-controlled areas and to impede cooperation with U.N. officials investigating war crimes.

In 1992, the Croatian Defense Ministry had assumed the right of ownership of all property belonging to the Yugoslav army (JNA), including apartments and homes owned by the JNA which housed its personnel. As in 1993, the Defense Ministry continued to forward eviction notices to those who were granted tenancy rights to JNA-owned property after October 1991, usually non-Croatian former JNA personnel or their families. Those evicted were not always granted the opportunity to appeal to an independent entity, such as a civil court. When the court did rule in favor of the person being evicted, the Defense Ministry did not always abide by the court's ruling and often forced people from their homes.

In July, the Croatian Ministry of Culture and Education revoked the tax exempt status of the independent weekly Feral Tribune despite the fact that such exemptions were normally granted to the print media as a form of public subsidy. Human Rights Watch/Helsinki believes this action was politically motivated because Feral Tribune consistently criticized government policies and satirized Croatian government officials, thereby invoking the ire of the Croatian government and conservative members of the ruling Croatian Democratic Union (HDZ). The 50 percent tax on profits that the paper was thus forced to pay, threatened its very existence.

Physical violence against Serbs and their property and mistreatment of Muslim refugees lessened in 1994. Also, some decisions to refuse citizenship to some non-Serbs were reversed, and the refoulement of Bosnian refugees decreased. On the other hand, trials of alleged "war criminals" in Croatia continued to suffer from lack of due process. Most trials continued in absentia, and those who were physically present for their trials were not always allowed to call witnesses for their defense, or had been mistreated while in police custody. Moreover, the Defense Ministry did little to discipline members of the military police, who were responsible for most abuses in Croatia during the year.

Thirty percent of Croatia remained under the control of Serbian insurgents in 1994. Efforts to open peace negotiations between the Croatian government and the authorities of this area—the self-proclaimed "Republic of Serbian Krajina" (RSK)—produced little result. Serbian authorities in the Obrovac area continued to refuse to supply water to the civilian population in government-controlled areas around Zadar. Bosnian Serb forces shelled the Dubrovnik area intermittently during the summer and Zupanja and Bosnjaci in the fall. Most non-Serbs had long been expelled from Serbian-controlled areas of Croatia, but 1994 saw an influx of Bosnian Muslim and Serb refugees into Serbian-held areas of Croatia. As of mid-November, there were no reports of mistreatment of either the Bosnian Serb or Muslim refugees; indeed, before they fled the Velika Kladusa area, fleeing Muslim refugees and their leader, Fikret Abdic, advocated cooperation with and were supported, in part, by Serbian officials in Croatia.

The United Nations Protection Force (UNPROFOR) continued to operate with little

success in Serbian-controlled areas in Croatia. The UNPROFOR mission was not sufficiently forceful with the Serbian authorities and, as a result, continued to be unable to fulfill its mission. For example, the repatriation of the displaced was part of the U.N.'s mandate in Croatia, yet not one displaced non-Serb was repatriated to Serbian-held areas in 1994. Moreover, the U.N. did little to pressure the insurgent Serbian authorities to resupply water to the civilian population in parts of government-controlled Croatia, despite the fact that the denial of water to civilian populations was contrary to international law. Finally, although the U.N. was to have demilitarized Serbian-controlled areas of Croatia, U.N. forces did nothing to prevent Serbian forces in Croatia from launching attacks against the safe area of Bihac in northwestern Bosnia in late 1994.

### The Right to Monitor

Although conservative members of the government and ruling party took issue with positions taken by some human rights groups, the Croatian government generally did not interfere with the activities of domestic or international human rights organizations. The Croatian Helsinki Committee continued its second year of operation, and local human rights groups in Split, Osijek, Rijeka, and Zagreb worked generally unimpeded. Serbian political and cultural groups also continued their human rights activities in Croatia. The Croatian government cooperated with efforts by a U.N. forensic team to exhume the remains of Serbs summarily executed by Croatian soldiers in the Pakrac area in 1991. Amnesty International established a local chapter in 1994, and Human Rights Watch/Helsinki representatives continued to operate within Croatia throughout the year.

Although the U.N. monitored human rights abuses in Serbian-held areas of Croatia, Serbian authorities generally were not willing to cooperate with international human rights groups. In November 1993, authorities in the self-proclaimed RSK continued to prevent a U.N. forensic team from exhuming a mass grave containing the remains of approximately 200 Croats summarily executed in Vukovar, after that city fell to Serbian forces in 1991.

### U.S. Policy

U.S. policy toward Croatia was dominated by concern for Croatian government involvement in the war in neighboring Bosnia. The U.S. nonetheless took some action to press the Croatian government to improve its human rights performance at home and brought attention to the need for accountability for crimes committed during the 1991 wars in Croatia and Bosnia.

In January 1994, Madeline Albright, U.S. ambassador to the U.N., visited Croatia. In a strong, important speech delivered at the site of the mass grave in Vukovar, Ambassador Albright stated that the U.S. would oppose lifting sanctions against Serbia unless the authorities in Serbian-held areas of Bosnia and Croatia and the governments of Serbia and Montenegro cooperated with the international war crimes tribunal by permitting unhindered investigation of war crimes and crimes against humanity and by extraditing those indicted for these offenses. But this position was later abandoned; the U.S. agreed to ease U.N.-imposed sanctions against Serbia and Montenegro following the Yugoslav government's isolation of the Bosnian Serbs, despite a lack of progress in cooperation with the tribunal.

To its credit, in early 1994, the U.S. pressured Croatia to withdraw its military and financial support from the Bosnian Croat militia (HVO) in their war against the Muslim-dominated Bosnian Army. During her January visit to Croatia, Ambassador Albright

responded to Croatian President Franjo Tudjman's threats to send Croatian troops to Bosnia, warning that any increased Croatian presence there could be met with U.N. sanctions against Croatia.

By early March, the U.S. had brokered a federation between the Bosnian Croats and Muslims, and the governments of Croatia and Bosnia-Herzegovina agreed to form a confederation. Instrumental to the success of these negotiations and the consequent human rights improvements in central and southwestern Bosnia was the role the U.S. played in convincing Croatian President Tudjman to exert his influence with the Bosnian Croat leaders. According to the international media, a particular incentive to President Tudjman was the U.S.'s promise to take a more active role in finding a satisfactory solution to the struggle between the Croatian government and Serbian insurgents in Croatia.

On June 30, Peter Galbraith, U.S. ambassador to Croatia, warned the Croatian government that despite U.S. recognition of Croatia's territorial integrity, the Clinton administration discouraged the forceful reintegration of Croatia's Serbian-occupied territories. Arguing that Croatia did not possess the strength to complete a successful military takeover of the occupied territories, Galbraith urged the Croatian government instead to improve its treatment of Croatia's Serbian minority and create an environment conducive to peaceful negotiation. Galbraith's comments came in the wake of increasing threats on the part of Croatian officials to resort to force should negotiations with Serbian leaders of the self-styled RSK make no progress by the fall.

In October, Ambassador Galbraith, along with representatives from the United Nations, European Union, and Russia, attempted to broker a peace between the Croatian government and Serbian insurgents. The proposed peace plan granted a high degree of autonomy to Croatia's insurgent Serbs if they returned oil wells and farmland to Croatian control and allowed Croats expelled from Serbian-held territory to return to their homes. The plan was unacceptable to both parties.

#### The Work of Human Rights Watch/Helsinki

In order to monitor and respond to violations of civil and political rights and the rules of war in Croatia and Croat-controlled areas of Bosnia-Herzegovina, Human Rights Watch/Helsinki continued to maintain one or more staff members in Croatia throughout 1994. Staff representatives sustained contacts with human rights activists, government officials and the press in Croatia. Human Rights Watch/Helsinki conducted a mission to Croatia in March and April to investigate the status of the Croatian government's prosecution of alleged war criminals. In September, we sent a letter to the Croatian government protesting continued impediments to freedom of the press. We continued to monitor U.N. operations in Croatia and to lobby for member states' cooperation with the international tribunal established to adjudicate war crimes and crimes against humanity in Bosnia and Croatia.

THE  
CZECH REPUBLIC

## Human Rights Developments

Although the human rights situation in the Czech Republic has improved dramatically in recent years, continuing human rights concerns related in particular to the treatment of Roma (Gypsies) and the increase in skinhead attacks against them during 1994. More generally, tensions over nationality and integration provided the context for legal discrimination against certain non-Czechs. For example, the Law of the Czech National Council on Acquisition and Loss of Citizenship, adopted on January 1, 1993, was amended in 1994 to extend the date for Slovak citizens to apply for Czech citizenship under more favorable conditions than other foreigners until June 30, 1994.

The law provided, *inter alia*, that Slovak nationals can be denied Czech citizenship if they have criminal records dating five years prior to application. Human rights and minority rights groups expressed concern that the law would have a negative impact on the Roma minority, many of whom are Slovak citizens although they may have lived their whole lives on Czech territory. As the U.S. Helsinki Commission pointed out, "The law attaches to past criminal acts new penalties (i.e. loss of citizenship) which were not in existence at the time of the crime, has the impact of discriminating against the Czech Republic's largest minority, and is being implemented in a manner which fails to provide the kinds of administrative law protections" envisioned in human rights documents. It is estimated that approximately 100,000 Slovak citizens, most of whom are Romas, have been left without Czech citizenship as a result of the law. On September 13, the Czech Constitutional Court rejected a challenge to the law on the basis that it was discriminatory.

There continued to be reports of violent attacks on Roma. For example, following the killing of a policeman allegedly by a Roma man on June 19, two Roma houses were set on fire in the town of Bruntal. Many of the attacks were carried out by skinheads. On July 15, skinheads threw Molotov cocktails into the home of a Roma family in Jablonec nad Nisou, severely injuring a young girl and her mother. Some Romas reported that the police were often unwilling to protect citizens of Roma ethnicity.

On April 29, after much controversy, the Czech parliament adopted a law providing for the restitution of Jewish property confiscated by the Nazis during World War II. The government identified for return some 202 synagogues, cemeteries and other community buildings still in the possession of the state or municipalities. Under the new law, Jewish property that was later sold to individuals would not be returned, but financial compensation would be paid by the state.

During 1994 representatives of the Sudetan Germans, who were expelled from Czechoslovakia after World War II, increased pressure on the Czech Republic to provide restitution and repatriation rights. Czech government officials had consistently refused to negotiate with the Sudetan Germans, but during 1994, the German and Austrian governments began to support more vocally the demands of the Sudetan Germans and to suggest that a resolution of their demands might be linked to the Czech Republic's admission into the European Union. International human rights documents prohibit discrimination on the basis of ethnic or national origin and guarantee that all individuals shall receive equal treatment of the law and shall have the right to obtain adequate reparation for damages suffered due to discrimination.

On April 13, the Czech Constitutional Court held that provisions of Article 102 of the criminal code that prohibit defamation of "the government, parliament and the constitutional

court" were unconstitutional. Although human rights observers applauded the court's decision, they pointed out that the criminal code still prohibits defamation of the Czech Republic and of the President of the Republic. Petr Cibulka, editor-in-chief of the anti-communist weekly Uncensored News, had been charged under these provisions for having made critical remarks about Czech President Vaclav Havel. On March 17, President Havel pardoned Cibulka.

#### The Right to Monitor

Human Rights Watch/Helsinki 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

Although United States and Czech officials met frequently during 1994, the only significant comments on human rights in the Czech Republic were found in the State Department's Country Reports on Human Rights Practices for 1993. Its section on the Czech Republic was, for the most part, accurate in reporting on the human rights situation and appropriate in tone. However, the report described as "cultural" the "central issue" in the controversy over the provision in the citizenship law requiring a clean criminal record for a five-year period prior to the application, stating "ethnic Czechs see five years as reasonable, Roma see it as punitive." By doing so, the State Department appeared to be trivializing serious human rights issues raised by the law.

#### The Work of

##### Human Rights Watch/Helsinki

Human Rights Watch/Helsinki's primary concern in the Czech Republic continued to be the treatment of the Roma minority and, in particular, the impact that the citizenship law would have on Roma. In September, Human Rights Watch/Helsinki wrote to Minister of the Interior Jan Ruml expressing concern and requesting specific information regarding the impact of the law on the Roma minority.

## GEORGIA

#### Human Rights Developments

The fighting in the western regions of Abkhazia and Megrelia, which had marred Georgia's human rights record in recent years, decreased dramatically in 1994. However, violations of refugee rights, police brutality, abysmal conditions of confinement, and restrictions on peaceful dissent continued to plague this Caucasian country.

After fourteen months of fighting the central government for autonomy, Abkhazian forces took full control of the disputed territory in October 1993, and the warring sides signed the first of a series of U.N.-sponsored peace agreements on December 1. Beginning in June 1994, Russia deployed some 3,000 peacekeepers under the Confederation of Independent States (C.I.S.) banner to de-mine the conflict zone. At the same time, the bloody civil war between supporters and opponents of Head of State Eduard Shevardnadze that had gripped Megrelia and the capital, Tbilisi, since 1991 also tapered off. The parties to the conflict signed a cease-fire agreement in September 1993, former President Zviad Gamsakhurdia died in December, and anti-Shevardnadze military leader Vakhtang "Loti" Kobalia was sent to jail on murder charges on

July 7, 1994.

War criminals from both sides of the Georgia-Abkhazia conflict remained unpunished, however, and Abkhazian diplomatic and armed resistance and the slow pace of peace negotiations prevented almost all of the estimated 250,000 primarily ethnic Georgians driven from Abkhazia from returning home.

Similarly, the central government engaged in a conflict of wills against its detractors. Growing discontent over the country's economic and social deterioration spurred the government to keep a tight grip on society. The government and the Mkhedrioni (Horsemen, a paramilitary group working with the police) harassed, beat and arrested dissidents and nonconformist journalists. They also dispersed several peaceful protest rallies in Tbilisi, including on April 7, 9, 14, and 20, July 9, September 19 and October 11. Torture continued in police lockups and pre-trial investigation centers, most notably in the capital.

Georgia's pre-trial detention centers and prisons were appallingly overcrowded and unsanitary. Facility administrators in Tbilisi blamed empty government coffers for the failure to provide adequate medical care and the inability to feed inmates more than bread. Human Rights Watch considers such conditions severely abusive.

In 1994 the government imprisoned or failed to release dozens of members of the loosely organized opposition in an apparent attempt to silence them. Charges ranged from political crimes such as treason and terrorism to criminal violations, and many suspects faced the death penalty. On May 19, for example, Avtandil Rtskhiladze, a leading supporter of President Gamsakhurdia, went to jail on murder charges; as of this writing, however, the Procuracy (prosecutor's office) was not known to have submitted any evidence against him. In response to criticism of such arrests, Mr. Shevardnadze created a commission in July to investigate whether Georgia kept political prisoners. His appointment of officials exclusively from his own government to serve on the commission raised doubts about the impartiality of the inquiry.

Nineteen opposition members arrested in 1992 for murder and terrorism, among other crimes, came to trial in October 1993, and, despite serious due process violations, they remained on trial throughout 1994. They testified that investigators tortured them into confessing. Sixteen of the defendants faced capital punishment. With only one known exception, the court failed to investigate these serious allegations. Indeed, throughout the trial Judge Mirza Dolidze barred access to counsel, prohibited medical care, and expelled defendants and defense lawyers from the courtroom arbitrarily, ultimately trying five individuals facing the death penalty in absentia. Special forces (OMON) reportedly beat one defendant, Viktor Domukhovskii, in his cell on August 13. Soon after Mr. Domukhovskii protested the beating, the judge expelled him and his legal representative from the trial. The Supreme Court and the Collegium of Lawyers (roughly equivalent to a bar association) refused to investigate these gross violations of due process. On the contrary, in June the Collegium disbarred an outspoken defense lawyer in the case, Tengiz Nijeradze.

In March the parliament lifted a two-year moratorium on the death sentence. The Committee for Human Rights and Inter-ethnic Affairs confirmed that executions had taken place, but was unable to confirm how many. It reported in August, however, that the government had approved at least eight acts of clemency in 1994.

Residents enjoyed relatively unrestricted free expression. However, the government's attacks on independent journalists, or failure to condemn such attacks, chilled some critical speech. On March 23, six armed men reportedly beat Zaza Chenguelia, director of the

independent TV station Obervisa, at his office so badly that he required hospitalization. Three days later, the station was bombed. On April 9, another bomb exploded at the editorial offices of the independent newspaper Svobodnaia Gruzia. On June 14, militia arrested and beat David Khvizhinadze, a Reuters correspondent, as he filmed an opposition rally in Tbilisi, and confiscated his camera.

In 1993, the Procuracy charged Elizbar Javelidze, editor of the independent newspaper Sakartvelos Samreklo, with slandering Mr. Shevardnadze for publishing a translation of a critical article from the British journal Soviet Analyst. According to Mr. Javelidze's wife, the militia repeatedly searched his home and harassed his family in 1994, forcing him into hiding. One activist with the opposition Helsinki Union claimed that as of June, twenty-five Georgian journalists had lost their jobs because of government pressure.

