

# HUMAN RIGHTS WATCH/ HELSINKI OVERVIEW

While the international community continued to pay lip service to human rights principles in the Helsinki region, 1996 was notable for the wholesale subordination of these principles to political objectives in certain key countries, especially by the United States and the countries of the European Union. With regard to Bosnia-Herzegovina, the international community preached respect for human rights, democratic pluralism and accountability for past abuses, but did not insist on these principles if it meant delaying blatantly unfree and unfair elections. Shortly after Russian forces initiated a new offensive in Chechnya with massive violations of international humanitarian law, the Council of Europe, one of the regional institutions with a clear human rights mandate, admitted the Russian Federation (hereafter "Russia") as a member. By year's end, the governments and institutions considered most likely to speak out against human rights abuses had lost much credibility.

Especially in the case of the former Yugoslavia, where the atrocities of the war had been so severe as to warrant the establishment of the first war crimes tribunal since Nuremberg (the International Criminal Tribunal for the former Yugoslavia, ICTY), the rhetoric about accountability and justice proved largely hollow in 1996. By year's end, officials at the tribunal questioned how long they could continue without the arrest of indicted persons. These developments, along with the fact that those responsible for "ethnic cleansing" were still in firm de facto control of the region and that there was little prospect of accountability for gross abuses, had ominous implications for human rights, not only in the Balkans but throughout Europe.

## **Human Rights Developments**

Among the gravest abuses during 1996 were those that occurred in the context of the armed conflicts in Bosnia-Herzegovina and in Chechnya. In both cases, civilians were the victims of executions and "disappearances," torture and other mistreatment in detention, and other gross violations of international humanitarian law.

In Bosnia-Herzegovina, Bosnian Serbs carried out a highly organized campaign of "ethnic cleansing", murder and rape in northwestern Bosnia even as diplomatic efforts toward a peace settlement intensified. The Dayton peace agreement, which went into force in December 1995, brought an end to the most severe of these abuses. Despite the successful implementation of the military provisions of the Dayton agreement, however, at the end of 1996, hundreds of thousands of civilians remained displaced, many with little hope of ever returning to their homes; ethnically and politically motivated killings, arbitrary arrests and detention, and the physical mistreatment and harassment of minorities by local authorities remained common; and those responsible for gross violations of human rights maintained power with little fear of being called to account for their crimes.

In Chechnya, civilians continued to suffer from indiscriminate and disproportionate fire until the August 1996 cease-fire. Russian forces routinely razed whole apartment blocks and heedlessly shelled residential areas throughout Chechnya, killing untold numbers of civilians.

Government forces were not the only ones to disregard international legal standards for the protection of civilians. Armed opposition groups in Chechnya, Georgia, Nagorno-Karabakh

in Azerbaijan, Northern Ireland, Tajikistan, and Turkey also committed severe violations of international humanitarian law.

Torture and other forms of mistreatment remained routine during interrogations in Armenia, Azerbaijan, Bosnia-Herzegovina, Georgia, Kosovo (Federal Republic of Yugoslavia), Russia, Turkey, Turkmenistan, and Uzbekistan, abusive officials were rarely held accountable, and confessions procured under torture were often admitted as evidence. Poor prison conditions and horrendous overcrowding also contributed to numerous deaths in detention in Azerbaijan, Bosnia-Herzegovina, Georgia, Russia, and Turkmenistan. Excessive use of force in dealing with prison disturbances led to at least fourteen inmate deaths in Turkey.

Respect for human rights and democratic principles deteriorated dramatically in Albania, Belarus, Kyrgyzstan, and Tajikistan, where government leaders, intent on maintaining political power, severely restricted the independent media, used the police and other state agents to restrict free assembly and association, and often resorted to fraud and electoral manipulation. The crackdown on political dissent was especially prominent in the period leading up to elections in Albania, Armenia, Bosnia-Herzegovina, Georgia, and Kyrgyzstan. Respect for human rights in Armenia, Azerbaijan, Greece, Kazakhstan, Slovakia, Turkmenistan, and Uzbekistan remained poor.

Government officials recognized and feared the power of free expression and repeatedly tried to control or restrict critical speech. A journalist was beaten to death in detention in Turkey; journalists were arrested and prosecuted for their peaceful expression in Albania, Croatia, Russia, and Turkey. In Belarus, Bosnia-Herzegovina, the FRY, Turkmenistan, and Uzbekistan, government monopolies of the media limited citizens' access to diverse views and information. Throughout the region, vaguely worded laws that prohibit inciting public violence, defaming state institutions, and publishing state secrets, were used almost exclusively to punish peaceful, albeit critical, expression. The press also came under attack in Chechnya, where clearly marked press vehicles were shot at by Russian forces; in Chechnya, Russia, Tajikistan, and Uzbekistan, journalists were killed by unknown assailants or in crossfire.

Police brutality remained a serious concern in many countries in the region and was often justified by the growing crime rate. In Bulgaria, efforts to control organized crime were the pretext for the routine beating of citizens, destruction of property, and the complete disregard for due process by police forces. In Russia, a crackdown on crime resulted in the harassment, brutal mistreatment and arbitrary detention of persons from the Caucasus, especially Chechens.

Accountability for past abuses continued to be illusory in most of the region. In Bosnia-Herzegovina, Croatia, the FRY and Tajikistan, those who had committed serious abuses during times of armed conflict often showed total disregard for human rights and the rule of law in times of peace. Another devastating cost of the continued political influence exerted in the region by persons responsible for past abuses was the large number of refugees and internally displaced persons who remained displaced long after the military conflicts ended.

In refugee-receiving states such as the member states of the European Union, the rights of refugees were increasingly under attack and asylum seekers faced severe limitations on the right to appeal, detention for long periods, and, in some cases, refoulement.

Domestic violence, rape and other crimes of violence against women were seldom treated seriously by law enforcement officials in the region. Female victims of violence continued to be

denied justice, including by the criminal justice system itself, in countries such as Albania, Bosnia-Herzegovina and Russia.

Ethnically motivated violence and discrimination against Roma continued to be pervasive in Bulgaria, the Czech Republic, Greece, Hungary, Romania, and the Slovak Republic. In one positive development, Roma appeared increasingly willing to seek legal recourse for human rights abuses.

The death penalty continued to be invoked in Albania and many of the countries of the former Soviet Union, including Georgia, Kazakhstan, Russia, and Turkmenistan. In Bulgaria a move was underway to lift the 1990 moratorium on the death penalty. Routine denial of due process and the admission into evidence of confessions extracted under torture in many of these countries made the use of the death penalty all the more troubling.

### **The Right to Monitor**

Although human rights groups made important contributions by documenting and opposing human rights abuses during 1996, a number of governments tried to interfere with their work. In countries such as Albania, Bosnia-Herzegovina, the FRY, Turkey, and Uzbekistan, human rights activists faced systematic harassment and surveillance by police and other government agents. Although the government of Uzbekistan tolerated some human rights monitoring to an unprecedented degree for that country, it continued to obstruct the registration efforts of independent human rights groups and to harass human rights activists. Turkmenistan remained one of the few countries in the world that, due to crushing government repression, could not boast a single in-country human rights monitor.