In at least two broadcasts, the government media grossly distorted coverage of Human Rights Watch's concerns in Georgia; at least one journalists' organization declined to cover the issues at all, citing fear of government reprisals.

In a rare positive development, the government on April 7 agreed to re-register the once illegal newspaper Tavisupali Sakartvelo.

### The Right to Monitor

Government harassment and the politicization of human rights work reduced the number of active independent monitors in Georgia to a handful.

Over the summer, law enforcement officials twice detained Tbilisi-based activist Giorgi Khoshtaria; on September 19 Deputy Minister of Internal Affairs Chaladze reportedly personally beat him during interrogation. Mr. Khoshtaria reported that the interrogations focused on his defense of political prisoners. The human rights branch of the Helsinki Union reported that the militia arrested members arbitrarily and tapped their telephones. It is unclear whether the harassment was intended to curtail their political or human rights activities.

The governmental Committee on Human Rights met with Human Rights Watch representatives in June and August, held a joint press conference with the organization in August, facilitated some access to prisons, helped collect copies of laws, and promised to correct some minor due process violations in Criminal Case No. 7493810. However, the committee also prevaricated about medical attention to prisoners.

In June government and prison authorities barred a Human Rights Watch representative from speaking with incarcerated defendants. Prison authorities punitively moved one inmate, Zaza Tsiklauri, who was suffering from tuberculosis and the effects of torture, from the hospital where he was interviewed by our representative to an overcrowded detention cell where he received no medical care and later contracted hepatitis from a cellmate. The presiding judge and prison officials refused him medical treatment until relatives and human rights groups joined in protest of his mistreatment; then they returned him to the hospital in September.

### United Nations Policy

The U.N. forged difficult peace agreements for Abkhazia, and the officer of the U.N. High Commissioner for Refugees (UNHCR) assisted tens of thousands of displaced persons. U.S. Ambassador to the U.N. Madeleine Albright traveled personally to Tbilisi on September 1 to speed the peace process.

At the same time, the U.N. helped negotiate restrictions on the right to return home.

Article 3(c) of the April 4 quadripartite (Georgia, Abkhaz, Russia and U.N.) agreement denied returnees immunity when there were "serious signs" that they had committed a "military offense...a serious criminal offense or earlier participated in military actions and currently belong to armed formations that are preparing for military actions in Abkhazia." No one should be immune to investigation of alleged human rights violations. However, the very real fear of biased prosecution discouraged displaced persons from returning to Abkhazia. The restrictions stipulated in the April agreement are also objectionable since they target a particular group, the overwhelmingly Georgian population that fled Abkhazia.

The U.N. declined to send peacekeepers to Abkhazia pending a political settlement of the conflict. The U.N. had no legal obligation to do so, and its resistance was understandable. However, its lack of participation in the process yielded a dangerous situation for civilians. Partisan bodies such as the Russian army, Georgian Procuracy, and Abkhazian militia and Procuracy were responsible for law enforcement in the wake of the conflict. Since most of the individuals designated to perform law enforcement and prosecutorial duties were either victims of or parties to the conflict, the risk that suspects would not receive a fair trial increased. The U.N. was also slow to muster the military observers it authorized (only 104 out of 136 authorized observers had been deployed as of this writing), and thereby weakened the necessary supervision of regional law enforcement efforts.

The Georgian government and Abkhazian authorities are responsible for investigating suspected violations of the laws of war and trying them fairly. Should they fail to fulfil that obligation, the U.N., as the representative of the international community, should stand ready to prosecute and punish violations of the laws of war in full conformity with international standards.

#### U.S. Policy

The Clinton administration was responsive to Georgia's humanitarian crisis, sending some \$106 million for assistance. It also promoted a broad spectrum of educational programs through the United States Information Agency (USIA) and the United States Agency for International Development (USAID).

However, the U.S. government limited its criticism of Georgia's dismal human rights record almost exclusively to its strong annual State Department Country Reports on Human Rights Practices for 1993 and the work of its embassy, which raised concerns locally and interceded directly on behalf of victims. Although President Clinton met with Mr. Shevardnadze in March 1994, he is not known to have raised criticism of Georgia's appalling human rights record. Failure to publicly criticize that record squandered the opportunity to condition the close relations the U.S. has cultivated with Georgia and the relatively extensive aid package it has provided on improvement in its human rights record.

#### The Work of

##### Human Rights Watch/Helsinki

Human Rights Watch/Helsinki pursued two goals in Georgia in 1994: to expose violations in the media and in personal meetings with government officials, and thereby to compel government authorities to take action.

Our representatives traveled to Tbilisi in June and August, visited prisons, hospitals and pre-trial detention centers, and raised concerns with government officials. In August, we issued a



report about torture in detention and other serious violations, and held press conferences on violations in Moscow and Tbilisi. We also urged Russia and the European Union to condemn violations in Georgia. Our protests resulted in heightened government and media attention to these abuses, decreased harassment of some activists, and medical treatment for inmates.

Throughout the year we demanded that the government and prison officials provide medical care to inmates and stop due process violations. We also urged the Procuracy to review the February 7 murder conviction of Anzor Sharmaidze, who was charged with the 1993 death of C.I.A. agent Fred Woodruff, in light of evidence that Mr. Sharmaidze was tortured into confessing.

## GERMANY

### Human Rights Developments

Right-wing violence and police brutality against foreigners and non-citizen residents continued to be the primary human rights concern in Germany during 1994. On the positive side, the state's investigatory and judicial response became more forceful and timely. But the police failed to protect foreigners under attack in some cases, and were accused of custodial violence against foreigners in Berlin and elsewhere. Germany's immigration policy also continued to be a matter of serious concern, as reports emerged of the refoulement of legitimate asylum-seekers who faced repression once deported or excluded, and of mistreatment and inhumane conditions in detention for foreigners awaiting deportation.

Government statistics indicated that for the first time in four years there had been a decline in the number of violent attacks against non-Germans. This decline was due, in part, to more forceful government measures to combat xenophobic violence, such as the expansion of the number of police and prosecutors trained to investigate and prosecute cases of xenophobic violence. Despite the important change, however, the figures were still significantly higher than prior to 1991. According to the Office for the Protection of the Constitution, between January and October 1994, over 2,000 attacks motivated by xenophobia were reported to the German authorities. According to foreigners' rights groups, a large number of attacks also went unreported.

On May 12, in the eastern city of Magdeburg, a group of approximately 150 skinheads and neo-Nazis attacked asylum-seekers from Africa, chasing them through the streets and into a cafe owned by a Turkish resident, where four of the assailants were then stabbed by Turkish employees. For several hours after the attack, skinheads and neo-Nazis roamed the streets of Magdeburg attacking foreigners. The police were reportedly slow to respond to the violence and, although they arrested forty-nine suspects, all were released that same night save for two who had outstanding arrest warrants related to other crimes. The police claimed that they could not identify any of the assailants, which appeared unlikely. Moreover, the police had failed to prevent the violence in spite of having been warned that a large group of right-wing youths would gather in the town center. Many human rights and foreigners' rights groups in Germany criticized police conduct in this case.

Elsewhere, there did appear to be an overall improvement in the police response to right-wing violence against foreigners as compared to 1992 and 1993. This coexisted, however, with a serious and growing problem of brutality and mistreatment of foreigners and non-German

residents by the police themselves. For example, in October the minister of justice for Berlin admitted that forty-six police officers were under investigation for allegedly having mistreated Vietnamese cigarette dealers in that city. Community leaders in Berlin reported numerous allegations by Vietnamese of brutal beatings and sexual harassment—as well as two suspicious deaths—in police custody. Similarly, Hamburg's minister of the interior resigned on September 12 to protest against xenophobia and racism within the Hamburg police force. The next day twenty-seven policemen accused of attacking foreigners were suspended from duty pending the completion of an investigation.

The judiciary appeared to treat cases of violence against non-Germans more seriously than it had in previous years. There were numerous prosecutions of crimes against foreigners, for example, that ended in convictions and comparatively high sentences. For example, in the Magdeburg case discussed above, the four defendants were convicted and sentenced to between two and three-and-one-half years of imprisonment; significantly more than requested by the prosecutor in the case. However, several judges did express sympathy for the xenophobia and right-wing extremism of defendants appearing before them.

There were also numerous efforts during 1994 to prosecute neo-Nazi leaders for a variety of offenses, including incitement to racial hatred and possessing banned right-wing propaganda. For example, Sasha Chaves was convicted of inciting racial hatred for his reported telephone network to announce neo-Nazi meetings and to disperse anti-foreigner propaganda. Charges were also brought against several individuals for continued participation in banned neo-Nazi parties. The federal Ministry of the Interior classified the Republican Party, the largest right-wing party, as "extremist" and ordered its federal security officials to put the party under surveillance. International human rights groups expressed concern that these groups not be singled out solely for exercising their protected right to hold political opinions without interference and to free expression.

Foreigners were not the only victims of right-wing violence during 1994. There were numerous reports of vandalism and destruction of Jewish properties and symbols, including the defacement of Jewish graves with swastikas and anti-Semitic graffiti. On March 25, on the eve of Passover, firebombs ignited the synagogue in Lubeck, a port city in western Germany. Fortunately, several Jewish families who lived in the building were able to escape unharmed. Four young neo-Nazis were arrested in May and charged with the arson attack.

In April the German constitutional court ruled that individuals who spread the "Auschwitz Lie"—propaganda that the Holocaust never happened—would not be protected by freedom of speech and could be prohibited from stating their views publicly. According to one of the justices on the court, "proven untruthful statements do not have the protection of freedom of speech." The court's ruling appeared to restrict unduly the protected right to free speech and expression.

The implementation of the new asylum law that was adopted by the German parliament in May 1993 resulted in a significant decrease in the number of asylum applicants in Germany during 1994. German government officials reported that 62,802 individuals applied for asylum in the first half of 1994, compared to 224,099 in the same period in 1993, indicating a 72 percent decrease. There were many disturbing reports of abuses related to the implementation of the asylum law. Representatives for foreigners' rights reported that the law's expedited procedures had resulted in the refoulement of many individuals who had well-founded fears of persecution. They pointed, for example, to cases of deported Kurds who, once back in Turkey, reported they

had been mistreated. There were also many credible reports of inhumane conditions in deportation centers. According to a Reuters report, a court in Bremen stated in August that it had found two cases in which asylum seekers were "housed in crowded, unsuitable buildings with inadequate sanitary facilities."

#### The Right to Monitor

Human Rights Watch/Helsinki has received no information to indicate that human rights observers in Germany were prevented from conducting their investigations and reporting on their findings during 1994.

#### U.S. Policy

The Clinton administration and the German government maintained close and friendly relations throughout 1994. However, in April, Douglas H. Jones, principal officer in the U.S. Embassy's Berlin office, gave an unusually critical analysis of the German government's response to right-wing extremism. The Washington Post reported that Jones delivered a speech in Berlin in April, in which he questioned

whether it was "psychologically consistent" for the chancellor to assert, as he did last year, that Germany is both friendly to foreigners yet not a country of immigrants. If I were a skinhead, I would take a certain amount of comfort in hearing that Germany is not a country of immigration...That would signal to me that the nearly seven million foreigners who live here legally do not belong here and that I am justified in wanting them out. And to be honest with you, this sentiment is by no means limited to skinheads.

According to reports Jones had not cleared his comments with then-Ambassador Richard Holbrooke. Although Jones's remarks were a forceful commentary on the treatment of foreigners in Germany, the State Department moved quickly to distance itself from them, assuring the German government that Jones had expressed purely personal views.

The U.S. and German governments also discussed ways in which they might coordinate efforts to combat organized crime and specifically "hate crimes" by the radical right. Louis J. Freeh, director of the Federal Bureau of Investigation, held a series of meetings with German government officials in late June, in which he expressed the willingness of U.S. federal law enforcement agencies to assist German prosecutors by providing certain evidence on neo-Nazi publications shipped to Germany from the United States.

#### The Work of

##### Human Rights Watch/Helsinki

Human Rights Watch/Helsinki focused its efforts during 1994 on continuing to urge the German government to take additional steps to combat abuses against foreigners, whether committed by right-wing groups or by law enforcement officials. This work was part of an ongoing project to combat xenophobia and governmental policies that exacerbate xenophobic sentiments, not only in Germany, but throughout Europe. In Germany, Human Rights Watch/Helsinki conducted a mission in June to evaluate the various measures taken by the German government to combat right-wing violence since our release of a 1992 report on that subject. A report on the findings of that mission and our recommendations will be released in January 1995 at a press conference in

Germany.

## HUNGARY

### Human Rights Developments

Despite improvements in Hungary's human rights situation in recent years, abuses continued to be reported during 1994, including police brutality and restraints on the independence of the press. More generally, during the electoral campaign the then-government attempted to interfere with the broadcast media and to limit political opponents' access to state-owned television and radio.

Human Rights Watch/Helsinki received several reports during 1994 of Hungarian police mistreatment of individuals in custody. For example, on January 19, police officers in the town of Szavassgede reportedly detained and mistreated two men, Jozsef Palinkas and Peter Herman, the latter an activist with the Green Alternative, an environmental organization that had been opposing construction of an incinerator near the town. Both men were seriously injured in detention. In addition, Palinkas was reportedly forced to sign a written statement that implicated Herman in an assault that had allegedly occurred a week earlier; members of Palinkas' family were also forced to give statements that implicated Herman in the assault. All retracted their statements at a later date. Human rights groups expressed concern that the police had fabricated the charges of assault against Peter Herman and his friend in an effort to intimidate him and to interfere with his right to free expression.

After a soccer game in Budapest on June 16, police in the capital reportedly beat fans for no apparent reason. Minister of the Interior Imre Konya expressed shock at the police officers' conduct and ordered an immediate investigation.

The May elections, which resulted in a resounding victory for the Hungarian Socialist Party (HSP), were generally considered free and fair. Although the HSP obtained an absolute majority, it formed a coalition government with the Alliance of Free Democrats, the largest opposition party. During the election campaign, there were allegations of pro-government bias at the state television and radio. In early March, the government dismissed 129 radio journalists from the state-run Hungarian radio. The government denied that the dismissals were motivated by political considerations, claiming instead that financial restraints had made it necessary to reduce the radio staff. But a statement by then-Acting Director Laszlo Csucs announcing the dismissals suggested otherwise. According to the Wall Street Journal, Csucs said, "The roots of Hungarian Radio have always been as a virtual fortress of communist journalists," and accused the programming staff of "smuggl[ing] in their ideological commitments," and "sabotag[ing] my instructions."

These political struggles inside the broadcast media were part of an ongoing "media war" in Hungary. As Human Rights Watch/Helsinki reported in 1993, a moratorium on the privatization of radio and television was imposed by the former communist government in 1989 to prevent the establishment of private radio and television stations until comprehensive legislation on the media could be enacted. However, the political parties and government could not agree on a law to regulate the media and, thus, the moratorium has remained in effect, preventing a diversification of the views that are broadcast. On August 23, 1994, the Hungarian parliament completed work on the draft media law regulating Hungarian television and radio,

which was expected to be debated and voted on before the end of the year.

In 1994 Hungary was increasingly confronted with pressures related to migration and refugees, and responded with new legislation. Refugees from other East European countries, as well as from Asia and Africa, either used Hungary as a transit to Germany and other West European countries or, because of the tightening of asylum laws in the west, applied for asylum in Hungary. A comprehensive immigration law went into effect on May 1, establishing a legal framework to regulate the status of foreigners. The new law allowed certain refugees, whose status had previously been unclear, to apply for Hungarian citizenship after three years. The law also provided that no migrant could be kept in a camp for more than five days without a court order, and that those with criminal records being kept in camps should be segregated from the other migrants. However, the law also allowed the police greater powers, for example, to go to foreigners' homes, review their papers, and verify their legal status. The law was criticized by the Council of Europe for violating the European Convention on Human Rights' prohibition against discrimination because it required certain foreigners to undergo testing for AIDS and provided that a positive test can be grounds for denying an asylum application.

#### The Right to Monitor

Human Rights Watch/Helsinki was not aware of any attempt by the government to impede human rights observers in their investigations and reporting during 1994.

#### U.S. Policy

During 1994, there were several high-level meetings between the governments of the United States and Hungary, including a meeting in January between then-Prime Minister Peter Boross and President Clinton. These meetings focused on the Partnership for Peace Initiative, which Hungary welcomed but viewed as a stepping-stone to possible future membership in NATO.

The only significant comment on human rights in Hungary was found in the State Department's Country Reports on Human Rights Practices for 1993. The country report was generally accurate and comprehensive in its portrayal of the human rights situation in Hungary. For example, the report discussed the specific problems of the Roma minority in Hungary and concluded that "there is still widespread popular prejudice against the Gypsies. Gypsies are generally assumed to be untrustworthy and treated as such, including by police . . ."