### **The Role of the International Community**

#### **Europe**

Many European institutions play an important role with regard to human rights: the Council of Europe and its attendant institutions—the Parliamentary Assembly, European Commission of Human Rights, European Court of Human Rights, and European Committee for the Prevention of Torture; the European Union, the European Commission and European Parliament; and the Organization for Security and Cooperation in Europe (OSCE) and its Permanent Council. However, these institutions had a mixed record on human rights in 1996. On the one hand, European institutions condemned abuses in Belarus, expressed concern over the state of democracy in Slovakia and, after some delay, criticized electoral violations in Albania. The Council of Europe's foreign ministers, in a surprise move, postponed consideration of Croatia's application for membership in mid-May due, in part, to Croatia's poor human rights record. However, despite Croatia's continued non-compliance with the human rights provisions put forward by the council, Croatia was admitted as a full member in October. However, the European Union, the OSCE and the Council of Europe remained silent on the pervasive repression in Turkmenistan and the deterioration of respect for human rights in Kyrgyzstan.

In Bosnia-Herzegovina, where the OSCE was responsible both for organizing elections and monitoring respect for human rights, elections quickly became the primary focus of the mission, due in large part to the U.S. government's insistence that elections in Bosnia-Herzegovina be held before the U.S. presidential elections. European diplomats acknowledged

that the time line created at Dayton had been unrealistic from the start because it had been determined largely by U.S. domestic considerations. However, the most powerful European governments were not willing or able to formulate a unified policy to counter that so forcefully pursued by the Clinton administration.

The European Union continued efforts to create a unified and increasingly restrictive asylum regime for its member states, leading in 1996 to increased detention, expulsions, and other measures that, in some cases, violate international standards and increase the risk of *refoulement*.

### **The United Nations**

United Nations monitoring missions in Croatia (Eastern Slavonija), Georgia (Abkhazia), Macedonia and Tajikistan were able to contribute significantly to regional stability. However, these missions often remained silent with regard to human rights abuses, opting instead to emphasize their security role. The UNHCR assisted in protecting vulnerable populations in Bosnia-Herzegovina, but failed to promote the safe return of refugees to Abkhazia and placed undue pressure on Tajik refugees in Afghanistan to return to their homes prematurely.

The U.N. Security Council condemned Croatia during the year for ongoing abuses against ethnic Serbs in the Krajina region of the country and for the government's failure to cooperate fully with the ICTY. However, it lifted sanctions against the Federal Republic of Yugoslavia and the Bosnian Serbs on October 1, following what it considered "successful" elections in Bosnia-Herzegovina without mentioning the parties' failure to cooperate with the tribunal, as required by the U.N.'s own resolution 1022, or the ongoing repression of ethnic minorities in Sandjak, Vojvodina and Kosovo.

In Bosnia-Herzegovina, the U.N. International Police Task Force (IPTF) often underplayed its mandate, especially with regard to the protection of vulnerable civilians. It did, however, cooperate with the International Implementation Force (IFOR) to remove checkpoints and, in some areas, individual IPTF units actively patrolled villages where ethnic minorities were being threatened. The IPTF also had the important task of vetting the local police forces, but at the end of 1996, this process was only beginning in the Bosniak-Croat Federation and had not yet begun in the Republika Srpska, while persons indicted for war crimes worked as Bosnian Serb police as late as October.

### **The United States**

The U.S. government's human rights policies in the Helsinki region were particularly disappointing in 1996. The Clinton administration continued to tout the importance of democratic principles in the countries of Eastern and Central Europe and the former Soviet Union, but it ignored electoral violations and fraud and remained silent about other human rights abuses to ensure that certain friendly governments remained in power.

The Clinton administration played the leading role in bringing about an end to hostilities in Bosnia-Herzegovina at the end of 1995 and thereby contributed to the single most significant human rights improvement in the region. However, the administration was willing to jeopardize the long-term success of the peace process because of short-term considerations. Although the administration paid lip service to the need for free and fair elections in Bosnia-Herzegovina, it insisted that the elections take place before they could be free and fair, largely because of Clinton's own reelection agenda.

The administration backtracked on its stated commitment to accountability. The U.S.-dominated IFOR refused to arrest persons indicted for war crimes, downplaying the extent of its authority and claiming that indictees would only be arrested if “encountered in the normal course of business.” The IFOR did everything it could not to encounter indicted persons, however, and did not arrest such persons even when, on several occasions, it came face to face with them.

In Russia, the Clinton administration refused to condemn massive humanitarian law violations in Chechnya during the Russian election campaign, clearly having decided that it would support President Yeltsin’s reelection bid no matter what. Although the administration did criticize the abuses in Chechnya from time to time during the year, it failed to use the most important opportunities, such as the summit meeting between Clinton and Yeltsin in April, to press for improvements.

Similarly, the U.S. government disregarded numerous signs that the Albanian government of Sali Berisha was becoming increasingly intolerant of political opposition in the months leading up to the May elections in Albania and was noticeably slow to respond to widespread abuses during those elections. After some delay, however, the U.S. government took the lead in calling for a new vote. And the Clinton administration de-emphasized human rights concerns in Turkey, in part because of its concern about political stability, given the electoral success of the Islamist Welfare Party, and also because of regional security concerns related to the internecine Kurdish fighting in northern Iraq.

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

While maintaining broad coverage of and engagement in human rights developments throughout the Helsinki region, during 1996, a primary goal of the Helsinki division was to monitor and influence the human rights policies of the international community with respect to the former Yugoslavia. This emphasis was due to our recognition that the failure of the Dayton peace process—to achieve a peace built on respect for human rights and justice for the victims of gross abuses and to prevent the “success” of “ethnic cleansing” by insisting that refugees and internally displaced persons be able safely to return to their homes—would have devastating implications for human rights and the safety of ethnic minorities, not only in the countries of the former Yugoslavia but in every country in the Helsinki region.

Human Rights Watch/Helsinki continued systematically to document human rights abuses by all sides in the former Yugoslavia. However, the dramatically changed situation in Bosnia-Herzegovina—the presence of some 60,000 NATO troops, the influx of other international representatives into Bosnia-Herzegovina to monitor and enforce the peace agreement, and the potential for reconstruction aid—gave the international community new leverage over the parties. A priority, therefore, was to ensure that that leverage be used to obtain real human rights improvements. The Helsinki division kept the profile of human rights abuses high on the agenda of the international actors in Bosnia-Herzegovina and repeatedly reminded them of the human rights implications of policy options. We opened an office in Sarajevo and maintained a presence in the country throughout 1996.

Human Rights Watch/Helsinki repeatedly pressed for the arrest of persons indicted for war crimes by the ICTY, including through a June letter organized by Human Rights Watch/Helsinki to European and U.S. heads of state and government, which was signed by 204 organizations and prominent individuals in the U.S. and Europe. The Helsinki division also testified before the U.S. Congress and participated in a variety of international fora to urge

international actors in Bosnia-Herzegovina to respond more assertively to ongoing human rights violations. In cooperation with the Human Rights Watch Women's Rights Project, we urged that human rights concerns of women be promoted and that any human rights training for Bosnian police include special training on responding to and investigating crimes of violence against women. We engaged in a concerted campaign prior to the September elections calling for the international community not to hold elections until conditions for free and fair balloting had been created. In June we released "Bosnia-Herzegovina: A Failure in the Making and the Dayton Process," which concluded that the parties to the Dayton agreement had failed to comply with significant human rights provisions, that the international community had failed to insist on compliance with the legally binding obligations created by the Dayton accord and numerous Security Council resolutions, and called for the international community to use the means at its disposal to insist that the highest standards of human rights be upheld as prerequisites for economic aid and assistance. We also pressed the IPTF, responsible for overseeing the process of creating a new police force in Bosnia-Herzegovina, to assure that those responsible for gross human rights abuses are eliminated from the force.

Staff also exposed systematic abuses by the Croatian government against the ethnic Serb minority in the Krajina region after "Operation Storm." In April, we called for a delay, which was subsequently granted, in Croatia's admission into the Council of Europe and pressed for Croatia to be denied political and financial rewards until it cooperated with the ICTY. Human Rights Watch/Helsinki also condemned restrictions on freedom of expression in Kosovo, conducted investigations in Kosovo, Sandzak and Vojvodina, and repeatedly urged the U.N. Security Council not to lift sanctions against the FRY until it also cooperated with the tribunal. A report released in June documented violations of civil and political rights in Macedonia.

In Chechnya, we employed a three-pronged approach: documenting violations of international human rights and humanitarian law by both sides to the conflict, briefing international bodies on our most recent field research and formulating specific recommendations for their action, and pressing for accountability. We continued to document massive violations of the laws of war in Chechnya during missions to the region in January and October and released our findings in three reports during the year. Staff briefed the OSCE and the Council of Europe on atrocities committed by Russian forces and Chechen fighters and urged the Council of Europe, to no avail, to use the opportunity of Russia's application for membership to condemn such abuses. We also raised concerns regarding Chechnya at the fifty-second session of the U.N. Commission on Human Rights. Human Rights Watch/Helsinki opposed an amnesty for serious violations of the laws of war and pressed for accountability to be on the agenda of multilateral and bilateral meetings on Russia.

Human Rights Watch/Helsinki also conducted fact-finding missions to Stavropol and Krasnodar to expose the escalation of state-sponsored xenophobic violence, condemned the discriminatory implementation of anti-crime measures in Moscow, and worked to combat violations of the rights of refugees in the CIS. We played an active role in the UNHCR-IOM-OSCE conference on forced migration in the CIS held in Geneva in May, emphasizing the degree to which human rights abuses often cause migration and formulating recommendations to improve chances that refugees and internally displaced persons (IDPs) will be able to return to their homes in safety. Our Moscow office worked with the Women's Rights Project to oppose violence against women in Russia and to press for needed legislation on domestic violence (see section on the Women's Rights Project) and raised these concerns before the fifty-second session

of the U.N. Commission on Human Rights.

In an effort to prevent a further deterioration in the human rights situation, during 1996 significant resources were devoted to exposing the alarming spread of serious abuses in several countries in the region. In June, the division sent its first mission to Belarus to document growing restrictions on the political opposition. In Armenia, Human Rights Watch/Helsinki protested against police violence in the wake of September 25 demonstrations following the elections and the ensuing crackdown on the political opposition and worked closely with Armenian human rights activists to bring international pressure on the government to address these concerns. Following the March release of our report "Human Rights in Post-Communist Albania," Human Rights Watch/Helsinki focused on the electoral fraud and post-electoral violence in Albania. Staff testified before the U.S. Congress on three occasions during 1996 regarding human rights in Albania and held numerous meetings to raise our concerns with the Clinton administration.

In 1996, Human Rights Watch/Helsinki intensified its efforts to engage the government of Uzbekistan in a dialogue on its human rights record and to exploit the government's desire for diplomatic and financial recognition by pressing the E.U., the U.S. government and other influential actors to insist on concrete improvements from the Karimov government. In May, Helsinki representatives met in Tashkent with senior government officials to discuss the findings of our November 1995 mission to Uzbekistan. A report entitled "Uzbekistan: Persistent Human Rights Abuses and Prospects for Improvement" was released in May. Throughout 1996, Human Rights Watch/Helsinki staff campaigned for the release of political prisoners in Uzbekistan, to obtain the registration of independent local human rights organizations in the country, to condemn widespread censorship, and to oppose impunity for state-sponsored abuses. To further its efforts in Central Asia, the Helsinki division opened a regional office in Tashkent in July and successfully pressed the government of Uzbekistan for its formal registration. Human Rights Watch/Helsinki also pressed the government of Turkmenistan for improvements in its human rights record during meetings in Ashgabat in June.

As part of our ongoing work on government destruction of villages in southeastern Turkey, Human Rights Watch/Helsinki released a report in June on the occasion of the U.N. conference on housing, Habitat II, documenting the failure of government programs to aid those forcibly displaced. We also protested the arrests of human rights activists during the conference, which was held in Istanbul. Human Rights Watch/Helsinki documented continuing torture of detainees, especially by Turkey's Anti-Terror units and also focused on the government's reprisals against victims of human rights abuse such as torture who seek recourse with the European Commission on Human Rights. "Turkey: Violations of the Right of Petition to the European Commission of Human Rights" was released in April. Helsinki staff also raised these concerns with the European Commission on Human Rights during meetings in Strasbourg. Numerous urgent appeals were sent to the Turkish government on cases of "disappearances," torture and restrictions on free expression, and we raised concerns regarding torture at the fifty-second session of the U.N. Commission on Human Rights. The Helsinki division, in cooperation with the Human Rights Watch Arms Project, also condemned the indictment of the publisher and translator of the Arms Project's November 1995 report "Weapons Transfers and Violations of the Laws of War in Turkey" for "defaming and belittling the state's security and military forces."

Human Rights Watch/Helsinki remained actively engaged in documenting and holding governments accountable for violence and discrimination against Roma, through fact-finding

missions to and reports on the Czech Republic, Hungary, and the Slovak Republic. In cooperation with the Children's Rights Project, we also exposed the mistreatment of street children in Bulgaria, a large majority of whom are Roma (see section on the Children's Rights Project). In Romania, we again urged the parliament to reject provisions of the criminal code that would continue to criminalize consensual sexual acts between individuals of the same sex.