#### The Work of

##### Human Rights Watch/Helsinki

Human Rights Watch/Helsinki devoted its efforts in Hungary during 1994 to keeping pressure on the government to guarantee equal access to the state-run broadcast media, which were critically important especially during the election campaign. Two months before the May elections, Human Rights Watch/Helsinki and the Human Rights Watch Free Expression Project sent a letter to then-Prime Minister Peter Boross expressing concern about, among other things, the dismissal of two well-respected independent persons who had been appointed to serve as presidents of, respectively, Hungarian Television and Hungarian Radio, and about what appeared to be political bias in radio and television programming and in government assumption of control over the budgets of these institutions. This effort is part of an ongoing strategy by Human Rights Watch/Helsinki in several East European countries to press for new media legislation that would insulate state radio and television from political control and would allow for the allocation of

new franchises on a nondiscriminatory basis.

## KAZAKHSTAN

### Human Rights Developments

Restrictions on freedom of speech, arrests of conscientious objectors, ethnic discrimination and irregularities in election procedures in 1994 marred Kazakhstan's reputation for having a relatively strong human rights record.

The government made strides toward greater protection of free speech in the fall of 1993 by repealing Article 170-3 of the Kazakhstan Criminal Code. It had invoked this article, which protected the dignity and honor of the president, in 1992 and 1993 to silence peaceful criticism of President Nursultan Nazarbaev. However, the government failed to inform pertinent courts promptly of the decision to repeal Article 170-3. Consequently, one person charged under the article, writer Karishal Asanov, remained on trial until December 27, 1993. The government failed to repeal an analogous law, Article 170-4, which protects the honor and dignity of parliamentarians. As a result, the right to legitimately criticize leading public officials remained at risk.

In early 1994 the independent newspaper Karavan printed an article critical of head of the Almaty city administration, Mr. Nurkadilov. Soon after, the government closed the printing shop that published Karavan, suspending publication of all of the newspapers that used it. As a result of this pressure, Karavan later ceased publication in Kazakhstan.

In the absence of a law providing for alternative military service, the government sentenced eighteen Jehovah's Witnesses in the spring to a year of imprisonment for refusing military induction. All but two received suspended sentences: one unidentified man was reportedly confined to a psychiatric hospital and another, Roman Grechko, began serving a one-year prison term on March 30.

Government concern over ethnic tension and the rise of crime also led to violations of the right to association and peaceful assembly. On March 14-16, state police arrested forty people following clashes between Kazakhs and Russian Cossacks in Topolevka and Pokatilovka. Roughly two weeks later, Petropavlovsk law enforcement authorities briefly detained two leaders of the Russian community on the eve of a pro-Russian rally. On April 12, one of them, Boris Supruniuk, the outspoken chairman of the Russian-Speaking Community of Northern Kazakhstan, was jailed in the capital, where they detained him for forty days and forced him to undergo psychiatric examination. According to an article in the weekly periodical *Novoe Vremia* (No. 22), law enforcement officials offered Mr. Supruniuk his freedom in exchange for a pledge to renounce his political activities.

In December, Justice Ministry Order No. 31 rescinded the registration of all Russian organizations and community groups in Kazakhstan. Leaders of the ethnic Uighur community complained that the government refused the group permission to register.

On May 7, the Ministry of Internal Affairs launched an anti-crime campaign in the capital that allowed the militia to arrest and search individuals arbitrarily. According to the independent Almaty Helsinki Committee, the militia detained 1,500 people on the first day of "Operation Noose (Petlia)" alone; 90 percent were released without charges. Later, the militia reportedly carried out similar operations in other parts of Kazakhstan.

On or around May 16, Almaty militia arrested twelve hunger-strikers who were demanding that the current government step down, and imprisoned five of them for fifteen days for alleged violations of social order. In an April 20 statement, Mr. Zhovtis, a local human rights activist, reported that such government harassment had stopped virtually all public demonstrations in Kazakhstan.

Representatives of the Kazakhstan Procuracy and Ministry of Internal Affairs pledged to stop Uzbekistan security forces from harassing Uzbekistan dissidents on Kazakhstan territory. An official from the Kazakhstan Committee on National Security announced that the Committee had deported two Uzbekistan agents from a human rights conference in Almaty in May in protest. Authorities did not, however, stop Uzbekistan security agents during the summer from arresting three members of the Uzbekistan opposition engaged in peaceful activities in Kazakhstan, and forcing them to return to Uzbekistan.

Kazakhstan enforced the death penalty in 1994, although information about the number of times was not available to us as of this writing.

#### The Right to Monitor

Although the government failed adequately to protect Uzbekistan activists in Kazakhstan, local activists did not report any impediments to their work.

#### U.S. Policy

The Clinton administration sent a clear message of support to Kazakhstan in 1994. Stressing security initiatives, Vice-President Gore met with President Nazarbaev in December 1993; in Washington President Clinton met with him in February 1994, and Defense Secretary Perry visited him in Kazakhstan in March. The U.S. also promised to more than triple general aid from \$91 million in 1994 to \$311 million in 1995. After Kazakhstan signed the nuclear Non-Proliferation Treaty in December 1993, it began to disarm its nuclear warheads with assistance from \$85 million allocated by the United States for that purpose and an additional \$15 million for defense conversion.

According to a U.S. official quoted on February 13 in The New York Times, this aid policy aimed "to show we are good to countries that want to reform." Secretary of State Christopher's conclusion that Kazakhstan was "doing everything right" (The Washington Post, October 24, 1993) reflected an unfortunate tendency of the U.S. government to equate acquiescence to U.S. wishes with a satisfactory human rights situation in Kazakhstan. Such a position would ignore the findings of the State Department's own annual report on violations in Kazakhstan, which accurately reported grounds for concern.

#### The Work of

##### Human Rights Watch/Helsinki

Our goal in Kazakhstan in 1994 was to gather information on ongoing violations and reinforce contact with the government and local human rights groups. As part of that effort, representatives participated in a human rights conference in May in Almaty.

#### LATVIA

##### Human Rights Developments

In 1994, nearly three years after its August 1991 declaration of independence, two major events marked Latvia's democratization process: most Soviet troops left the country after a fifty-one-year occupation; and a naturalization law was passed, enabling some 700,000 non-citizens, roughly 34 percent of the population, to become Latvian citizens over a ten-year period. Adopting a naturalization law was an important step in building a fully democratic society in which all residents could eventually participate, and the Latvian government took several positive steps with regard to human rights. But there were still setbacks concerning the rights of Latvia's large non-citizen minority and its freedom of expression, especially when non-citizens interacted with the Latvian Department of Citizenship and Immigration. Sometimes human rights setbacks were the fault of local authorities, rather than of the central government.

Latvia's October 1991 Renewal of Citizenship resolution only restored citizenship to those who held Latvian citizenship (or their descendants) prior to the Soviet Union's 1940 invasion and annexation of the country. Consequently, some 700,000 individuals, mostly Russian-speakers who migrated to Latvia after 1940, in effect became stateless persons.

After rejecting an earlier naturalization bill in which strict quotas limited naturalization to some 2,000 non-citizens per year, on August 11, 1994 Latvian President Guntis Ulmanis signed Latvia's Citizenship Law—an amended naturalization bill that omitted quotas. According to this law, which gained the approval of an expert legal group of the Council of Europe, naturalization was set to commence on January 1, 1996 and to proceed in eight steps, with preference given to those born in Latvia. After January 1, 2001, all those born outside of Latvia would be eligible for naturalization. By January 1, 2003, the last group of non-citizens born outside of Latvia would be eligible for naturalization.

Articles 11 and 12 of the law set restrictions and requirements for naturalization. Some of the requirements and restrictions such as a "legal source of income" or "anti-constitutional" activity are rather broad, permitting arbitrariness and abuse in spite of the safeguard that most decisions regarding restricting naturalization must be through "court decree." Requirements for naturalization included a five-year residency in Latvia as of May 4, 1990, a command of Latvian, a legal source of income, and basic knowledge of Latvian history as well as the national anthem. Under the law, certain categories of non-citizens were not granted the right to naturalization. Among others, they include convicted criminals who had received sentences of one year or more, those who had acted "anti-constitutionally" against the Latvian state, individuals who remained members of certain organizations after January 13, 1991, and employees of foreign intelligence services.

Other human rights concerns in Latvia in 1994 also affected the country's non-citizen minority and Soviet past. Although the Latvian government fired the director of the Latvian Department of Citizenship and Immigration, Maris Plavnieks, who grossly abused his office and allowed discrimination against non-citizens, complaints of abuse still plagued the department. According to the Latvian State Minister for Human Rights, Olaf Bruvers, the majority of complaints his office received during 1994 concerned the Latvian Department of Citizenship and Immigration. Human Rights Watch/Helsinki documented at least three cases in which non-citizens with the right to reside in Latvia were denied that right by the department and thus were no longer able to return to and live in the country.

On April 14, 1994, the Ministry of Justice refused to register the Latvian Union of Non-Citizens, ostensibly because the organization was pursuing political activities restricted solely to Latvian citizens, an accusation the Latvian Union of Non-Citizens refuted. On April 28,



five deputies of the Saeima (parliament), including then Foreign Minister Georgs Andrejevs, were temporarily suspended from parliament because of accusations that they had collaborated in the past with the KGB. Four of the accused denied any collaboration with Soviet security forces.

Local government, meanwhile, has proved at times to be more restrictive than the central government concerning individual freedoms. In January, Andrejes Rucs, chairman of a local council in Riga, Latvia's capital, ordered the arrest of two Russian army generals. The men were released after the intervention of Latvian President Ulmanis. On September 20, 1994, the Riga City Council passed an ambiguously worded resolution banning several militant Russian-language newspapers. Reform Minister Vita Terauda vowed to overturn the resolution.

In spite of these problems, the Latvian government instituted several human rights measures. In February 1994, the government appointed a state minister for human rights in the Ministry of Justice. On August 12, 1994, former Prime Minister Valdis Birkavs announced a national program for the protection and promotion of human rights on the recommendation of the United Nations Development Program (UNDP). In accord with the UNDP proposals, as a first step the Latvian government plans to open a human rights institute that will conduct a public information campaign concerning human rights and citizen's rights and also create a review board for individual complaints.

#### The Right to Monitor

To our knowledge, there was no interference with human rights monitoring in Latvia.

#### The Role of the International Community

The international community played an active role in Latvia during 1994. An observer mission of the Conference on Security and Cooperation in Europe (CSCE) observer mission based in Riga since late 1993 continued under a double mandate to deal with non-citizen issues and troop withdrawal. In July 1994, a mission from the United Nations Development Office (UNDP) visited Latvia and made several recommendations to the government concerning creation of a national human rights program. Most importantly, the Council of Europe played a crucial role in advising Latvia on its citizenship law, specifically against the inclusion of strict naturalization quotas.

#### U.S. Policy

On July 6, 1994, President Clinton paid a state visit to Latvia's capital Riga, where he met with all three Baltic presidents, the first such visit of a U.S. president to a Baltic state. Clinton reiterated U.S. support for Latvia and concern about Russian troop withdrawal, while underscoring the message that "a tolerant and inclusive approach is needed to integrate these groups [minorities] into the political and social life of all the countries." U.S. aid to Latvia during 1994 included funds from a \$50-million Baltic American Enterprise Fund, a \$10-million Baltic Peacekeeping Force, \$4 million to help dismantle Russia's Skrunda radar station, and money to build 5,000 apartments in Russia for retired Russian officers from Latvia and Estonia.

The Latvia section of the State Department's Country Reports on Human Rights Practice's for 1993, reported that there were no obstacles to freedom of movement within the country or to foreign travel for citizens and mentioned that non-citizens may need re-entry permits. The country report noted abuses by the Department of Citizenship and Immigration, but failed to

mention cases in which individuals with legal right to remain in Latvia were denied that right.

#### The Work of

#### Human Rights Watch/Helsinki

Human Rights Watch/Helsinki continued to monitor developments in Latvia to ensure that non-citizen rights were respected. Encouraged by the Latvian Government's response in firing the Director of the Latvian Department of Citizenship and Immigration after the release of an Human Rights Watch/Helsinki report outlining abuses by the department, we remained in contact with the Latvian government concerning its citizenship law, press freedom, and non-citizen rights. In March 1994, we met with several Latvian parliamentarians in Washington, D.C. to discuss these issues.

### ROMANIA

#### Human Rights Developments

Although Romania has made significant progress in its human rights record since the 1989 revolution, serious abuses remain, particularly against minority groups such as the Hungarians and the Roma (Gypsies). The Romanian government has at time attempted to exploit and manipulate ethnic tensions for its own political gains. This has been especially true since the 1992 parliamentary elections when the ruling Party of Social Democracy in Romania (PDSR) failed to obtain an absolute majority. Since that time the PDSR has had to depend on support from the political parties of the far-right and far-left, entering into a coalition with these parties in late 1993, and giving members of the ultranationalist Party of Romanian National Unity portfolios in the government in 1994.

Mob violence against Roma and their inability to obtain adequate redress for such violence continued to be among the most severe human rights abuses in Romania during 1994. Human Rights Watch/Helsinki received frequent reports of attacks by villagers on their Roma neighbors in 1994. For example, despite the arrest of two Roma teenagers who had murdered an ethnic Romanian shepherd on May 26 during a robbery in the village of Racsa in Satu Mare county, an estimated 800 to 1,000 villagers in Racsa went to the Roma quarters on May 28, ransacked all nine houses and then set them on fire. Although three police officers arrived in the village before the last houses were torched, they did not stop the villagers.

In dramatic contrast to most cases, the Racsa authorities conducted a prompt and thorough investigation of the events, resulting in charges against thirty-eight people for a number of crimes, including destruction, theft, and illegal entry into a residence. However, although all nine houses were burned down, no one was charged with the more serious crime of arson, which requires the authorities to prosecute the case even if there are no complaints from the victims. Romanian authorities have often refused to bring arson charges even when warranted by the facts, intentionally leaving open the possibility that the victims can be pressured to settle or that with enough delay they will lose interest in seeking a legal remedy for their suffering.

The speedy investigations and indictments in the Racsa case were exceptions to the general practices of the police and prosecutorial bodies, which ignore, delay and downplay cases of violence against Roma. Despite pressure from the international community and some

assurances from the Romanian government, very few individuals have been prosecuted for the numerous violent crimes against Roma since 1990.

Foot-dragging in such cases has often been blatant. For example, after 170 Roma were forced to flee a violent attack and arson in the town of Hadareni, local prosecutors reported in November 1993 that the criminal investigation had produced sufficient evidence to warrant the arrest and indictment of at least twelve individuals. The investigation was apparently ongoing with regard to others who may have also committed crimes. In May 1994, local prosecutors reiterated that the investigation was near completion and that there was ample evidence to bring charges against fifteen to seventeen individuals. Despite this evidence, no arrests have been made.

Local officials, especially in the Transylvanian town of Cluj, continued to try to provoke ethnic tensions and hostility between the ethnic Hungarian minority and the Romanian majority. In June 1994 the ultranationalist mayor of Cluj, Gheorghe Funar, announced the excavation of the center square, which would have required the removal of a statue of King Mathias that had long been a cultural symbol for the Hungarian minority. The excavation attempt was only one of several efforts by Funar to remove all traces of Hungarian history and culture from the city and as such it provoked both fear and a sense of insecurity among the Hungarian minority.

On November 11, 1993, the Romanian Senate approved amendments to the penal code that, if they become law, could seriously restrict freedom of speech and the press. Of particular concern was Article 239, which aimed to protect public officials while exercising their official duties. Under Article 239, the punishment for defamation of a public official would be "a prison term from six months to four years," compared to "one month to one year or a fine" if the victim were a private person. If the victim were the president, or another senior government official, or if the defamatory statements were made by the print or broadcast media, the law would provide for even heavier prison terms. These amendments, which will be considered as part of a revision of the penal code, are expected to be voted on by the Romanian parliament in late 1994 or early 1995.

Several individuals charged under Article 200 of the Romanian penal code for homosexual relations challenged the constitutionality of the law, which provided that "same sex relationships shall be punished by prison from one to five years." In July, following an intense lobbying effort by Romanian and international groups, Romania's constitutional court ruled that the law was unconstitutional to the extent that it "applies to sexual relations between adults of the same sex, freely consummated, not committed in public or not causing public scandal." The court's decision was an improvement for the rights of gay men and lesbians in Romania. However, by preserving criminal prosecution for same-sex relations that "produce a public scandal" the court maintained dangerously vague language that invited arbitrary enforcement. Subsequently, on October 25, the plenum of the Chamber of Deputies voted to maintain the present law's provision that consensual homosexual relations, even if conducted in private, are prohibited. Punishment is imprisonment from one to five years.

On March 24 the government issued Decree no. 120, which pardoned all the members of the former executive committee of the Romanian Communist Party who had been sentenced for abuses committed during the revolution in December 1989. By early November, only one person remained imprisoned for crimes related to the shooting of demonstrators during the 1989 revolution. Some Romanian observers believed that this pardon reflected the government's lack of commitment to prosecute any abuses of the communist era. The decree also reduced the

sentences for several ethnic Hungarians who had been convicted of crimes against Romanian police officers during the revolution.