Building on previous work on racism and xenophobia, Human Rights Watch/Helsinki launched an initiative to influence the asylum policies and practices of the states of the E.U., focusing in 1996 on Sweden, the Netherlands, the United Kingdom, Germany, and efforts by the E.U. to harmonize the asylum policies of its member states. In September 1996, we published "*Sweden: Swedish Asylum Policy in Global Human Rights Perspective*," which was released to coincide with the Swedish government's introduction of a proposed reform of the asylum law in parliament.

## ALBANIA

### Human Rights Developments

The Albanian government's respect for human rights continued to decline in 1996. Police violence, politicized courts, electoral manipulation and control of the media were systematically used by President Sali Berisha and his ruling Democratic Party to eliminate rivals and consolidate power.

The most public violations occurred at the time of Albania's third multi-party elections for parliament on May 26. Physical violence, ballot stuffing and voter list manipulation by state employees in favor of the ruling party occurred in numerous electoral zones. Opposition parties refused to recognize the results, which gave the Democratic Party 122 out of 140 seats in parliament.

The main opposition parties were denied permission to hold a protest rally in Tirana on May 28. Opposition leaders and demonstrators gathered nevertheless and were beaten by plain-clothed and riot police, including the deputy minister of the interior. Members of the international media, foreign election observers and human rights monitors watched the police attack and detain dozens of people, among them members of parliament and elderly protesters.

Electoral violations had, in fact, begun long before the vote. In late 1995, the so-called "Genocide Law" established a government-appointed commission to review the files of the communist-era secret police. Those who held high-ranking positions in the communist government or were found to have "collaborated" with the former secret police were banned from holding public office until the year 2002. In the months leading up to the elections, the commission banned 139 individuals from participating in the elections, only three of whom were from the Democratic Party.

Before and after the elections, the government kept up its attack on the independent press. In January, the country's largest daily, *Koha Jone* (Tirana), and the newspaper of the opposition Socialist Party, *Zeri i Popullit* (Tirana), were accused of collaborating with the Serbian secret police, although no supporting evidence was made public. Shortly thereafter, the police confiscated six distribution vans owned by *Koha Jone*. On January 30, *Koha Jone* journalist Altin Hazizaj was arbitrarily charged with assaulting two police officers and held in detention for two days. On February 16, another journalist, Fatos Veliu, was detained and beaten by police in Saranda, allegedly because he had written an article about corruption in the local police.

On February 26, police detained and questioned the entire staff of *Koha Jone* about a bomb



that had exploded that morning in Tirana. In connection with the bombing, a journalist from the newspaper *Populli Po* (Tirana), Ylli Polovina, was later fined U.S. \$300 for “inciting public violence” because of an article he had written about the assassination attempt on Macedonian President Kiro Gligorov in November 1995. On March 12, the editor of *Populli Po*, Arban Hasani, was fined \$2,160 for two articles that the court found to be capable of “inciting of national conflict” and “defamatory of the secret police” (SHIK).

A number of Albanian and foreign journalists were abused by the Albanian police during the May 28 demonstration in Tirana, including Gianfranco Stara and Spiro Ilo from Associated Press Television and Eduardo del Campo from *El Mundo* (Spain). Bardhok Lala from the Albanian newspaper *Dita Informacion* (Tirana) was abducted by the secret police after the demonstration, severely beaten and left for dead in a lake on the outskirts of Tirana.

Despite promises of reform, the Democratic Party maintained firm control of the state radio and television. Some private stations were tolerated, although there was still no legislation to allow for private electronic media. Most of the private stations avoided news or political reporting.

Throughout the year, the government continued to prosecute those it claimed were responsible for past crimes. At least thirty former communist officials were sentenced to high prison terms for various “crimes against humanity,” such as ordering the shoot-to-kill policy on the border. At the same time, some former officials with close ties to the current government avoided prosecution. On March 15, four people were sentenced to between two and four years of imprisonment for trying to reestablish the former communist party (Party of Labor), which was banned in 1992. On September 16, another four people were convicted on the same charges.

On October 16, four days before municipal elections, the police arrested fourteen people it claimed were members of a communist terrorist organization that sought to overthrow the government. No evidence was made public, raising speculation that the arrests were timed as a campaign move before the elections.

Women’s rights were another growing concern in 1996. Domestic violence was a serious and widespread problem that was virtually ignored by public officials.

The one area of improvement in 1996 was the status of the Greek minority in the south of the country. In August the Albanian government opened three Greek-language schools in areas where the Greeks had long requested minority-language education. Relations between Greece and Albania improved steadily throughout the year, although Albania’s Greek minority still complained about job discrimination and the slow return of church property.

### **The Right to Monitor**

The main human rights organization in the country, the Albanian Helsinki Committee, was denied permission to monitor voting in Tirana polling stations during the May parliamentary elections. Six weeks before the elections, its telephone line was cut. Foreign human rights groups, including Human Rights Watch/Helsinki, were free to investigate abuses in Albania during 1996, but were monitored by the secret police. Many foreign organizations observed the May 26 parliamentary elections without interference, although the government limited the number of monitors from the Organization for Security and Cooperation in Europe (OSCE) that could observe the October 20 municipal elections.

### **The Role of the International Community**

The international community’s attitude toward the government of Sali Berisha changed radically after

the May elections. Since coming to power in 1992, President Berisha had enjoyed the strong support of the international community, most notably the U.S. government, despite clear signs that human rights violations were repeatedly taking place. A number of top-ranking western officials visited Albania in the weeks preceding the elections, thereby lending credence to the Albanian government. In return, Berisha opened up Albania's ports and airstrips for NATO use and encouraged moderation among the ethnic Albanians in neighboring Kosovo and Macedonia.

After some delay, the U.S. government, the European Parliament and Council of Europe expressed their strong disappointment with the elections and encouraged the Albanian government to hold new elections as soon as possible. The U.S. State Department issued a number of statements that highlighted human rights problems and proposed possible solutions.

The OSCE sent two missions to monitor the parliamentary elections, one from the Parliamentary Assembly and one from the Office for Democratic Institutions and Human Rights (ODIHR). The report of the latter was substantially stronger than the report of the former and accurately documented most of the electoral violations. The Albanian government then accused some members of the ODIHR delegation of being communist sympathizers and limited the number of ODIHR monitors allowed to observe the October 20 local elections. Refusing to accept any limitations on mission size, ODIHR, as well as the Parliamentary Assembly, did not monitor the vote.

On April 20, the European Parliament criticized the May elections and urged the Albanian government to release political prisoners, a reference to Fatos Nano, leader of the Socialist Party, who has been in prison on political charges since July 1993. In June the European Parliament adopted a resolution urging European Union governments to make it clear to Tirana that closer cooperation with the E.U. is conditional on elections being held in full accordance with international standards. In September the European Commission released the second part of a \$44 million E.U. financial aid package agreed upon in 1994. The Commission announced that the release was a result of Albanian authorities' introduction of a coherent set of political measures and economic reforms.

On October 2, the Albanian parliament ratified the European Convention on Fundamental Human Rights and Freedoms, as was required by Albania's accession to the Council of Europe in July 1995. However, the Albanian government failed to remedy other human rights concerns identified by the council, such as ongoing restrictions on freedom of expression and the lack of an independent judiciary.

## **ARMENIA**

### **Human Rights Developments**

The government's crackdown on the political opposition in September 1996 cast a pall on human rights. Given the 1995 ban on the Armenian Revolutionary Federation (ARF), Armenia's largest opposition party, and fraudulent 1995 parliamentary elections, the 1996 crackdown accentuated the government's intolerance of any real political opposition. The crackdown followed massive demonstrations on September 25 protesting election fraud in the September 22 presidential elections, in which incumbent Levon Ter-Petrossian defeated Vazgen Manukian by nine percentage points. Demonstrators marched to the parliament, where the Central Election Commission (CEC) was housed, and broke through gates to demand a recount. In the process they beat Speaker Babken

Ararktsian and Deputy Speaker Ara Sahakian. In response, police brutally beat demonstrators and later arrested at least twenty-eight opposition leaders and supporters and CEC staffers. Among them, according to credible reports, Aghassi Arshakian, Kim Balayan, David Vartanian, Gagik Mgerdichian, and Aramad Zarkaryan, were brutally beaten; the latter required hospitalization for a fractured skull and broken nose and ribs. Attorneys for some of the detained, notably ARF leader Ruben Akopyan, were not permitted access to their clients.

In the wake of these events, police detained about 200 more individuals believed to have participated in the demonstration, President Ter-Petrossian banned public demonstrations and called in army troops to patrol Yerevan, and the Procurator General announced his intention to press charges against Vazgen Manukyan and seven other opposition leaders of attempting violently to overthrow the government. Police closed the offices of the National Democratic Union (Vazgen Manukyan's party), the National Self-Determination Association (a tiny opposition party), the Union of Constitutional Rights (a nationalist party), and Artsakh-Hayastan (an organization for the promotion of Karabakh issues). This crushing of opposition forces appeared to realize Defense Minister Vazgen Sarkissian's September 25 warning that "After [the September 25] events, even if they win 100 percent of the votes, neither the Army nor the National Security and Interior Ministry would recognize such political leaders."

Credible reports indicate that electoral violations did not occur in those electoral precincts monitored by international observers; however, in the majority of districts without international observers, no local observers were allowed, dead people and minors miraculously appeared on lists of voters, soldiers were bused in with orders to vote for Ter-Petrossian, and ballot boxes were reportedly stuffed. The elections failed to win the approval of the OSCE ODIHR Election Observer Mission, which concluded that "very serious breaches" in the voting raised concern "for the overall integrity of the election process."

The ARF remained banned throughout 1996, while the Ministry of Justice reviewed its request for reinstatement. At the latest hearing (September 12), the Ministry of Justice rejected the ARF's registration papers, claiming that they lacked the requisite minutes of the ARF's founding congress. As of this writing the process had not been completed.

The trial of Vahan Hohvannisian, the ARF chairman, and thirty other ARF members (also known as the "Dro" trial, after the name of an alleged secret armed section within the ARF that is charged with planning to overthrow the Armenian government) dragged on and, as of this writing, more than a year after its opening, had reached no conclusion. In a stunning display of bias, the Supreme Court judge presiding over the case accused two of the defense attorneys who had participated in a USAID trip to the U.S. of having been funded for the trip by the defendants' families.

The Armenian Ministry of Defense continued illegally to draft refugees from Azerbaijan and Nagorno Karabakh into the army and refused to give draft-aged boys obligatory travel passes until they registered with their local draft board. Local draft boards on several occasions held hostage the parents of missing soldiers until the latter returned.

In April, the Ministry of Justice attempted to close Azg, the Ramkavar party daily, claiming that it needed to re-register under the auspices of the diaspora Ramkavar party, which is pro-Ter-Petrossian. The effort was unsuccessful.

### **The Right to Monitor**

The Ministry of Justice refused to register the Committee for the Defense of Political Prisoners, basing its decision on its view that since there were no political prisoners in Armenia, such an

organization was unnecessary.

## **The Role of the International Community**

### **Europe**

In 1996 European institutions sought to include Armenia as part of an all-Caucasus strategy. In May the Council of Europe's committee of ministers voted in favor of having the Parliamentary Assembly consider Armenia's application for membership. In response to the September events, the council dispatched a mission to Armenia in early October. The European Union had been scheduled to sign an interim agreement underlying a broad trade and cooperation agreement with Armenia. It postponed a trip to Yerevan, where the signature ceremony was to take place, citing "security reasons."

### **The United States**

The second largest per-capita recipient of U.S. aid, Armenia received U.S.\$85 million for FY 1996 under the Freedom Support Act, a 100 percent increase in assistance since 1995. The Clinton administration's reaction to the September events marked an abdication of its responsibility toward human rights in a country in which it has a significant investment. The State Department's initial, weak statement in response to the crackdown, which merely called on both sides to exercise restraint, demonstrated a feigned ignorance of government practices, exercised throughout the past two years, aimed at cutting the opposition out of mainstream politics. A later statement expressed "concern for the future of those arrested."

The Clinton administration's response is even more inexcusable, given the scrupulous work of the U.S. Embassy staff in Yerevan, which monitored the Dro trial, met with the relatives of opposition leaders arrested in the wake of the crackdown, and generally is extremely well informed on human rights violations.

Two high-level State Department visits were devoted to regional security and Nagorno Karabakh, and neither had a domestic politics or human rights component. The State Department did, however, acknowledge obvious cracks in Armenia's democracy in its *Country Reports on Human Rights Practices for 1995* and in a July 30 congressional hearing on the Caucasus. Additionally, on October 22, the Department of State called on the Armenian government to adhere to OSCE recommendations concerning the election law, but again failed to take the government to task for the brutal crackdown.

# **AZERBAIJAN**

### **Human Rights Developments**

The treason trials of President Heydar Aliyev's personal enemies, brutal treatment in detention, and continued repression of free speech stood in grim contrast to the Azerbaijan government's efforts to join international human rights institutions in 1996. Notably, on May 31, the parliament (Milli Mejlis) ratified the Convention Against Torture and Other Cruel Inhuman and Degrading Treatment or Punishment and several other human rights-related international conventions, and in June Azerbaijan received guest status with the Council of Europe.

But continued ill treatment in detention demonstrated how far Azerbaijan has to go in order to conform with Council of Europe standards and with the torture convention. At least two individuals died in pre-trial detention as a result of brutal beatings. Ilqar Samedov, arrested on narcotics possession charges on June 14, was sent to a hospital on June 15 and died on June 29 as a result, according to a coroner's report, "of blows to the head with a blunt object." After Samedov's transfer to a hospital, the case investigator refused to allow his father to see his dying son; moreover, police officials waited three days before making the death public. A member of the Islamist Revival Party died in April after seventeen days in the Ministry of National Security pre-trial facility.