#### The Right to Monitor

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

#### U.S. Policy

Several high-level meetings between representatives of the United States and Romanian governments took place during 1994. For example, in June, the two governments agreed on future cooperation on defense and military issues. However, there were no significant public comments on human rights developments in Romania during 1994 and Human Rights Watch/Helsinki has no specific information regarding the Clinton administration's effort to raise human rights concerns during such meetings.

Human Rights Watch/Helsinki has been especially troubled that the Clinton administration did not publicly denounce the Romanian government for its continued failure to address the serious problem of violence against Roma and the government's continued effort to downplay the ethnic tensions that fuel such violence. What is more, the Clinton administration did not use the important opportunity of reviewing Romania's Most Favored Nation trade status, which had been restored in October 1993, to elicit specific commitments from the government regarding human rights concerns.

#### The Work of

##### Human Rights Watch/Helsinki

During 1994, Human Rights Watch/Helsinki devoted most of its efforts to raising international awareness about the failure of the Romanian authorities to protect Roma and their property from ethnic violence, and the pattern of state tolerance for and acquiescence in the violence, as well as to provide the victims of ethnic violence with an adequate legal remedy. In May 1994, Human Rights Watch/Helsinki representatives traveled throughout Romania interviewing not only Roma victims of violence but also local prosecutors and national government representatives responsible for investigating and prosecuting the numerous cases of violence against Roma since 1990. A report based on the mission, including specific recommendations to the Council of Europe, the Conference on Security and Cooperation in Europe (CSCE), and the Romanian government, was released at a press conference in Budapest during the CSCE Review Conference in November. Human Rights Watch/Helsinki representatives also met with many government delegates attending the Budapest conference to urge the international community to demand specific remedial steps from the Romanian government.

We continued to raise our concerns regarding human rights issues in Romania with the Council of Europe and in a series of communications with representatives of the Romanian government. Human Rights Watch/Helsinki campaigned actively against, among other issues, restrictive amendments to the Romanian penal code that would have a chilling effect on freedom of the press in Romania. Human Rights Watch/Helsinki criticized these amendments in a protest letter that was addressed to members of the Senate and Chamber of Deputies, as well as the government. We also informed representatives of the Council of Europe about our concerns and encouraged them to address these matters during official meetings with the Romanian

government in late March. Human Rights Watch/Helsinki monitored issues of freedom of the press and issued a report in April documenting a number of serious violations of international law.

## RUSSIA

### Human Rights Developments

Russia presented a contradictory record in 1994. Intransigent problems overshadowed symbolic and legislative progress. The gravest concerns included appalling prison conditions, abuses of military draftees in the Russian armed forces, restrictions on movement, and state-sponsored ethnic and gender discrimination.

In reportedly free and fair elections on December 12, 1993, Russia adopted a new constitution enshrining human rights protections. The parliament drafted a law creating the post of a human rights ombudsman. The human rights committee that President Boris Yeltsin created in November 1993 issued a highly critical report on the government's human rights record in 1993, in what was intended to be the first of a series of such annual reports.

During the same time period, however, President Yeltsin legalized some violations of civil liberties in the name of crime prevention. He authorized arbitrary house searches and detention for up to thirty days without charges—human rights abuses akin to those widely criticized under Soviet rule. In October a group of experts appointed by the parliamentary assembly of the Council of Europe concluded that "the Russian Federation does not (yet) fulfil the condition 'of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms'," and thus fell short of standards enshrined in the European Convention on Human Rights.

Despite some government restrictions, Russians enjoyed considerable freedom of speech. The Presidential Human Rights Committee's report also did not shy from criticism of specific government figures, such as influential Moscow Mayor Yuri Luzhkov. Strong investigative reporting by the independent media and human rights groups kept violations from being completely ignored.

However, on December 22, 1993, President Yeltsin took direct control of Russian state mass media, and four days later brought two news agencies, ITAR-TASS and RIA Novosti, back under government control after a short-lived independence. The October 17 suitcase-bomb murder of a Moskovskii Komsomolets investigative reporter, twenty-seven-year-old Dmitri Kholodov, who was about to present his findings to parliament on illegal arms sales, was a horrifying development. President Yeltsin promised a thorough investigation, one which will be closely watched by the international community.

Two watershed court rulings upheld fundamental civil liberties this year. In June a court awarded scientist Vil Mirzaianov compensation (approximately \$15,000) from the Federal Intelligence Service—the ostensible successor to the KGB—and the General Procurator's Office for psychological damages suffered when he was wrongly imprisoned in 1993 and 1994 for allegedly disclosing state secrets.

In August, a court also overturned the travel ban that had prevented Dr. Mirzaianov from leaving Russia. According to the independent civil rights group Movement Without Frontiers, the decision gave hope to an estimated 6,200 individuals who have been denied, on security grounds, the right to leave the country by the Russian government. According to Movement Without

Frontiers, the government commission created to review such cases confirmed that 95 percent of the decisions in the 120 appeals they reviewed were "arbitrary."

At the end of August, Russia, the security giant of the former communist bloc, withdrew the last of its troops from Estonia, Germany, and Latvia, dismantling the instrument of fear that had terrorized these areas for decades. At the same time, abuses continued both by the military against civilians in the C.I.S. and within the military's own ranks. Elements of Russia's armed forces that had attacked civilians and committed other serious violations of the laws of war during conflicts in 1992 and 1993 in the "near abroad," including Moldova, Tajikistan and Georgia, remained unidentified and unpunished in 1994. There were almost no reports in 1994 of fresh abuse by Russian forces in the "near abroad."

The North Caucasus, an ethnically mixed area of the Russian Federation north of Georgia and Azerbaijan, remained an area of upheaval in 1994. Since the November 1992 "six-day war" in North Ossetia's Prigorodnyi region between Ingush and Ossetians, ethnic relations have settled into a uneasy peace, with the majority of the more than 47,000 Ingush expelled from their homes in North Ossetia unable to return. After the fighting, bands of Ossetians wantonly destroyed Ingush homes and property with little interference from either Russian or North Ossetian authorities. In neighboring Chechnya, which proclaimed independence from the Russian Federation in November 1991, bloody fighting erupted in late summer 1994 as opposition groups with purported Russian support battled the Dudayev government.

Little progress has been achieved in restoring normalcy to the Prigorodnyi region despite the fact that large areas of both Ingushetiya and North Ossetia remain under state of emergency decree, ruled from Vladikavkaz by a temporary administration under a Moscow-appointed governor, Vladimir Lozovoi. Russian Interior Ministry troops patrol the area and have set up command posts in most villages in the Prigorodnyi region. But few Ingush have been able to return to their homes, despite these security measures and a December 1993 presidential decree ordering their return to four villages of the Prigorodnyi region. Few have been brought to justice for crimes committed during the fighting in November 1992, and efforts to disarm paramilitary groups have progressed slowly. The Russian government has also been slow to release funds earmarked for reconstruction of destroyed homes, gas lines, electricity and water systems, sewers, and public buildings.

According to the independent Moscow-based human rights group Foundation of the Rights of the Mother, some 4,000-5,000 draftees in the Russian armed forces died annually in the 1990's, some beaten to death during hazing (*dedovshchina*), and others reportedly driven to suicide because of degrading and harsh conditions. In a July 14 article in *Izvestia*, the Russian Defense Ministry acknowledged the phenomenon, although its figures were significantly lower: that 5 percent (twenty-five people) of the total deaths in the Russian armed forces for January through June 1994 (518 people) were victims of hazing, 8 percent (forty-two people) were murdered, and 27 percent (140 people) committed suicide.

Public and government acknowledgment that Russian penal facilities were dangerously overcrowded, unsanitary, and rife with physical and mental mistreatment of inmates increased in 1994. At the invitation of the Russian government, the United Nations Special Rapporteur on Torture conducted an investigation of detention conditions in June. The Russian government also reversed a seventy-year ban on prison work by the International Committee of the Red Cross.

So far, however, these steps have done almost nothing to improve widespread misery in the facilities. On August 1, some 3,000 inmates launched a mass hunger strike in pre-trial

detention center No. 1 in Ekaterinburg, and in September over one hundred inmates in Moscow's notorious Butyrki facility did the same. Both groups were protesting severe overcrowding and lack of adequate medical attention.

Russia's record on protection of minority rights was also checkered, and favored protection of Russians over other ethnic groups. In August, the Duma, or parliament, finalized a draft law to protect the rights of Russian-speakers living in the republics of the former USSR, and the Foreign Ministry pressured other nations in the Commonwealth of Independent States to grant dual citizenship rights among other measures it claimed would protect minority rights.

The government did not equally protect the rights of minorities within Russia proper, however. Following the bloody failed coup in Moscow on October 3-4, 1993, Moscow Mayor Yuri Luzhkov issued Ordinance No. 1122, which allowed Moscow police to stop thousands of individuals on the street or to enter their homes, to check their identification and vehicles, and to levy heavy fines and otherwise intimidate those who cannot prove they are legal residents of the capital. In practice, almost all of those detained were dark-skinned or otherwise thought to be non-Muscovites.

Thus, the decree turned into an instrument for government-sponsored racism. In addition, Mayor Luzhkov's November 15, 1993 decree required non-Russian citizens to register their whereabouts with the Ministry of Internal Affairs within one day of arriving in the capital and to pay the equivalent of U.S. \$1 per day to remain there (the average monthly salary in Moscow at the time of the passage of the act was about U.S. \$100). The regulation became tantamount to extortion, and was enforced disproportionately against refugees and minorities.

In early September 1994, the immigration control agency was empowered to conduct interrogations, check vehicles, confiscate unacceptable identification papers, and order the Ministry of Internal Affairs to forcibly expel individuals who refused to leave Russia voluntarily. The southern region of Krasnodar, a major refugee processing center, imposed particularly strict restrictions, severely limiting non-ethnic Russians' ability to obtain residence permits (propiskas) or even stay temporarily in the region. The legitimate need to fight crime in the Russian capital spawned legislation allowing legal infringement of fundamental civil rights. Presidential Decree No. 1226 concerning "immediate measures for the protection of the population against banditry and other manifestations of organized crime" authorized local law enforcement agencies to search homes and vehicles without a warrant, use information gained illegally as evidence at trial, and hold individuals in detention for up to thirty days without charges. The director of Counterintelligence Services stated that he was "in favor of the violation of human rights if the person is a bandit or criminal." In a largely ceremonial vote, the Duma rejected the decree by a rate of 279 to 10 on human rights grounds, but President Yeltsin ultimately adopted it on June 14.

A Human Rights Watch Women's Rights Project investigation in March revealed that the government offered jobs on a gender-specific basis and failed to treat reports of violence against women as a law enforcement problem, relegating it instead to "domestic" problems.

There were numerous incidents of security forces from other parts of the C.I.S. committing abuses on Russian territory during the year covered in this report. On November 5, 1993, men believed to be from the Uzbekistan security service beat three activists in their Moscow apartments; one of them was beaten again on the street in March 1994. Otakhon Latifi, chairman of the Coordinating Center of Democratic Forces in Tajikistan and an outspoken leader of the opposition in exile, was similarly attacked on August 4 in front of his Moscow apartment.

Yet another vicious Moscow street attack on October 4 left Turkmenistan opposition leader Murad Esenov with broken bones and head contusions. Three other members of the Turkmenistan opposition reported that Turkmenistan security servicemen watched their Moscow homes following the suspicious death of another opposition leader on July 2 in the Turkmenistan capital. Desultory Russian investigations were unsuccessful as of this writing, suggesting that the Russian government lacked the will to confront fellow C.I.S. intelligence forces about violations.

#### The Right to Monitor

Monitors, both domestic and international, worked unimpeded in all areas of investigation except in one penal investigation. In April, Human Rights Watch requested permission from the Minister of Internal Affairs to investigate conditions in several Russian pre-trial detention centers, to follow up the organization's study of Russian penal facilities in 1991. Two months later, the Ministry rejected the proposed work as "undesirable" since the Duma was currently doing similar work, and in July rejected an appeal without elaboration.

#### The Role of the International Community

##### Council of Europe Policy

The Council of Europe actively reviewed Russia's compliance with council standards in preparation for rendering a decision on admitting Russia as a member state. The delegations made human rights their centerpiece issue. The council sent teams of independent experts and Parliamentary Assembly representatives to gather information, including conducting first-hand prison visits, and met with government officials and governmental and non-governmental human rights groups.

In October, experts appointed by the Council concluded that Russia did not yet meet council standards. Nonetheless, the investigation and deliberation process continued, raising concern that the October expert report may not be the final word in the decision-making process. Political pressure to grant Russia membership in order to win political and economic compliance jeopardized broad and sufficiently serious consideration of the experts' concerns.

##### U.S. Policy

U.S. officials repeatedly raised human rights concerns with their Russian counterparts in 1994. Presidents Yeltsin and Clinton met in January and September 1994, reaffirmed commitments to human rights protection, and ultimately paved the way for expanded U.S. investment in Russia. U.S. obligations under all assistance programs totalled a staggering \$3.6 billion in 1994, including useful programs on the rule of law and administration of justice. Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck traveled to Moscow in March and July, received documentation of violations from human rights organizations, and raised human rights concerns.

U.S. officials were known to have touched on issues of restrictions on emigration, abuse of the residence permit system and violations of minority rights, particularly anti-semitism. The scope of issues known to have been raised was narrower than the actual situation warranted, however. Specifically, the U.S. talking points on human rights apparently gave short shrift to the appalling conditions in prisons, government-sponsored gender discrimination, abuse of



conscripts in the armed forces, and the need to identify and prosecute individuals in the army who violated the laws of war in Abkhazia (Georgia), Moldova, and Tajikistan. The limited scope of issues raised is surprising since the section on Russia from the U.S. State Department's Country Reports on Human Rights Practices for 1993 did portray a much broader spectrum of abuse in Russia.

U.S. Federal Bureau of Investigation chief Louis J. Freeh visited Russia in July and voiced concern about the need to protect human rights. Later actions undermined this message, however. Mr. Freeh stated that the U.S. had "also" suspended civil rights in times of emergencies. The F.B.I. also signed an agreement on cooperation with Russia's intelligence services, and opened an office in Moscow to assist in crime-fighting efforts. There is hope that the U.S. side will integrate human rights training into its program. Until then, however, it runs the risk of sending a message that the U.S. is willing to work within the framework of President Yeltsin's abusive anti-crime law.

In early September, the U.S. began nine-day joint military training exercises with Russian counterparts in Totskoe, Russia, with an eye toward peacekeeping. Despite these highly visible and expensive efforts, no concern was known to have been raised by the U.S. military about the Russian armed forces' failure to discipline those in its ranks who had committed serious violations, including killing civilians, during operations in the "near abroad."

#### The Work of

#### Human Rights Watch/Helsinki

Human Rights Watch/Helsinki attempted to change Russia's human rights behavior by documenting and publicizing its findings about various abuses in the press and in meetings with Russian officials. We actively documented abuses the Russian government either sponsored or failed to condemn, and monitored trials and conducted investigations in Ingushetiya and North Ossetia, St. Petersburg, and Moscow. We also sought to influence Moscow through third-party pressure, by alerting members of the U.S. government and the Council of Europe to such abuses.

In a November 1993 letter and subsequent report, we challenged President Yeltsin to refute evidence that some Russian troops participated in gross abuse of civilians in Moldova, Georgia, and Tajikistan. In letters to the government and interviews with the media, we protested Mayor Luzhkov's ordinances restricting the rights of non-Muscovites, and elicited a promise from his office in a letter of June 15 that "the principle of unlimited freedom of movement and a rejection of the residence permit (propiska) will definitely be realized in Moscow and Russia." We also urged the Russian and U.S. governments to protect fourteen political refugees from Central Asia, at risk of persecution in Moscow, and facilitate the immediate issuance of proper documentation to allow them to remain in Moscow. We took advantage of Russia's influence throughout the C.I.S., holding six press conferences and issuing more than twenty press releases in Moscow concerning violations throughout the region.

We informed the international community about violations in Russia and recommended specific action. In July, we met with and submitted information to U.S. Assistant Secretary of State John Shattuck for this purpose. As the Council of Europe reviewed Russia's application for membership, Human Rights Watch/Helsinki recommended conditioning membership on improvements in its human rights record. We also met with members of the European Union in

Moscow and Brussels, and regularly briefed embassies in Moscow. Human Rights Watch/Helsinki expanded its work by monitoring trials in and around Moscow in which we objected to the charges on principle or feared miscarriage of justice. The positive results of the trials we monitored illustrated vividly the efficacy of such efforts in both averting due process violations and unjust decisions, and raising consciousness among defendants and legal workers, including judges, about the need for human rights protection.