Police routinely beat those detained at the Baku City Police Department. Victims included Col. Tofiq Qasimov, who was beaten for several days in January; Ramiz Jalilov, who received multiple injuries on September 30, 1995; Yashar Tezel (see below); and a young OPON (Special Police Detachment) member accused of participation in a 1995 coup attempt, whose parents reported to Human Rights Watch/Helsinki that police beat their son for two days and threatened to make him sit on a bottle in order to extract a confession from him.

Human Rights Watch/Helsinki also received credible reports from the attorneys and relatives of individuals charged in connection with various coup attempts that they were detained for as long as a month in the basement of the Presidential Special Department, deprived of meetings with attorneys, of running water, and of toilet facilities.

The fallout from three years of coup attempts and alleged assassination attempts on President Aliyev culminated in a series of trials and convictions marred by serious due process violations. In at least four cases, the prosecution lodged accusations of participation in the March 1995 coup attempt long (up to a year) after the arrests of the accused on illegal weapons charges. These include Adyl Hajiev, sentenced in September to fourteen years of hard labor, Ramiz Jalilov (see above), a family friend of Rovshan Javadov (the 1995 coup leader); Rahab Qaziyev, brother of former Defense Minister Rahim Qaziyev (see below); and Gen. Vahid Musayev. The latter three were put on trial on treason charges. Investigators routinely denied defense attorneys access to these men.

Police arrested former State Secretary Panah Huseynov on April 16 on charges of misuse of state property, bringing to eleven the number of former state ministers in prison or awaiting trial. In connection with Huseynov's arrest, police also arrested Musavat party leader Arif Hajiyev (in violation of the immunity he enjoys as a member of parliament), allegedly for obstructing justice, and Turkish journalist Yashar Tezel, whom they released two weeks later. On April 18 police in Nakhchivan raided former president Abulfaz Elchibey's headquarters and arrested Qiyas Sadykhov, his former chief of staff, and his brother Niyas (whom they reportedly beat) for allegedly hiding Huseynov. Both were released in August.

The Supreme Court of Azerbaijan declined to retry former Defense Minister Rahim Qaziyev, who was sentenced to death in absentia in 1995 for major military defeats in Nagorno Karabakh and who was arrested in Moscow and extradited to Azerbaijan in April. Deputy Procurator General Isa Najafov told a Human Rights Watch/Helsinki representative in Baku that sentencing an individual to death in absentia did not violate due process, demonstrating a devastating lack of understanding of Azerbaijan's obligations under international law.

In May police in Nakhchivan detained the wife, son, brother and cousin of Sahib Huseynov, accused of plotting a 1993 failed assassination attempt on President Aliyev. The wife and son were detained for eight hours at the Nakhchivan airport; police brutally beat the brother in attempt to learn Huseynov's whereabouts and later released him and his cousin. In early October, police in the Sharur district held "hostage" relatives of Popular Front Party member Kamal Talibov, and detained him on

unclear charges.

Popular Front leader Arif Pashayev was released from prison under a May presidential amnesty, and former Minister of Defense Tofiq Qasimov was released from custody in February after intense public pressure and concern for his sharply declining health, but the reportedly trumped-up charges of treason remained.

The government continued to stifle political speech. Government censors routinely refused to allow publication of issues of opposition newspapers that contained articles criticizing President Aliyev, and the government closed the only independent television station in four counties. The Press and Information Ministry attempted to close *Avrasiya* (Baku), an independent daily newspaper, under the premise that its founders were not Azerbaijani citizens. In Lenkoran, *Lenkoran Hayati* (Lenkoran Life) journalist Israfil Agayev was sentenced to three years for libel in connection with an article critical of the local public prosecutor.

On October 22, university students Nasi Sharafkhanov and Bayram Ismailov received prison sentences of one and two years respectively, and their professor, Yashar Mammedli, was amnestied on charges of calling for the violent overthrow of the government, a step which violated free speech rights and was clearly aimed at intimidating the Popular Front Youth Organization, of which the students were leaders. The charges were related to anti-government leaflets they had distributed in January.

### **The Right to Monitor**

Nakhchivan police routinely harassed Women's Rights Society activists at the Nakhchivan airport in an obvious attempt to block the flow of information to Baku on political prisoners in the area. The Ministry of Justice repeatedly refused to register the Committee for Human Rights and Democracy, citing, among other things, the organization's failure to provide copies of the founder's passports, which is not among registration rules. The government continued to deny the International Committee of the Red Cross access to pre-trial detainees, but granted unhindered access to prisoners of war.

### **The Role of the International Community**

#### **Europe**

The Council of Europe in June voted to grant Azerbaijan guest membership, and the European Union signed a partnership and cooperation agreement with Azerbaijan but, at the end of 1996, had not ratified an interim agreement. The European Parliament had not, as of this writing, given its assent to the agreement, which requires respect for human rights and democratic principles before it can be ratified by E.U. member states and Azerbaijan.

#### **The United States**

The Clinton administration vigorously opposed a new bill that would tie U.S. aid to the Azerbaijani government to proportional aid to Nagorno Karabakh. U.S. aid was previously banned due to Azerbaijan's economic blockade of Armenia. The U.S. ambassador to Azerbaijan in private meetings with President Aliyev pressed for the release of Tofiq Qasimov and raised concern for the health of former Minister of Interior Iskandar Hamidov, now serving a fourteen-year prison sentence. Embassy officials also raised concern over the denial of registration to the Word of Life Church.

## **BELARUS**

### **Human Rights Developments**

Censorship and harassment of the independent media and trade unions, police brutality during public demonstrations, and presidential incursion on the power and independence of the parliament and judiciary punctuated the ever-worsening status of human rights in Belarus during 1996.

The anti-democratic tenor of the year was set by President Lukashenko's announcements that he would remain in office longer than the maximum two terms stipulated by the constitution, and "do away with" the "unnecessary" parliament. In December 1995 he issued a decree ordering government officials to ignore all decisions of the Constitutional Court that overturned presidential decrees; in June 1996 he proposed that the court's jurisdiction be vastly curtailed, and that the president appoint half the justices.

The government maintained a virtual monopoly over the media in 1996. Following the cancellation of their printing contracts in late 1995, three leading independent newspapers were forced to use printers in neighboring Lithuania. The only independent cable station was closed before the parliamentary elections on the pretext of needing transmitter repairs, but was allowed to reopen after agreeing never to broadcast political reports. In September, an independent rock music radio station that broadcast news was forced off the air due to "interference with government frequencies." Five independent weeklies had their bank accounts frozen. Individual journalists were also subjected to harassment in 1996, including physical attacks on Russian television reporters and the wife of a correspondent for Radio Liberty's Russian Service.

The government also directly interfered with dissident activities. During an April 26 march commemorating the tenth anniversary of the Chernobyl disaster, more than 200 of the close to 50,000 marchers were arrested and, after summary trials usually held inside their jail cells, given administrative sentences of three to fifteen days. Police beat many of the demonstrators, as well as innocent passersby, at the rally and again at police headquarters. The next day, Juri Khadyka and Vyacheslav Seivchuk, two leaders of the Belarusian Popular Front, a political opposition party that had sponsored the march, were arrested and eventually charged with organizing a mass disturbance. Similar beatings and arrests occurred at a demonstration held outside the president's office on May 30, which had been organized to protest the continued detention of Khadyka, Seivchuk and seven other Ukrainians who had been imprisoned after the April 26 march.

Harassment of trade unions also continued in 1996. Following a subway workers' strike in August 1995, which special troops forcibly dispersed, all of the picketers were fired. Formal applications to hold pickets were subsequently rejected or severely restricted in size, and all unions were required to reregister with the government, in violation of International Labor Organization treaties. True to the presidential decree banning all trade union activities "in the interest of preserving public order," in May 1996 leaders of Poland's Solidarity trade union who were meeting in the Belarusian capital, Minsk, were detained and then deported by police.

### **The Right to Monitor**

While local human rights organizations were not the direct subject of intimidation, government censorship of the independent press limited dissemination of information about human rights conditions in the country. In April, the Justice Ministry sent a letter to the Belarusian Popular Front, which had been openly critical of the government's human rights record, warning that it risked being banned. Police also illegally searched the party's office and arrested those present. The Belarusian

Soros Foundation continued as in 1995 to be attacked in the government-owned media for its funding of independent newspapers and organizations working to promote democracy in the country. In addition, a presidential decree requiring the reregistration of all private organizations inhibited human rights monitoring. Human Rights Watch/Helsinki was not aware of restrictions placed on monitoring by international human rights groups.

### **The Role of the International Community**

In June, the International Labor Organization submitted a list of recommendations to the Belarus government concerning normalization of relations with trade unions and reported on violations of Belarusian trade unions' rights to the International Monetary Fund and the World Bank.

### **Europe**

The Parliamentary Assembly of the Council of Europe conducted a number of investigations into the government's respect for human rights as part of its review of Belarus's application for membership in the council, which was pending in 1996. The European Parliament and the OSCE sent observers to the November and December 1995 parliamentary elections. In January the Parliamentary Assembly of the OSCE issued a report on its findings that criticized limitations placed on media coverage of the candidates. In May, a delegation of the European Parliament, in conjunction with a committee of the Parliamentary Assembly of the Council of Europe, appealed to Belarus authorities to refrain from harassing members of political parties and others who voiced dissenting opinions publicly.

In 1995 the European Union and Belarus signed a Partnership and Cooperation Agreement (PCA), of which respect for human rights and democratic principles is an essential element, and parts of the European Union worked actively to improve Belarus' compliance with its human rights obligations. In June the European Parliament's Foreign Affairs Committee asked the European Council of Ministers to postpone the entry into force of an underlying interim agreement "until there is evidence of an improvement in respect for the rule of law and democratic principle" in Belarus, but the European Parliament's Committee on External Relations recommended in July that the interim agreement be approved by the European Parliament. In May the European Parliament adopted a resolution expressing its concern about media censorship in Belarus and called on the European Union to support efforts to secure the immediate release of all prisoners of conscience there. In June the European Parliament adopted another resolution expressing regret about the worsening human rights situation in Belarus; as of this writing it had made no final decision on final ratification of the PCA.

### **The United States**

The U.S. record regarding human rights in Belarus was mixed. The State Department's *Country Reports on Human Rights Practices for 1995* was comprehensive and accurate and, in the wake of police brutality at public marches and government closure of an independent newspaper, the State Department actively urged the Belarusian government to observe its international obligations to comply with human rights standards. The State Department failed to issue any public protest when Belarusian Popular Front leaders Zenon Pazniak and Sergei Naumchyk were imprisoned in Belarus, but in August the U.S. Immigration and Naturalization Service granted the two men political asylum.

Moreover, in November 1995, only seven weeks after the Belarus military shot down and killed two American balloonists—an act that the White House had labeled as deliberate—the U.S. Defense



Department approved a \$1,000,000 military aid package to assist Belarusian participation in NATO's Partnership for Peace exercises.

## **BOSNIA-HERCEGOVINA**

### **Human Rights Developments**

A U.S.-brokered peace agreement, negotiated in Dayton, Ohio, in November 1995 and signed in Paris on December 14, 1995, brought long-awaited peace to Bosnia-Herzegovina. The peace agreement ultimately succeeded in stopping the shelling and siege of cities and the mass slaughter of civilians. However, severe human rights abuses, including ethnically-motivated killings, expulsions and evictions, police brutality, and restrictions on freedom of movement, continued throughout 1996.

Few of the refugees displaced by the war were able to return to their homes in areas still controlled by other ethnic groups. National elections were held under conditions that fell far short of internationally accepted standards for free and fair balloting, with the predicted result of consolidating the political control of nationalist leaders who supported ethnic partition and continued to deny basic human rights to ethnic minorities.

Under the Dayton agreement, a NATO-led Implementation Force (IFOR) was authorized to separate the armed forces and to establish and maintain a "zone of separation" (ZOS) along the "inter-entity boundary line" (IEBL) which demarcated the division between the Republika Srpska and the Bosniak-Croat Federation (Federation). This mission was accomplished relatively quickly, considering the hostilities that had preceded the peace agreement. The Dayton accords also created mechanisms to oversee the implementation of the civilian aspects of the accords. These included the Office of the High Representative (OHR), an international police monitoring mission (the International Police Task Force, or IPTF) and a Commission for Human Rights. The Organization for Security and Cooperation in Europe (OSCE) was invited to establish a human rights and election monitoring mission and to supervise the holding of the first democratic elections in Bosnia-Herzegovina.

The human rights provisions of the agreement were largely ignored by the parties. All sides continued to hold prisoners of war well past the deadline set for their release. Only 217 prisoners had been released by the original January 19 deadline, leaving at least 645 in custody; figures could not be confirmed because the International Committee of the Red Cross (ICRC) was often denied access to places of detention. In February, the ICRC found eighty-eight unregistered Serb prisoners when it was finally allowed to enter a Bosnian government prison near Tuzla; other unregistered prisoners continued to turn up in the following weeks. A small number of Bosnian Serbs (at least eighteen) captured by Croatian army troops operating in western Bosnia in September 1995 were transferred to prisons in Croatia and had not been released by October 1996, in direct violation of the Dayton agreement.