Throughout the winter, we monitored and issued protests about the closed trial of scientist Vil Mirzaianov, accused of disclosing state secrets. Dr. Mirzaianov was ultimately cleared of all charges and awarded damages. We criticized the government for bringing charges of "war mongering" against Yeltsin critic Vladimir Zhirinovskiy, suggesting the charges were brought to silence and discredit him. In June and July, we attended the trial of two demonstrators accused of "hooliganism" for burning photos of President Yeltsin, and we disseminated information about the case to the media. The defendants were given the minimum sentence, a nominal fine. Throughout 1994, representatives of Human Rights Watch/Helsinki attended numerous trials of refugees facing eviction from their temporary shelters in Moscow in accordance with municipal ordinances. In September, a representative attended the Moscow trial of eleven men who had been held for up to five years in appalling conditions awaiting trial. All but three were cleared of all charges and immediately released on September 30.

Human Rights Watch/Helsinki also promoted the work of independent human rights organizations. In August we conducted two joint fact-finding missions—to Georgia and southern Russia—with the Moscow-based group Memorial and held one joint press conference on our findings. On July 9 we organized a meeting at our Moscow office between leading members of the human rights community in Moscow and U.S. Assistant Secretary of State John Shattuck.

## THE SLOVAK REPUBLIC

### Human Rights Developments

During 1994 the nature of human rights abuses in the Slovak Republic corresponded to the shifts in political power. Government efforts to interfere with the independence of the press and to place restrictions on the rights of ethnic minorities, in particular the ethnic Hungarian minority, subsided substantially during the six months prior to the September 31 elections.

On March 11, the government of Vladimir Meciar was defeated by a no-confidence vote and a coalition government was formed by Jozef Moravcik, former Slovak foreign minister. Then, in parliamentary elections held on September 31 and October 1, Meciar's Movement for a Democratic Slovakia (MDS) won almost 35 percent of the vote, making it the decisive winner. By early November, Meciar, in coalition with the Slovak National Party and several other small parties, had not been able to form a new government.

Although election observers did not report any significant irregularities on election day, voters in some precincts, including Vladimir Meciar himself, were unable to vote on the first day of the elections because their names did not appear on the election lists. The electoral commission was apparently able to resolve the problem by allowing individuals to vote if they fulfilled other criteria set out by the law. There were also complaints that Slovak Television, which is state-run, was biased in its reporting during the election campaign. The Council of Slovak Television concluded that Slovak Television had not given the political parties equal access to television airtime and that the reporting on political events and the campaign had been

biased.

Controversy over the media had long preceded the election campaign. For nearly two years the Meciar government had been intolerant of press criticism, tending to view such criticism as slanderous attacks on the Slovak state. As early as 1992, Slovak government officials had become preoccupied with what they viewed as the failure of the press to tell the "truth" about the Slovak Republic and its government, and they initiated a series of steps intended to subjugate the media to the government's own political interests. For example, on January 25, 1994, Andrej Hrico, editor-in-chief of the independent newspaper *Domino efekt*, was charged with defamation under Article 103 of the penal code for having published a reader's letter critical of several political leaders, including then-Prime Minister Meciar and President Kovac. Hrico was interrogated by the police on several occasions during 1994. His case was still pending in November.

Tensions between Slovaks and the ethnic Hungarian minority ran high during the first half of 1994. The Meciar government repeatedly refused to approve legislation that was of particular concern to the Hungarian minority and that had been recommended by the Council of Europe when it approved the Slovak Republic's membership in October 1993. By contrast, the Moravcik government took steps that reduced tensions during the summer and fall of 1994. For example, on May 3 the interim government adopted legislation allowing members of minority groups to spell their names in a manner consistent with their own language and traditions. On May 10 the interim government also approved a new law allowing approximately 600 towns and villages with minority populations of 20 percent or more to post bilingual road signs. What is more, the outgoing cabinet of Jozef Moravcik established a new governmental agency to combat racism, xenophobia, and anti-Semitism. This agency fulfilled another recommendation made by the Council of Europe in 1993.

#### The Right to Monitor

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

#### U.S. Policy

Immediately prior to the elections, on September 16, President Clinton sent a letter to then-Prime Minister Moravcik expressing the interest of the U.S. in continued progress in the Slovak Republic's transition to democracy. This letter was widely viewed in the Slovak Republic as indicating U.S. support for the Moravcik government in the upcoming elections.

The only other significant comment on human rights in the Slovak Republic was found in the State Department's Country Reports on Human Rights Practices for 1993. The country report was generally comprehensive in its discussion of the human rights issues in the Slovak Republic.

However, the report failed to discuss adequately the nationalist and anti-minority sentiments given expression by the Meciar government and their impact on human rights policies. For example, the report failed to discuss in any detail the statements made by then-Prime Minister Meciar in September 1993 that it was necessary to curtail family allowances that encourage "widespread reproduction" because Gypsies are having children who are "mentally and socially unadaptable."

#### The Work of

Human Rights Watch/Helsinki

Human Rights Watch/Helsinki closely monitored developments regarding restrictions on the press in the Slovak Republic, particularly in the months leading up to the September electoral campaign. In June, we issued a report documenting a series of governmental abuses related to the press that had occurred during the previous two years. Human Rights Watch/Helsinki called on the interim government of Jozef Moravcik to disassociate itself from the media policies of its predecessor in order to create an environment in which the independent press could flourish. Specifically, the report stated:

It is not enough that the new government leaders, prior to coming to power, criticized the Meciar government for its efforts to control and intimidate journalists who were critical of its policies. The new government, which is itself likely to become the focus of increased press scrutiny, must also resist the temptation to resort to such methods against its own opponents in the press.

Human Rights Watch/Helsinki also continued to monitor closely the treatment of the Roma and Hungarian ethnic minorities, as well as efforts by the Slovak government to address serious problems of discrimination on the basis of race and ethnicity.

## TAJIKISTAN

### Human Rights Developments

Two years after the end of the Tajik civil war, which resulted in the deaths of an estimated 20,000 to 50,000 people and the displacement of more than 500,000 residents, the situation in Tajikistan remained tense and unstable. Thoroughly undemocratic conditions during the 1994 presidential elections bore testimony to the abysmal state of civil and political rights in Tajikistan. In addition, the Tajik government continued to detain political prisoners, stifle the press, and allow mistreatment in detention. Also, it responded inadequately to the harassment and violence against Tajik refugees returning from Afghanistan.

Due to its strategic location, bordering on Afghanistan, Uzbekistan, and Kyrgyzstan, and the strong influence of Russia, the resolution of the conflict in Tajikistan had broad international implications. In December 1992 the present government, deriving from the communist era, defeated the "opposition," composed of a wide range of democratic, nationalist, cultural revivalist, and Islamist parties. Armed struggle continued along the Tajik-Afghan border between armed factions of the opposition based in Afghanistan and Russian border troops assigned to guard the border.

In March, the government and the opposition entered into U.N.-sponsored peace negotiations, aimed at achieving national reconciliation and resolving the refugee problem. On July 20, the Supreme Soviet voted to hold presidential elections and a popular referendum on a new draft constitution on September 25. As a result of international pressure, particularly from the U.N., Uzbekistan, and Russia, both the elections and referendum were postponed until November 6. Shortly thereafter, on September 17, the government and the opposition signed a cease-fire and agreed to release political prisoners and prisoners of war within one month. Two deadlines passed, however, with no prisoners released. Finally, on November 13, the opposition released twenty-seven prisoners of war, in exchange for twenty-seven prisoners released by the government (four had actually been released earlier). The presidential election, which was won

by Emomali Rahmonov, chair of the Supreme Soviet, was preceded by an unfair electoral campaign and conducted in a climate of fear, intimidation, and fraud. International organizations such as the United Nations and the Conference on Security and Cooperation in Europe (CSCE) refused to send official monitors to the election.

Although there was a significant decline in the number of summary executions, political disappearances and murders, civil and political rights continued to be violated in Tajikistan. At least two individuals died during detention, one of whom had been among the prisoners scheduled to be released pursuant to the September 17 agreement. Human Rights Watch/Helsinki received frequent reports of mistreatment during detention and illegal searches of homes, as well as violations of the due process rights of detainees, including the right to legal counsel, the right to a fair and public hearing by an impartial tribunal and the right to be tried without undue delay.

In addition, even after the November 13 prisoner release, the government continued to hold scores of political prisoners, despite a lack of compelling evidence of criminal activity. Many of these prisoners had been detained without trial since early 1993 because of having exercised their right to legitimate, nonviolent dissent. The authorities also continued to pursue a sweeping criminal case against the leaders of the various opposition parties and movements.

The major newspapers in the country remained under government control, and a February 21 decree suspended the activities of the independent media. In August, at least four individuals were detained and mistreated for alleged distribution of Charoghi Ruz, an independent newspaper published in Moscow.

The repatriation of refugees from Afghanistan continued successfully, with the assistance of the United Nations High Commissioner for Refugees (UNHCR). The UNHCR estimated that by November 1994, nearly 26,500 of the estimated 60,000 refugees who had fled to northern Afghanistan had returned through UNHCR-assisted repatriations, and many thousands of others had returned on their own. Precise figures for the number of refugees remaining in Afghanistan or other countries were unavailable.

Returning refugees whose origins were from the Pamir or Garm regions of Tajikistan—regions associated with the opposition—continued to experience security problems in areas of Khatlon province in southern Tajikistan. At least twelve returning refugees were killed in Khatlon, and beatings and threats against refugees were even more common. Although the number of such incidents declined significantly as compared with the previous year, incidents that were reported to the authorities were inadequately investigated. In and around Dushanbe, residents of predominantly Garmi and Pamiri neighborhoods were harassed, threatened and routinely subjected to illegal house searches by officials from the Ministries of Internal Affairs and Security. In a number of cases, these individuals were detained and beaten, and at least one person died during detention.

Another targeted group were the Uzbeks living in the Panj region who, during the course of a disarmament campaign, were subjected to illegal house searches and harassed, detained and beaten by forces of the Ministry of Internal Affairs, often simply to extract information regarding other individuals suspected of possessing arms. A number of Uzbeks reportedly fled the region as a result of these abuses. In heavily Uzbek regions such as Shahrutuz and Kabodian, however, where Uzbeks occupy positions of control in the local government and police, there was evidence of mistreatment of returning Tajik refugees by Uzbeks. In two separate incidents in March and July, hundreds of Uzbeks attacked Tajik returnees, causing scores of serious injuries.

Members of other minority groups, such as Russians, Jews, and Germans, continued to emigrate in large numbers. However, most of these departures were related to the general political and economic instability in the country, and not to acts of violence or discrimination aimed at these groups. Attacks on the 3,000-member Afghan community of Tajikistan also decreased, although there were still numerous cases of Afghans who were beaten or threatened, and in which the government failed to conduct satisfactory investigations.

#### The Right to Monitor

No indigenous monitoring group operated in Tajikistan during 1994; most rights activists had been forced into emigration. A small international community has functioned there, including several U.N. agencies, the International Committee of the Red Cross (ICRC) and the CSCE, and during 1994 Human Rights Watch/Helsinki stationed a representative in Dushanbe for the express purpose of conducting human rights work. Although the government of Tajikistan did not interfere with the work of Human Rights Watch/Helsinki, it did not provide significant cooperation. We received no response to numerous protest letters addressed to government officials and, despite repeated requests, were never accorded permission to visit political prisoners. Moreover, we were often unable to obtain even basic factual information from authorities, and senior officials repeatedly expressed outrage that international organizations were "wasting their time worrying about fundamentalists, criminals and murderers." The ICRC continued to be denied universal access to prisoners. The Tajikistan mission of the CSCE also reported dissatisfaction with the lack of cooperation and, at times, hostile attitude shown by the General Procuracy, or prosecutor's office. However, the government cooperated, for the most part, with the UNHCR in the repatriation and reintegration of Tajik refugees.

#### The Role of the International Community

##### United States Policy

When officials of the U.S. Department of State met with Abdujalil Samadov, chair of the Council of Ministers, in March, and with Emomali Rahmonov, chair of the Supreme Soviet, in October, human rights concerns were privately raised. On September 22, the House Foreign Affairs Subcommittee on Europe and the Middle East held hearings on Tajikistan and included its human rights record. At this meeting, administration spokesman Joseph Presel, in answers to questions from members of Congress, frankly acknowledged serious abuses of human rights by the Tajik authorities, though his characterization of the upcoming November elections was more optimistic than necessary. He repeatedly stated that the elections would not live up to the standard of elections in Switzerland or the U.S., without attempting to convey the degree to which the Tajik elections fail to come close to even the most minimal international standards. While the State Department never spoke out publicly regarding the human rights situation in Tajikistan or the undemocratic conditions surrounding the presidential elections, the U.S. Embassy in Tajikistan did take the initiative in raising human rights concerns at all levels of the government and intervening on behalf of victims of violations.

U.S. leverage with the Tajik authorities was somewhat limited, given that American aid was almost exclusively humanitarian and delivered through nongovernmental organizations. The U.S. provided \$16 million in emergency humanitarian assistance to Tajikistan, and the United

States Agency for International Development (USAID) funded a \$1.3 million technical assistance program for training in fields including human rights. On the other hand, the United States could use its extensive influence with Russian President Boris Yeltsin, and urge that the Russian government demand a stop to violations by Tajik authorities, over whom Russia wields enormous influence. However, when President Yeltsin visited the U.S. in September 1994, State Department officials indicated privately that the issue of Tajikistan was not even on the agenda.

#### Russian Federation Policy

In addition to providing significant humanitarian and economic assistance, Russia continued its heavy military involvement in Tajikistan. Approximately 7,000 troops of the 201st Motorized Rifle Division made up the vast majority of the Commonwealth of Independent States (C.I.S.) peacekeeping forces in Tajikistan. Despite their peacekeeping mandate, many sources alleged that these forces were actually involved in the hostilities. In addition, approximately 17,000 border troops under Russian command continued to guard the Tajik-Afghan border and were involved in regular clashes with the armed opposition.

Russia sought to justify its strong military presence by citing a need to curb "Islamic insurgency," although Russian border troops were reportedly responsible at times for provoking incidents along the border. On the other hand, Russia supported efforts toward national reconciliation and pressured Tajikistan to postpone the presidential elections until there could be broader political participation. Once the elections had been postponed, however, the Russian position became far more complacent, despite remaining flaws in the election process and continued violations of human rights by the Tajik government. Russia also sought to safeguard the rights of ethnic Russians in Tajikistan.

#### Policy of the Republic of Uzbekistan

Uzbekistan continued to demonstrate its influence in Tajikistan by controlling the Tajik-Uzbek border and blocking the import of goods, automobile and passenger rail transportation, and even the repatriation of refugees from Afghanistan. Uzbekistan exerted pressure on the Tajik government to postpone elections, but its policy was guided by a desire to influence politics, not human rights.

#### United Nations Policy

The United Nations, particularly the Secretary-General's special envoy to Tajikistan, Ramiro Piriz-Ballon, was instrumental in arranging peace negotiations between the government and the opposition. U.N. mediation also played an important role in the subsequent postponement of the elections and the agreement of the parties to sign the September 17 cease-fire agreement. The United Nations Mission of Observers to Tajikistan (UNMOT) was active in coordinating the U.N.'s peacemaking initiatives and observing the military and security situation in the country. UNMOT also worked towards an improvement in human rights but, despite its visibility in the country, kept a low public profile in this respect, opting to discuss human rights issues privately with authorities. The UNHCR played a critical role in protecting the human rights of returning refugees and internally displaced persons.

#### The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki established an office in Tajikistan in April 1994. In light of the grave human rights violations committed by all parties to the conflict during the civil war and by the Tajik government, in particular, immediately thereafter, our goal was to monitor the post-war transition period and urge those governments with interests in Tajikistan to condition economic and military assistance on an improvement in the government's human rights record. Human Rights Watch/Helsinki also sought to inform both the Tajik government and the international community of the conditions necessary to ensure that presidential elections could be considered free and democratic. In addition, we intervened regularly before the General Procuracy and the Ministries of Internal Affairs and Security on behalf of individuals who had experienced human rights violations, and briefed multilateral organizations, nongovernmental organizations, and journalists on the current situation in the country.

In September, Human Rights Watch/Helsinki testified on human rights in Tajikistan before the House Foreign Affairs Subcommittee on Europe and the Middle East. Two newsletters released in October dealt with, respectively, political prisoners and the general human rights situation on the eve of Tajikistan's presidential elections. Throughout 1994 we issued twelve press releases and letters of protest concerning, among other things, deaths in detention, continued detainment of political prisoners, and undemocratic elections conditions.

## TURKEY

### Human Rights Developments

The human rights situation in Turkey continued to deteriorate in 1994, in large part due to the government's heavy-handed response to an escalation of the conflict in southeastern Turkey. The government restricted freedom of expression and association, especially of groups voicing opposition to government policy in the southeast or toward Turkey's large Kurdish minority. Political freedom also was limited. In March 1994, the Turkish parliament lifted the parliamentary immunity of eight deputies, six of whom were deputies from the Kurdish-based Democracy Party (DEP). In June, Turkey's Constitutional Court banned the Democracy Party and stripped immunity from the remainder of its deputies, though a new Kurdish-based party, the Peoples' Democracy Party (HADEP), was formed in its place. Eventually eight parliamentarians whose immunity had been removed, seven from DEP and one independent, were charged with treason and separatism, allegedly for collaboration with the banned PKK, a violent guerrilla group. Torture in pre-trial police detention, death-squad style assassinations with alleged links to security forces, and violent police house raids in which alleged suspects are killed all continued in 1994.

The Turkish government's ten-year battle with the Kurdistan Workers Party [PKK] reached new heights of violence in 1994. Of the 13,000 civilians and soldiers estimated to have been killed between 1984 and 1994, half died in the past two years. Both security forces and the PKK continued to violate basic human rights of the civilian population in the southeast, with police targeting those suspected of collaborating with the PKK, and the PKK in turn striking at those whom it considered state supporters, such as teachers, civil servants, and village guards.

As in 1993, security forces in southeastern Turkey increasingly conducted intensive, large-scale counterinsurgency campaigns to eliminate the PKK's logistical base of support. Such operations resulted in hundreds of thousands of displaced Kurdish villagers in 1993-1994. [The



total number of civilians displaced from the southeast during the decade of the conflict was estimated at a staggering two million.] Security forces often burned down the homes and evicted people from villages that refused to enter the village guard system. The village guard system was instituted in late 1985 in an attempt to arm villagers, enabling them to defend themselves against PKK pressure. Village guards, however, have been implicated in numerous human rights abuses, and in turn the PKK has targeted them and their families. Arbitrary detention and torture often accompanied security forces' raids on villages. Former Chief of Turkish General Staff Dogan Gures has termed this the "go hungry and surrender strategy," while the state minister for Human Rights, Azimet Koyluoglu, referred to it as "state terrorism".

The PKK, on the other hand, brutally punished any cooperation with the state. At its March 1994 Third National Conference, PKK leadership declared that, "all economic, political, military, social and cultural organizations, institutions, formations—and those who serve them—have become targets." The PKK interfered with local elections in March 1994 and vowed to kill candidates in December 4 by-elections. Attacks were often launched against villages that had entered the village guard system. During such raids, PKK members often killed both guards and their families. During a raid on January 22, 1994, against two villages in Mardin province, the PKK killed four village guards, six children, and nine women. The PKK routinely committed such abuses as summary execution, hostage-taking, indiscriminate shooting, bombings, and the destruction of civilian property in an effort to force the population to sever contact with state authorities or officials. Teachers were a prime target: in September-October 1994 the group murdered fourteen educators. Bombs were often placed in tourist areas, and travelers to the southeast were sometimes kidnapped by the PKK.

Freedom of expression suffered greatly in 1994. Intended to replace articles of the penal code outlawing communism, Kurdish separatism, and fundamentalism, the 1991 Anti-Terror Law especially Article 8 prohibiting "separatist propaganda" was widely applied to punish debate and expression concerning Turkey's Kurdish minority and the war in the southeast. Article 8 forbade all forms of expression, "regardless of method, intention, and ideas," that would damage the "indivisible unity" of the Turkish state. Some estimated that half of the cases in State Security Courts (DGM) were charged under Article 8. Despite some government attempts to amend the law to make it less restrictive, no changes have been made as of this writing.

In May 1994 the Turkish government introduced a democratization package that among other things would have amended the restrictive 1982 constitution to allow political participation by labor unions, academics, and students, but as of November the measure had still not been passed by the Turkish parliament.

While the mainstream press in Turkey was not greatly affected by Article 8 or other press restrictions during the year under review here, numerous intellectuals, journalists, and writers were jailed and the publications for which they wrote banned under its provisions or under other restrictive legislation. In December 1993, police raided the Istanbul headquarters of the pro-Kurdish Ozgur Gundem (Free Agenda) and arrested thirteen editors and writers. The government charged that weapons, ammunition, and identification cards from dead Turkish soldiers were found in the building. In April 1994, Ozgur Gundem was closed down by the government for publishing "separatist propaganda" and later reopened under a new corporation and with a new name, Ozgur Ulke (Free Country). In June 1994, the thirteen Ozgur Gundem staffers arrested in December were put on trial, either for alleged PKK membership or for aiding the PKK. In June 1994, Dr. Haluk Gerger, founder of the Turkish Human Rights Association,

was imprisoned for fifteen months under Article 8; in September, another three years were added to his sentence for refusing to pay a fine equal to roughly U.S. \$295. In July, Recep Marasli was arrested on charges of "separatist propaganda" for a televised speech he gave in 1993 advocating broader Kurdish rights. Small leftist or pro-Kurdish journals, such as Emegin Bayragi (Worker's Banner), Alinteri, Kizil Bayrak (Red Banner), and Gercek (Real), suffered either seizure of editions, arrests of journalists and editors, or harassment.

A great blow to political freedom in Turkey came with banning of the Kurdish-based Democracy Party and the subsequent trial of seven of its parliamentary representatives and one independent. In March 1994 eight parliamentarians, six from Democracy Party, one independent, and one from the Islamist Welfare Party (Refah Partisi or RP), were stripped of their parliamentary immunity. Hatip Dicle, Ahmet Turk, Orhan Dogan, Sirri Sakik, and Leyla Zana of the Democracy Party, and independent Mahmut Alinak were charged under Article 125 of the Turkish penal code for treason, a crime that carries the death penalty. In July 1994, the Turkish Constitutional Court banned the Democracy Party, and consequently all remaining members lost their immunity. Some fled abroad, while an additional two, Selim Sadak and Sedat Yurttas, were arrested and charged with treason. The trials of the seven DEP parliamentarians and independent Mahmut Alinak continued in Ankara's State Security Court at this writing.

While the decision to lift the immunity of the parliamentarians came from the Turkish parliament, most observers believe the action was motivated by then-Chief of the Turkish General Staff Dogan Gures, who complained that "terrorists" were sitting in parliament, and thus constitutes punishment for speech, rather than for any action committed. None of the deputies was charged with acts of violence or terrorism, rather they seemed to have been punished for speeches they had made abroad or at DEP gatherings, in parliament or for interviews they gave. Only one of the deputies, Orhan Dogan, was charged for an action he allegedly took: giving shelter to five PKK members and helping one of them obtain medical attention.

On September 20, 1994, the Turkish government announced that by-elections would be held on December 4, to fill twenty-two seats left vacant by the banning of the Democracy Party and by the deaths or resignations of other parliamentarians. At the time of this writing, the by-elections were tentatively rescheduled for December 18. According to the government's decision, all former DEP deputies including those on trial would be allowed to stand for election and, if victorious, could regain parliamentary immunity and the charges against would be dropped.

Conditions for electioneering for either HADEP or former DEP deputies would be limited, however, both by government harassment and death-squad assassinations of HADEP workers, and by the fact that large numbers of their likely supporters in the southeast had either migrated or been forcibly displaced from their rural homes by fighting and were no longer registered to vote. On October 14, Turkey's Supreme Electoral Board refused to update voter rolls to allow migrants to vote. On November 3, citing "negative and anti-democratic conditions," HADEP decided not to participate in by-elections. Repression directed against HADEP also played a factor, with reports that phones were bugged and organizers followed, often detained, and even killed. On October 3, 1994, two HADEP members, Rebih Cabuk and Sefer Cef, were assassinated in the town of Yuregir, Adana province, and a companion seriously wounded. Five days earlier, in the same town, one of HADEP's executive members, Salih Sabuttekin, was gunned down. Finally, on November 16, the Turkish Constitutional Court ordered voting rolls to be updated, and on November 17, Nihat Yauuz, head of the Supreme

Electoral Board, cancelled the elections.

Such death squad-style assassinations and suspicious disappearances have plagued Turkey the past few years, especially in the southeast, increasing to new levels in 1994. Either the victim was killed by unidentified assailants with a single shot to the head, or he was detained by security forces, who then alleged that the individual detained earlier was released and was no longer in custody. Victims included suspected PKK sympathizers, HADEP and DEP organizers, journalists especially of pro-Kurdish publications, and trade union activists. Sometimes the victim's body was discovered days later by the side of the road, or he simply disappeared. The assassins were suspected of having unofficial links with security forces. Often the police simply did not investigate the crime seriously.

In June 1994, however, thirty-five members of the Menzil faction of Hizbollah were charged with twenty-five death squad-style executions, and a month later thirteen members of the Ilim faction of Hizbollah, a group opposed to Menzil, were charged by authorities with fourteen such killings. Many believe the charges stem from killings the two factions carried out against each other.

Torture and suspicious death in pre-trial detention and house raids in which deadly force is used continued in 1994. "Falaka" (beatings on the soles of feet), the application of electric shock, and beatings with truncheons in police lockup were widespread abuses. According to the Turkish Human Rights Foundation's File of Torture (Iskençe Dosyası), fourteen people died under suspicious circumstances in pre-trial detention in the first eight months of 1994, and 387 individuals were tortured in the first seven months of the year including 117 females and sixteen children. There were also a reported twelve rapes in detention in 1994. House raids, especially against violent, extreme leftist groups like Dev Sol (Revolutionary Left), often result in the deaths of the house's occupants even though no return fire was reported.

For their part, violent leftist groups like Dev Sol continued their activities in Turkey in 1994, targeting military and security members, judges and prosecutors, and government officials, including those retired. On September 29, 1994, Dev-Sol militants, for example, assassinated former Justice Minister Mehmet Topac.

### The Right to Monitor

In Turkey, the main monitoring group is the Human Rights Association (İnsan Hakları Derneği, or İHD), a decentralized, membership-based group with forty branches. The Human Rights Foundation, (İnsan Hakları Vakfı, or İHV), set up by the Human Rights Association but now independent, runs a human rights documentation center and publishes a yearly journal, a daily news summary, as well as thematic monographs. Both organizations operate legally.

While the İHV operated largely free of government interference, in October the Ankara State Security Court confiscated the İHV publication File of Torture and considered bringing charges under Article 8 against the author of the work and the chair of the İHV. In 1994, many of the human rights associations, especially those in the southeast, faced government repression and threats from right-wing groups. In the past two-and-one-half years, ten association officials or members have been killed, three of whom died in 1994. Branches of the association were often raided, with documents seized and members detained and reportedly tortured. On May 1, for example, police raided the Iskenderun association and briefly detained its chair, Sadullah Caglar.

In several instances, the associations were closed down for a period of time. In September, moreover, the Adana Human Rights Association was ordered closed indefinitely.

According to Akin Birdal, chair of the Turkish Human Rights Association, many of the associations in southeastern Turkey, especially those in Hakkari, Siirt, Agri, Mardin, Sirnak, Tunceli, and Batman, were no longer able to operate normally because of severe harassment and repression. On September 22, chair of the Tunceli Human Rights Association, Ekber Kaya, was detained by police.

Often human rights association members were harassed for their publications. In July, Kutahya branch President Seydi Bayram was sentenced to twenty months in prison for press statements he made in 1993, and in October, a trial was launched against the executive leadership of the human rights association for a book it had published, *A Section from the Burnt Down Villages*, (*Yakilan Koylerden Bir Kesit*). Both cases were brought under Article 8 of the Anti-Terror Law.

A drastic decrease in access to southeastern Turkey for both journalists and foreign human rights monitors complicated human rights monitors. While travel was allowed to Diyarbakir, attempts to enter the countryside were either strictly monitored or blocked, often with a short detention resulting. The government usually justified such actions by stating the need to protect the individuals in question from the PKK. Toward the end of 1994, the Foreign Ministry instituted stricter controls on entry into Northern Iraq: official humanitarian organizations and international bodies would be allowed in, while journalists and nongovernmental groups would face a strict application process. In October, Amnesty International's Turkey researcher was refused a Turkish entry visa on grounds of his alleged contacts with the PKK, a charge the London-based group completely denied.

### U.S. Policy

In 1994, the Clinton administration consistently raised human rights issues with the Turkish government, a dialogue underscored through two high-profile trips by Assistant Secretary of State for Democracy, Human Rights, and Labor John Shattuck and one by former Assistant Secretary of State for European Affairs Steven Oxman.

The administration advised Turkey that it must not sacrifice human rights in its legitimate fight against the PKK. In March 1994, Oxman said he favored "civil and social" solutions to the conflict in the southeast between security forces and the PKK. During an October 25, press conference in Ankara, Shattuck stated that human rights and democracy were "very much" the focal point of Turkish-U.S. relations. Shattuck warned, "The United States has laws that make very clear that the use of military assistance to violate human rights of any individuals or civilians is particularly prohibited....That has been made very clear to the Turkish officials." Shattuck reportedly told Turks that they stood to lose "millions" in military aid if the human rights situation did not improve. Turkish Foreign Minister Soysal, however, rejected such pressure and stated that Turkey would diversify its arms procurement.

The Clinton administration had hitherto been reluctant to condition U.S. military aid to Turkey on human rights performance. The "millions" Shattuck mentioned referred to the 10 percent of U.S. military assistance to Turkey for fiscal year 1995 that Congress had withheld pending an administration report on Turkey's human rights practices and Cyprus negotiations. In fiscal year 1994, Turkey received \$405 million in military credits at an interest rate of 5 percent and \$120 million in Economic Support Funds. For fiscal year 1995, the administration proposed giving Turkey \$450 million in military credits, but Congress reduced this to \$364.5 million and then withheld 10 percent of it as mentioned. Turkey remained the third largest recipient of U.S.

military aid after Israel and Egypt.

Surplus U.S. weapons are still being delivered to Turkey, and according to the Congressional Research Service, the agreements under which they are transferred to Turkey allow their use for internal security purposes. In 1993, Turkey received from the U.S. main battle tanks, howitzers, armored personnel carriers, attack helicopters, and anti-ship missiles. In 1994, Turkey purchased an estimated \$1.8 billion in weapons from the U.S. and plans to acquire \$1.3 billion in weapons in 1995, making it the second largest purchaser of U.S. weapons during both years.

The executive branch's policy of supplying Turkey with extensive military equipment, much of which might be used in a counterinsurgency campaign in southeastern Turkey marked by human rights abuses, undermined the administration's welcome policy of increased candor about rights abuses. In 1994 this new candor was demonstrated by the Shattuck visits and by excellent human rights reporting in the section on Turkey in the State Department's Country Reports on Human Rights Practice for 1993.

#### The Work of Human Rights Watch/Helsinki

In 1994, Human Rights Watch/Helsinki kept pressure on Turkish government officials directly and also pressed the U.S. government, the Conference on Security and Cooperation in Europe (CSCE), and the European Union to use their influence to bring about human rights improvements in Turkey. We focused on three issues: the war in the southeast and its consequences; the banning of the Kurdish-based Democracy Party; and PKK violations of the laws of war. In April 1994, a Human Rights Watch/Helsinki mission went to Turkey to investigate the stripping of parliamentary immunity and jailing of parliamentarians. We met with government officials, DEP members and parliamentarians, politicians, and human rights activists. The Turkish government, however, refused our request to meet with the jailed deputies. In August and September 1994, another Human Rights Watch/Helsinki mission to Turkey investigated the forced displacement of civilians by government security forces. During that mission Human Rights Watch/Helsinki also wanted to investigate PKK violations in southeastern Turkey: although the Turkish Foreign Ministry encouraged the idea, the Emergency Rule Governor's Office in Diyarbakir did not allow the mission to proceed.

Human Rights Watch/Helsinki publications for 1994 included Turkey: 21 Deaths in Detention and Turkey: Forced Displacement of Ethnic Kurds From Southeastern Turkey, based on our August-September 1994 mission. The Human Rights Watch Women's Rights Project released State Control of Women's Virginity in Turkey, based on a 1993 mission. Human Rights Watch/Helsinki also regularly published articles and issued letters and press releases condemning abuses by the Turkish government and the PKK.

## TURKMENISTAN

### Human Rights Developments

Continued government repression brought a virtual end to what little remained of free speech in Turkmenistan this year. The January 15 referendum gave an implausible 99.9 percent approval to President Saparmurad Niyazov's guaranteed presidency, which is to continue without elections

until 2004. More dissidents fled the country under threat of arrest and continued harassment, the handful of dissidents remaining in Turkmenistan were all but silent, and no protest rallies took place. Reportedly, the government also enforced the death penalty widely to inhibit nonconformist behavior, although exact data have not become internationally available.

On December 28, 1993, a court in the capital, Ashgabat, sentenced dissident Karadzha Karadzhaev to three years of imprisonment on what were believed to be fabricated charges of slander, malfeasance in office and embezzlement. The court then released him under an October 1993 presidential amnesty, following four months of imprisonment. Mr. Karadzhaev later emigrated to Ukraine fearing further persecution. On July 2, Momma Seitmurad, one of the leaders of Turkmenistan's moribund opposition, died under suspicious circumstances in Ashgabat. Opposition leaders cited the government hospital's refusal to conduct an autopsy as evidence that it was a political killing. Not only dissidents in Ashgabat but dissidents who had fled to Moscow reported that security agents intensified surveillance of their homes immediately following the death. The beating of outspoken dissident and Radio Liberty correspondent Murad Esenov on October 4 on a Moscow street further fueled suspicion that the Turkmenistan government was involved even in Moscow in the persecution of its critics.

The government gave high-profile attention to the enforcement of the death sentence, ostensibly as part of an anti-crime campaign. State television—the only television—broadcast at least one execution. Official statistics concerning the number of executions in 1994 were unavailable, but reliable and confidential sources reported that the number was higher than in the recent past. In addition, one resident, Orazguly Khanov, told Human Rights Watch that on June 8 a court in the capital executed his son for murder, for which he claims the procurator framed him in exchange for a bribe. The Procuracy declined to comment on the case. However, reported violations of due process and mistreatment of the family, raise suspicion about the fair conduct of the trial. The elder Mr. Khanov reported that the court barred both him and witnesses to the crime from attending the trial. In a grim reminder of Soviet practice, the prison did not inform the family of the execution. Mr. Khanov reported that when his family went to the Procuracy on July 3 to confirm rumors of the death, authorities detained them, including small children, without charges for seven hours.

State censorship reduced local media to government mouthpieces, and the government blamed funding shortages for the nearly complete absence of information from abroad. In September, the government subsumed Edebiiat ve sungat, the newspaper of the Writer's Union, under presidential control and closed the newspaper Subbota, according to one journalist to punish their insufficient praise of President Niyazov.

Efforts to correct years of discrimination against ethnic Turkmen resulted in discrimination against non-Turkmen instead in 1994. Job advertisements in newspapers requested applications only from ethnic Turkmen. The government also refused to register the Russian-speaking community organization with no explanation.

### The Right to Monitor

Economic limitations and fear of government reprisals made human rights reporting possible only from outside the country. Some local victims and activists preferred to travel to Moscow at great expense to convey information about abuse rather than to risk reprisals for reporting from within the country. Even outside of Turkmenistan, security forces were believed to have harassed monitors in Moscow this year.

No foreign monitors were known to have attempted an investigation in Turkmenistan this year.

#### U.S. Policy

According to the State Department, U.S. representatives raised human rights concerns at every meeting it held with Turkmenistan counterparts this year. The administration also identified grave human rights concerns in the section on Turkmenistan of the State Department's Country Reports on Human Rights Practices for 1993. Among other things, the State Department concluded that "Turkmen authorities severely restricted civil and political liberties." However, the U.S. government's failure to condemn these abuses publicly outside the scope of the annual report gave the impression that it was neglecting the country's appalling repression of elementary human freedoms.

#### The Work of Human Rights Watch/Helsinki

Our goal this year was to gather accurate information about developments in this closed society. We did not conduct a site investigation because local activists indicated they feared reprisals for speaking with us. We did, however, promote the concerns of Turkmenistan's Russian-speaking community by arranging meetings between its leaders and concerned individuals in the Russian Foreign Ministry.

#### UNITED KINGDOM

##### Human Rights Developments

The leading human rights development of 1994 was the August 31 cease-fire announcement by the paramilitary Irish Republican Army (IRA) in Northern Ireland, followed six weeks later by a similar announcement from their loyalist counterparts—the Ulster Freedom Fighters (UFF) and the Ulster Volunteer Force (UVF). This was the first bilateral cease-fire aimed toward long-term peace since the long-simmering "Troubles" erupted into armed conflict in 1969. Among the more than 3,300 people killed in the long conflict were fifty-eight killed between January and October 1994 (fifty-two civilians, three police officers and three British soldiers). In 1994, murders by loyalist paramilitaries (thirty-three) outnumbered those by republicans (twenty-four) for the third straight year. Security forces killed one person in 1994 in disputed circumstances.

On October 21, Prime Minister John Major accepted the cease-fire as genuine and offered to hold talks with Sinn Fein, the political arm of the IRA, before the end of 1994. Major simultaneously announced the opening of roads between Northern Ireland and the Irish Republic and a partial lifting of the exclusion order that had prevented dozens of presumed terrorists from entering other parts of Britain; earlier, he had lifted the much-criticized five-year-old broadcasting ban against proscribed groups (see below). Most significantly, Major stated Britain's intent to remove British soldiers from Northern Ireland eventually and turn over policing to an entirely civilian force.

Despite these positive developments, grave human rights concerns remained in Northern Ireland and other parts of the United Kingdom. In Northern Ireland, a cluster of "emergency"

legal provisions continued to restrict severely the due process rights of detainees and criminal defendants. Among these, the 1973 Emergency Provisions Act removed the right to trial by jury for a broad range of serious criminal charges, including murder, manslaughter, rioting, and robbery. Still in effect in late 1994, it also permitted the use of uncorroborated confessions, which were relied on in nearly 90 percent of all prosecutions for alleged terrorist offenses; over the years, numerous allegations of coercion had surfaced in connection with the extraction of confessions. The right to silence, a crucial component of the right against self-incrimination, had been eviscerated by the 1988 Criminal Evidence Order, which allowed judges to "draw adverse inferences" from a suspect's refusal to answer questions. Finally, the 1974 Prevention of Terrorism Act allowed suspects to be held seven days without charge. During the first forty-eight hours, detainees could be interrogated without access to a lawyer. Because less than 25 percent of those detained under the PTA have been charged later with criminal offenses, it had long appeared that PTA detention and interrogation powers were frequently used to search for information rather than investigate specific crimes.

In January 1994, the first annual report of the independent commissioner for the holding centres, Sir Louis Blom-Cooper, was released. Blom-Cooper, who was appointed in late 1992 amid growing criticism of the holding centres in Northern Ireland and reports of ill-treatment of detainees, reported many of the same concerns previously raised by Human Rights Watch/Helsinki and others. These included substandard physical conditions in the holding centres, a need for audio and video recording of interrogations to guard against impermissible coercion, and a need for prompt access to legal advice. Unfortunately, Blom-Cooper's proposed solution for quick legal advice—creation of a state-run in-house solicitor scheme—would severely restrict detainees' right to choice of counsel and right to attorney-client confidentiality. His laudable proposal for electronic monitoring of interrogation sessions was opposed by the secretary of state to Northern Ireland, Sir Patrick Mayhew. The presence of juveniles in the holding centres—thirty-seven were detained in 1993—was not investigated by Blom-Cooper, despite international law forbidding the detention of juveniles together with adults.

The failure of normal policing in troubled areas of Belfast contributed to the phenomenon of "alternative policing" by the IRA and, to a lesser extent, the Ulster Defense Association (UDA). During 1994, under this system of summary punishment and intimidation, people believed to be guilty of common crimes, including many juveniles, were subjected to banishment from Northern Ireland, brutal beatings, and "kneecappings," or punishment shootings of knees and other joints. There is no semblance of due process in this procedure. Punishment beatings and shootings continued after the August cease-fire.

Curbs on free expression continued in the United Kingdom, which has no Bill of Rights or other written protection for free speech. The Official Secrets Act criminalizes disclosure of vast categories of state information, thereby screening large portions of government conduct from public scrutiny. There is no explicit protection for peaceful assembly, and the Public Order Act of 1986 grants the police power to restrict or ban public gatherings.

The government lifted the 1988 broadcasting ban that had prevented the airing of the voices of members of Sinn Fein or proscribed Northern Ireland paramilitary groups. This development, while positive, highlighted the need for laws fully protecting British media from government interference.

Overcrowding in prisons continued to raise human rights concerns in England and Wales. In Northern Ireland, prisoners rioted in July at the Crumlin Road jail to protest unsanitary



conditions and severe overcrowding. About 200 prisoners were subsequently transferred. Hunger strikes and protests by those who remained were reportedly met by threats and excessive violence by prison authorities.

#### The Right to Monitor

International and domestic human rights activists exerted a vigorous and visible presence in Northern Ireland, and for the most part operated free from government interference or intimidation. One disturbing exception to this in 1994 was a statement made in the House of Commons by Member of Parliament Douglas Trimble, who accused three men, including "one of the Finucane brothers," of being "well-known IRA godfathers." This was considered to be a reference to Martin Finucane, who runs the Patrick Finucane Center for Human Rights and Social Change. Patrick Finucane, Martin's brother, a well-known and respected civil rights and criminal defense lawyer, was killed in 1989, three weeks after a speaker in Parliament accused unspecified solicitors of being "unduly sympathetic to the cause of the IRA." Many other defense attorneys in Northern Ireland have been threatened and harassed for their work on behalf of those accused of terrorist actions. Given this background, Trimble's remarks presented a clear danger to the safety of Martin Finucane.

#### U.S. Policy

The State Department's Country Reports on Human Rights Practices for 1993 in the section on the United Kingdom noted many ongoing human rights concerns, including British policy on the use of lethal force, threats to and intimidation of Northern Ireland defense attorneys, harassment of civilians by Northern Ireland security forces, restrictions on due process, and substandard conditions in prisons and holding centres. Despite these observations, the Clinton administration remained silent on the issue of human rights in the United Kingdom.

The United States offered vocal support for the Northern Ireland peace process and, according to many observers, played an extremely useful role in brokering peace. In fiscal year 1994, as in previous years, Congress appropriated \$20 million to the International Fund for Ireland, which "promotes peace and reconciliation through economic progress." In November 1994, the administration announced its intention to secure a "peace dividend" of an additional \$10 million, and to expand the role of the National Endowment for Democracy, the United States Information Agency and the U.S. Agency for International Development in Northern Ireland.

After repeated denials in 1993, the Clinton administration granted Sinn Fein President Gerry Adams a two-day visa to the U.S. in February 1994. Adams was given a visa again in October, following the IRA cease-fire announcement; while in the U.S. Adams met with senior State Department officials, marking the first official contact between the United States government and Sinn Fein. Human Rights Watch/Helsinki had criticized the earlier visa denials, arguing that they violated Adams' right to free expression.

#### The Work of Human Rights Watch/Helsinki

In 1994, Human Rights Watch/Helsinki helped support the work of local human rights activists by issuing reports and otherwise bringing international attention to the human rights situation in Northern Ireland. In March, Human Rights Watch/Helsinki released a newsletter highlighting continuing human rights abuses, including the use of plastic bullets for crowd control,

harassment by security forces, and allegations of collusion between security forces and loyalist paramilitaries. In April, Human Rights Watch/Helsinki wrote to British government officials to express concern regarding the heavy militarization of Crossmaglen, a small town near the Irish border. The militarization of Crossmaglen remained a concern at year's end, as reports of excessive radiation levels, caused by the heavy concentration of military surveillance equipment along the border, and corresponding illnesses and deaths were confirmed by medical researchers.

In June and again in September, Human Rights Watch/Helsinki met with the independent commissioner for the holding centres and offered a critique of his first annual report. Our concerns, spelled out in a detailed letter and shared with Northern Ireland human rights activists, focused on protecting detainees' right to counsel.

In October, the newly formed Children's Rights Project of Human Rights Watch reported to the United Nations Committee on the Rights of the Child regarding the abuse of children in Northern Ireland. The report, drawing on groundwork laid by Human Rights Watch/Helsinki, reported on the abuse of children in the criminal justice system, street harassment of children by security forces, and abuse of children by paramilitary organizations on both sides of the conflict.

## UZBEKISTAN

### Human Rights Developments

Uzbekistan retained its repressive grip on civil and political freedoms in 1994. The government arrested, beat, bombed and followed members of the Erk Democratic Party and Birlik Popular Movement, as well as Islamic leaders and human rights activists. Local and foreign media were restricted, journalists who criticized the government were beaten, and repression intensified against persons associated with Erk, the Erk party's outlawed publication. The government continued to refuse to register opposition groups, including Erk and Birlik.

However, the government's efforts to mask the political nature of its crackdown on the opposition suggested its growing sensitivity to criticism. Previously, security forces arrested most dissidents for political crimes such as treason and slandering the president. In 1994, however, the government increasingly lodged purely criminal charges, such as assault, embezzlement, and illegal possession of narcotics and weapons. Such charges portrayed opposition members as dangerous to Uzbekistan society rather than as political figures. The only substantive improvement in an otherwise bleak year was that the government did not seriously harass any local or foreign activists during the three-day Conference on Security and Cooperation (CSCE) in Europe seminar on democratic principles, which it hosted in September.

Unrelenting government harassment polarized the opposition during 1994, muffling local activists and radicalizing some in exile. Some activists called for cooperation with the government. In alarmingly familiar Soviet style, at least five leading opposition figures, all victims of past government repression (Uktam Bek-Mukhammedov, Shukhrat Ismatullaev, Abdunabi Abdiev, Abdulkhaliq Abdumavlonov, and Khamidulla Nurmukhammedov), publicly condemned their "mistakes" and resigned from political life. Abdunabi Abdiev's capitulation

followed his release from prison in September; soon after his apologetic article was published, his brother Abdurauf was also freed from prison, strongly suggesting a link between his self-criticism and his brother's release.

In September, Human Rights Watch documented seventeen possible political prisoners in Uzbekistan. Of them, at least four had been arrested on charges of illegal weapons possession. On November 27, 1993, authorities arrested Birlik activists Akhmadkhon Turakhonboi-oghli and Nosyr Zakirov in Namangan, citing the discovery of a single hand grenade in each home. On February 22, 1994, law enforcement officials in Bukhara searched the house of Erk activist Nasrullo Saidov and reportedly found a single hand grenade in his child's room wrapped in a T-shirt. Witnesses asserted that the officials fanned out into all rooms of the house at the same time and planted the grenade during the search. On October 13, the Ministry of Internal Affairs arrested Erk, Birlik and Islamic movement activist Dadakhan Khasan in Ferghana after allegedly finding several rounds of ammunition in his car.

In August, Human Rights Watch/Helsinki learned that the Procuracy brought additional charges—of willfully disobeying the prison administration—against political prisoner Pulatjon Akhunov, who is serving a four-and-a-half-year sentence for narcotics possession and assaulting a guard. According to relatives who spoke with Mr. Akhunov, the prison administration frequently threw him into solitary confinement and otherwise punished him arbitrarily, although beatings reportedly ceased this year, and barred his lawyer from the prison. Human Rights Watch/Helsinki believes all charges against Mr. Akhunov were fabricated to ensure his silence.

Men wielding clubs and knives—believed to be paid by the government—assaulted numerous other outspoken leaders of the opposition during the period covered by this report, often threatening them to cease criticism of the Uzbekistan government. On December 7, 1993, on the eve of a human rights conference in Kyrgyzstan, men armed with knives reportedly broke into the Tashkent home of Mamura Usmanova, leader of the Birlik women's organization Tumaris, beat her and her husband, and took personal property. On May 17, 1994, a bomb exploded at the Tashkent home of Khamidulla Nurmukhamedov, a secretary of the Erk Central Committee. Two female journalists and the male interpreter of a foreign correspondent, all of whom requested anonymity, reported that the Tashkent militia beat and harassed them during 1994 because they had participated in interviews with dissidents.

Uzbekistan security forces also stepped up persecution of activists outside of Uzbekistan, most egregiously in Kazakhstan and Russia. On June 17-18, Uzbekistan law enforcement agents captured Murad Dzhuraev, former deputy of Uzbekistan's Supreme Soviet and former chair of the district council in Mubarek, Kashkadaria region, and Erkin Ashurov, an Erk member, in their apartment in the capital of Kazakhstan. They forced them to return to Uzbekistan, where they were imprisoned, it is believed, for their association with Erk newspaper. Uzbekistan officials also forcibly repatriated Birlik activist Vasila Inoiatova and a traveling companion from Kazakhstan in May.

Likewise, in Russia, on November 5, 1993, a gang reportedly beat Albert Musin, Iadgor Obid, and Abdurashid Sharif, political refugees from Uzbekistan and active correspondents, in their Moscow apartment and confiscated materials concerning their activities. On March 5, 1994, several men reportedly stopped the elderly Mr. Obid on a Moscow street, asked whether he was the Iadgor Obid who worked for Radio Liberty, and beat him. To date, the Russian government has failed to condemn these attacks publicly or to apprehend suspects.

Government censorship controlled the media as strictly as state-paid thugs controlled

outspoken journalists. Only one Russian newspaper reportedly reached Uzbekistan this year, and it was censored. In apparent fear that its censorship practices would be exposed, the government barred Prof. William Fierman, a U.S. scholar, from leaving the Tashkent airport when he arrived in January to gather information about the national media.

The most obvious attack on the media was the banning of the newspaper Erk on November 13, 1993, and the sentencing of editor-in-chief Ibragim Khakkulov, two of his deputies and the newspaper's accountant to two years of imprisonment for alleged abuse of office and financial violations. When the newspaper continued to be published outside of Uzbekistan and distributed clandestinely within the country, the government launched a widespread crackdown. Dozens of Erk distributors were arrested between late February and June 1994, particularly in the Kashkadaria region, and in early September in Khwarazm province. Khamidulla Nurmukhamedov, secretary of the Erk party's Central Committee; Gabnazar Koshanov, secretary of the Urgench branch of Erk; and activists Negmat Akhmedov and Abdunabi and Abdurauf Abdiev were all imprisoned during this period. Individuals close to the cases reported that their interrogations centered on association with Erk, although charges were not known to have been lodged against any of them.

The government continued to abuse the fifteen-day limit to "administrative arrest" (detention without charges) allowed by law to silence dissent. In May, law enforcement officials detained activists Mikhail Ardzinov, Tolib Iaqubov and Vasila Inoiatova, tried them in absentia while they were in custody and convicted them to between seven and fifteen days for "hooliganism," preventing their participation in an international human rights conference. Dr. Iaqubov reported a new and bizarre twist to punitive detention this year. In the past, he and other dissidents were held in foul police lockups or pre-trial detention cells. He reported that in June, however, law enforcement officers drove him and at least four others to separate mountain resorts and offered to feed them while they waited out the visit of a U.S. senator in the capital.

Dissidents reported that surveillance was so heavy it was "useless" to attempt to engage in any but the most mundane public activities. A Tashkent activist reported that five cars continually surrounded the home of Birlik co-chair Shukhrat Ismatullaev, even though he had renounced political life; Vasila Inoiatova was apparently shadowed by no less than ten men at a time.

On July 1, the International Commercial Arbitrating Court in Russia found groundless an Uzbekistan court's 1993 ruling that former vice-president and current opponent of President Islam Karimov, Shukhrullo Mirsaidov, pay the equivalent of U.S. \$5 million in restitution for alleged abuse of office. The decision gave credence to Mr. Mirsaidov's assertions that the charges were political fabrications.

The government continued to punish and intimidate prominent activists by harassing their relatives. On March 7, Maqsud Bekdzhan, the brother of Muhammad Solih, chairman of the Erk party, was arrested; Amnesty International received information in May that he had been released. Not long before that, reportedly false allegations of malfeasance by housing officials in Tashkent drove Mr. Bekdzhan and other close relatives from the city. Sherhali Ruzimuradov, an eighteen-year-old student, Erk member, and brother of Erk leader Iusuf Ruzimuradov, was arrested on charges of illegal arms possession on June 1 in Karshi, after Iusuf escaped the custody of Uzbekistan security agents in Kazakhstan, where they had taken him against his will to force him to disclose the names of individuals there involved in distributing the newspaper Erk. Sherhali had been detained and fined in April for possession of a book written by Erk

chairman Muhammad Solih. It is broadly believed that Sherali Ruzimuradov was arrested to punish his more active brother and to extract incriminating evidence against him.

According to the office of the United Nations High Commissioner for Refugees (UNHCR) in Tashkent, beginning roughly in the spring, the Uzbekistan militia detained and deported some refugees from Afghanistan. Exact statistics were not available. However, a UNHCR spokesperson reported in October that in a representative case, Uzbekistan authorities had held one family, including six children, in detention for twenty days, seized their UNHCR refugee certification and on September 24 had deported them to Afghanistan.

### The Right to Monitor

Human rights activism remained extremely risky during 1994. Local monitors reported that security agents followed them and otherwise restricted their activities. Punishment of three Moscow-based activists was more brutal, as noted above. As previously, the government refused to register the country's only independent human rights group, the Human Rights Society of Uzbekistan. Moreover, the Foreign Ministry continued using visa restrictions as a pretext to prevent outside observers from entering the country. It thwarted a scheduled December 1993 visit by former Soviet dissident Yuri Orlov and a January 1994 trip by U.S. citizen William Fierman, an expert on media.

These patterns were interrupted in September, however, for the CSCE conference in Tashkent. The government not only did not detain dissidents, it allowed activists Jamol Mirsaidov and Vasila Inoiatova to address the conference without known repercussions. It also issued visas to all foreign participants. In a particularly hopeful sign, representatives of Amnesty International reported that they conducted work in Tashkent for about one week almost unmolested following the conference.

### The Role of the International Community

#### U.S. Policy

The United States' almost solo efforts to condemn abuses in Uzbekistan appeared to wane in 1994. Vice-President Gore's whirlwind one-day visit at the end of 1993 gave the government ill-deserved recognition without substantive rebuke, missing a critical opportunity to publicize the ample information on violations in the State Department's Country Reports on Human Rights Practices for 1993. In January, the unconditional granting of Most Favored Nation status in January squandered another opportunity to press for improvements.

As in the past, U.S. criticism was clearest when abuse involved representatives of its own government. Uzbekistan law enforcement officials detained at least six leading Tashkent dissidents in June until Sen. Arlen Specter left the capital. According to The Washington Post of June 4, Senator Specter publicly denounced the "deliberate pattern" of violations of civil rights in Uzbekistan and, in an open letter to President Karimov, stated that "the denial of normal contacts between individuals of our two countries creates a serious obstacle to closer relations."

#### Kazakhstan Policy

At an international human rights conference in May, the deputy procurator general of Kazakhstan acknowledged that Uzbekistan security forces were engaged in surveillance at the conference,

and sent two of them home to indicate the government's displeasure. However, Kazakhstan authorities turned a blind eye to other, more abusive activities. They did not prevent Uzbekistan law enforcement agents from arresting and forcing dissident Vasila Inoiatova and her traveling companion to return to Uzbekistan from Kazakhstan in May, or Murad Dzhuraev and Erkin Ashurov to return in June, suggesting that Kazakhstan law enforcement bodies may actually have deliberately facilitated this abuse of fundamental civil rights.

#### The Work of

#### Human Rights Watch/Helsinki

Human Rights Watch/Helsinki is dedicated to documenting and exposing violations in Uzbekistan in order to improve government behavior. In 1994 we gave particular attention to the existence and abuse of prisoners of conscience, and the need to protect political refugees outside Uzbekistan.

We wrote to the government and its parliamentary human rights commission about instances of abuse, such as a letter in May condemning the arrests of dissidents on their way to a human rights conference, and a summary of abuse, including a list of possible political prisoners, in September. We held two well-attended press conferences in Moscow about ongoing violations, one jointly with the Society for the Promotion of Human Rights in Central Asia, to maintain public pressure, and participated in the CSCE conference in September. There we urged fellow participants to strengthen international condemnation of Uzbekistan's appalling record.

Human Rights Watch/Helsinki urged the Russian authorities to register some ten Moscow-based dissidents from Uzbekistan, and pressed them to repeal local ordinances that jeopardized such newcomers to Moscow. We also assisted political refugees seeking asylum outside the Commonwealth of Independent States.

#### FEDERAL

#### REPUBLIC OF YUGOSLAVIA

#### Human Rights Developments

Throughout 1994, human rights conditions continued to deteriorate in the rump Yugoslavia, now renamed the Federal Republic of Yugoslavia (FRY) and comprising Serbia and Montenegro. Although paramilitary violence against Hungarians and Croats subsided somewhat, continuing oppression against Sandzak Muslims and Kosovo Albanians continued throughout the year, directly contradicting Serbian President Slobodan Milosevic's remarks that "in Serbia there is no policy of ethnic discrimination." The Yugoslav government also failed to investigate and prosecute abuses by armed civilians and paramilitary squads.

Police raids on homes and marketplaces occurred frequently in Kosovo; heavily armed Serbian police officers patrolled the streets, creating a state of terror. Albanians were arbitrarily arrested, interrogated and subjected to torture and cruel, inhumane and degrading treatment in detention. Their political trials were marked by violations of the rights of the accused, including denial of the right to counsel and denial of the right to a fair and open public hearing by a competent, independent tribunal without unreasonable delay.

In late 1993 and early 1994, police violence increased in Sandzak, a heavily Muslim-populated region straddling Serbia and Montenegro. Police there used the same tactics as

their counterparts in Kosovo: raids on homes, arrests and beatings as part of ostensible searches for illegal weapons. During these searches, police beat Muslim men with rifle butts and clubs over their entire bodies and heads. After such severe ill-treatment, many victims were unable to walk. When villagers had no guns to surrender, the police threatened them with further beatings unless they delivered weapons by a certain date. Police thus coerced Muslims into selling their meager property to buy guns to turn over, in the hope that they would be spared additional abuse. Although such attacks subsided by mid-1994, reports of police violence continued to be received from Sandzak throughout the year.

Also, in late 1993 and early 1994, Serbian authorities clamped down on the predominantly Muslim Party of Democratic Action (SDA), arresting dozens of its activists. Some of the defendants were taken to Serb-controlled territory in Bosnia-Herzegovina, where they were tortured until they signed "confessions" stating they had planned an armed rebellion. For weeks, even though prisoners had serious wounds from the beatings, the authorities refused to grant them access to either defense counsel or medical treatment. By October, the defendants had been tried, found guilty and sentenced to prison terms ranging from one to six years. Between mid-1992 and late 1993, more than fifty Muslims from Sandzak were murdered or went missing. Their leaders have been silenced, hundreds have been displaced, and thousands have fled the country. Through these repressive practices, the Yugoslav authorities have effectively crushed the Sandzak Muslims' participation and future voice in Yugoslav politics.

While Yugoslav authorities continued their repression in Sandzak, from late 1992 to mid-1993, Bosnian Serb forces too abducted and disappeared Sandzak Muslims travelling through Bosnian Serb territory. Yugoslav authorities showed little will to identify or arrest the perpetrators of these abuses despite pledges by numerous senior Serbian officials, including President Milosevic, to bring to justice those responsible for the abductions and disappearances. Only one man, a Belgrade resident named Milan Lukic, was arrested in connection with the disappearances. In early 1994, Lukic was "extradited" to the Bosnian Serb authorities but he was not taken into custody in Bosnian Serb-held territory.

The Serbian government launched a campaign against the free press in April, targeting foreign journalists, and independent domestic media. Foreign correspondents accused of spreading "anti-Serb propaganda" were stripped of their accreditation, while others found it increasingly difficult to obtain entry visas. The Belgrade office of the U.S.-based humanitarian Soros Foundation was also included in this campaign, as the Serbian authorities opposed the foundation's support for the independent media. On April 17, state television broadcast a twenty-five-minute attack on the Soros Foundation, with the government-controlled press following suit; the tone of the report was also clearly anti-Semitic.

In 1994, President Milosevic sought to exonerate himself and his government of any blame for atrocities perpetrated against non-Serbs in Croatia and Bosnia-Herzegovina. Rather, he blamed individual extremists and the Bosnian Serbs for such crimes. In an interview with a U.S. magazine published in June, President Milosevic stated, "Serbs have not started this war [in Bosnia-Herzegovina]. In fact, Serbia is not even at war. Bosnia is." Two weeks after the article was published, a district court in the town of Sabac in Serbia, indicted a citizen of Serbia—Dusan Vuckovic—on war crimes charges, including killing sixteen Muslims near the northeastern Bosnian town of Zvornik in June 1992, as well as raping a Muslim woman in the Serbian town of Loznica in July 1992. This was the first time a war crimes act was officially recognized by the Serbian authorities but it was widely regarded as a show trial within Serbia. The trial was

scheduled to begin on November 21.

In October, the chief prosecutor for the international tribunal established to adjudicate war crimes and crimes against humanity in the former Yugoslavia visited Belgrade but failed to obtain the full cooperation of the Yugoslav authorities. Instead, the rump Yugoslav government stated that it regarded the tribunal "as an act of discrimination." At most, the government stated that it would consider appointing officials within the FRY's Public Prosecutor's Office to facilitate cooperation between governmental and nongovernmental organizations and the tribunal's prosecutor.

#### The Right to Monitor

Although local human rights groups were allowed to function in the rump Yugoslavia, international monitors were denied access to the country, or prevented from investigating human rights abuses there. In November 1993, police detained and interrogated a Human Rights Watch/Helsinki representative in Kosovo because she had been monitoring a trial of Albanians. In July 1994, Yugoslav officials rejected the efforts of the special rapporteur for the United Nations Human Rights Commission, Tadeusz Mazowiecki, to send a mission to Yugoslavia, as they found his work "one-sided, full of prejudice and above all politicized."

#### The Role of the International Community

##### European Union, Russian, and U.N. Policy

Economic sanctions imposed on the rump Yugoslavia continued to be grossly violated: a July 6 Reuters article reported that "some 1,000 trucks, including some carrying oil, cross the border [with Macedonia] every week ... So much fuel is coming in that as a fire safety measure, Belgrade authorities are setting up semi-official petrol markets to move smugglers' canisters and oil drums from impromptu sales points on city roadsides." Other news sources reported that private vehicles brought some twenty tons of fuel into Serbia every day through Bulgaria.

On August 4, President Milosevic announced that Yugoslavia was cutting all political and economic ties with the Bosnian Serbs because of their rejection of the latest international peace plan for Bosnia-Herzegovina. Despite a failed attempt to seal the Bosnia-Serbia border in 1993 and continued resistance by the Serbian government throughout 1994, on September 14 President Milosevic finally consented to the stationing of approximately 140 international civilian observers along Serbia's 375-mile land and river border with Bosnia instead of the 1,500-2,000 troops originally envisaged. International negotiators accepted President Milosevic's demands that the observers not be called monitors and not include military officers as originally planned. The observers also depended on drivers and interpreters supplied by the Yugoslav authorities. Inspections were to be carried out in warehouses rather than at border crossings, and observers were not given the authority to inspect suspect trucks, which suggested that they could act only with the consent of Yugoslav police and customs officials.

The enforcement of the border blockade remained in dispute after international observers



were deployed. In early October, the U.S. and German press reported massive cross-border commercial traffic, including black-market fuel and light weaponry. U.S. Secretary of Defense William Perry said on September 30 that the Bosnian Serbs were still receiving weapons or other equipment from across the Drina river, but Lord David Owen, the European Union's peace negotiator for the former Yugoslavia, reported to the U.N. in early October that "controls of the border have been adequate." Meanwhile, hundreds of helicopter flights were reported over Bosnia in mid-September and early October; fifty-five flights took place on Saturday, October 8 alone. After U.N. officials said the flights might be a Yugoslav army effort to resupply Bosnian Serb forces, the flights reportedly stopped.

Despite the early failures and uncertain enforcement of the border blockade, on October 23 the U.N. Security Council approved a resolution partially lifting economic and cultural sanctions against the government of rump Yugoslavia, thus rewarding President Milosevic for his pledge to seal the border. The resolution was to remain in effect for one hundred days, unless U.N. Secretary-General Boutros Boutros-Ghali found that arms were once again being transported across the border.

### U.S. Policy

The Clinton administration paid some attention to continuing abuses in the rump Yugoslavia in 1994, particularly Kosovo, but it also acquiesced to European pressure to reward the Milosevic government for its alleged rupture of relations with the Bosnian Serbs. Little attention was paid to the human rights record of the Yugoslav authorities or the Serbian government's past support for "ethnic cleansing" in Croatia and Bosnia.

Initially against lifting sanctions, the U.S. in late August and early September supported easing U.N. sanctions against Yugoslavia. The U.S. moved to support further efforts to lift sanctions if President Milosevic granted diplomatic recognition to Croatia and Bosnia-Herzegovina. This position contradicted statements made by Madeline Albright, U.S. ambassador to the U.N., in late 1993 and in January, when she stated that the U.S. would oppose lifting sanctions against any state that did not cooperate with the investigations and prosecutions of the international tribunal by freely permitting investigation of war crimes and crimes against humanity and by extraditing those indicted for offenses. Because the Yugoslav government continued to question the legitimacy of the tribunal and had failed to cooperate with it, and because the human rights situation within the rump Yugoslavia had not improved, Human Rights Watch/Helsinki considered the U.S. change of position extremely unfortunate.

### The Work of

#### Human Rights Watch/Helsinki

Because of the lack of an international human rights presence in the rump Yugoslavia, Human Rights Watch/Helsinki continued to maintain one or more staff members there throughout 1994 in order to monitor human rights in the rump Yugoslavia and Serbian-controlled areas of Bosnia and Croatia.

Throughout the year, staff researchers investigated human rights violations in Serbia proper, Kosovo, and Sandzak. In February, Human Rights Watch/Helsinki issued a protest letter calling on Yugoslav Defense Minister Pavle Bulatovic to cease activities related to recruiting Serbian refugees from Bosnia and Croatia to serve in the Bosnian Serb army. In March 1994, *Open Wounds: Human Rights Abuses in Kosovo* was published, a report that documented

escalating human rights abuses of Albanians by Serbian authorities. On May 6, Human Rights Abuses of Non-Serbs in Kosovo, Sandzak and Vojvodina reported on human rights abuses against non-Serbs in these provinces of Yugoslavia. At the request of Tadeusz Mazowiecki, the special rapporteur for the United Nations Human Rights Commission, on September 1 Human Rights Watch/Helsinki submitted a lengthy letter reporting human rights abuses in rump Yugoslavia.

Human Rights Watch/Helsinki also protested against restrictions on freedom of the press and the right to monitor in 1994. On April 14, in a letter to the prime minister and information minister of Yugoslavia, Human Rights Watch/Helsinki protested the revocation of press credentials to foreign journalists.

Human Rights Watch/Helsinki investigated the state of domestic war crimes trials and advocated that the easing of sanctions against the rump Yugoslavia be conditioned on the Serbian authorities' demonstrated cooperation with the international tribunal established to adjudicate war crimes and crimes against humanity in the former Yugoslavia.