By late February, the warring factions had withdrawn to the boundaries laid down in the Dayton agreement. Episodic violence continued to plague Bosnian-government-controlled Sarajevo until the city's complete reunification on March 19. The withdrawal of Bosnian Serbs from the areas of Sarajevo that had been under their control was marked by human rights abuses and massive civilian displacement. Warned by the Bosnian Serb leadership in Pale that it was dangerous to live in Bosniak-controlled territory and unconvinced by President Alija Izetbegovic's tardy assurances

that they would be safe under Bosnian government rule, an estimated 60,000 to 70,000 Serb civilians fled their neighborhoods in Sarajevo for Serb-held areas before Bosnian government forces moved in. Armed bands of Bosnian Serb nationalists sought to terrorize those Bosnian Serb civilians who wished to remain in their homes. Moreover, after the Bosnian Serbs withdrew, Bosniak gangs followed suit by harassing the few remaining Bosnian Serbs. Most of the departing Bosnian Serbs were resettled in areas where there had previously been a Bosniak majority in order to prevent the return of Bosniaks and consolidate Bosnian Serb control over the area.

Ongoing tensions sporadically boiled over into conflict, especially between the nominal partners of the Bosniak-Croat Federation. Little progress was made on reuniting Mostar, creating a single army from the two sides, and otherwise strengthening the Federation established by the Washington Agreement in 1994, and the alliance continued to exist mainly on paper. Leaders on both sides, as well as NATO officials, periodically warned that the Bosniaks and the Bosnian Croats could easily slide back into war. The divided city of Mostar, scene of some of the worst Bosniak-Croat fighting, which was placed under European Union administration in 1994, continued to be the major flashpoint in the Federation, with numerous violent incidents against resident and transiting non-Croat civilians in west Mostar. Croat-Bosniak hostility occasionally flared up elsewhere: In central Bosnia, there were intermittent reports of beatings, expulsions, and house burnings by the rival groups. Local police were often complicit in such abuses, either by failing to provide protection to the targeted group or by actively participating in the violence.

Throughout the year, civilians were more often than not denied freedom of movement, and all sides continued to maintain illegal checkpoints on major roads in their respective territories. Refugees and displaced persons were generally unable to return to their homes, a guaranteed right under the peace agreement. Some displaced persons who tried to return to their homes, even for a short visit, were met by violent mobs, often organized by local authorities. In March, 800 Bosniaks had to be escorted by IFOR to visit grave sites in the Mostar area after Bosnian Croat soldiers refused to let them pass; Bosnian Croat police did likewise in the Kulen Vakuf area and other areas of Hercegovina under their control. In the same month, Bosnian Serb police prevented Bosniak refugees from visiting relatives or reclaiming homes in the Doboj area. Meanwhile, Bosniaks prevented Bosnian Croat refugees from returning to their homes in Bugojno and Vares. In late April, some 800 Bosniak and Bosnian Croat refugees scuffled with 1,500 local Serbs trying to prevent their return to their homes near Doboj. On April 29, a group of Bosniaks trying to circumvent an IFOR roadblock near Doboj ran through a mine field and were attacked by Bosnian Serbs at the other end; two Bosniaks were killed and five wounded. On the same day, Bosnian Serb mobs smashed the windows of buses taking Bosniaks to visit graves near their former homes in Trnovo.

In Prijedor, the local police chief, responsible for helping to organize concentration camps in 1992, handed out guns and incited the local population to prevent Bosniaks from crossing the IEHL to visit their homes. This went on for months, until finally, after a near shoot-out with IFOR, he was removed from office in September.

Throughout the year, minority populations continued to suffer ethnically motivated killings, arbitrary arrest and detention, physical mistreatment and harassment. There was little prospect for victims to obtain protection from local police and government authorities, who were often complicit in such abuses.

Government authorities on all sides continued the practice of politically-motivated resettlement in order to affect the ethnic composition of the resettled areas and to prevent the return of refugees and displaced persons. Meanwhile, several foreign host countries to refugees from

Bosnia-Herzegovina including Germany, Austria, Switzerland and Slovenia, announced plans to begin early repatriation of refugees, despite ongoing persecution of those groups remaining in areas where they did not comprise the ethnic majority and a host of other serious security concerns.

By June, it was already clear that it would be difficult to conduct free and fair elections by September 14, the deadline established in the Dayton agreement. Limited movement throughout the territory, severe restrictions on the press along ethnic and political lines, and the increasing number of attacks and reports of intimidation of the political opposition made it impossible to create the "politically neutral environment" required by the peace agreement.

Despite the abysmal failure of the parties to the agreement to create free and fair conditions for elections, federal elections were held on September 14. Although the United States and its ambassador to the OSCE, Robert Frowick, were strongly opposed to such a decision, municipal elections were postponed due to serious manipulation of the voter registration process, mostly by Bosnian Serb authorities, as well as concerns about security and freedom of movement for voters. The federal elections, which were held without violence, mostly due to low voter turnout and restriction of movement, were certified by the OSCE shortly thereafter, disregarding a call by the organization's own Election Appeals Sub-Commission for a recount based on allegations of vote fraud. On October 4, municipal elections were scheduled for late November by Ambassador Frowick, in direct contradiction to the recommendation of OSCE's head of the Independent Monitoring Mission and all twenty-five of his monitors, who believed that appropriate conditions for elections did not exist. Shortly thereafter, unable to ignore the OSCE's own logistical problems as well as deteriorating political conditions on the ground, Ambassador Frowick announced that municipal elections would be postponed until between April and June, 1997.

As of this writing, the newly elected Bosnian Serb representatives to the new parliament had not set foot in Sarajevo. Momcilo Krajisnik, president of the Republika Srpska, refused to participate in the inauguration ceremonies held in Sarajevo on October 5. Instead, according to *The Washington Post*, he met with indicted war criminal Radovan Karadzic three times on October 5, who ordered him not to go.

The end of large-scale fighting opened the way for journalists and investigators from the International Criminal Tribunal for Former Yugoslavia (ICTY) to begin serious investigations into alleged war crimes. ICTY investigators turned their attention to the mass graves around the Srebrenica area in Republika Srpska - an area from which up to 8,000 Bosniak males were still missing. However, the work of the ICTY was hampered by local authorities; grave sites were tampered with, and investigators were barred from some sites on many occasions during the year.

Under intense international pressure, some alleged war criminals were arrested, but the vast majority remained at large, and the parties, with the exception of the Bosnian government authorities, failed to meet their obligations under the Dayton agreement and U.N. Security Council resolutions to turn over persons indicted by the ICTY.

Indicted war criminals Gen. Ratko Mladic and Republika Srpska political leader Radovan Karadzic continued openly to defy the international community, repeatedly speaking to the press and, in the case of Karadzic, traveling right under the noses of American IFOR troops and IPTF monitors. Both men remained in office until U.S. pressure on Karadzic to disappear from the political scene resulted in his stepping down as "president" of Republika Srpska in mid-July. Most observers, however, believed that both Karadzic and Mladic continued to wield a great deal of influence.

### **The Right To Monitor**

The Dayton agreement requires the parties to permit nongovernmental human rights organizations “full and effective access” for investigating and monitoring human rights conditions. Further, the United Nations Commission on Human Rights, the U.N. High Commissioner for Human Rights, the OSCE, and other intergovernmental or regional human rights missions were invited to monitor the human rights situation and to establish local offices.

Generally speaking, the parties in both entities permitted access by international human rights organizations, both nongovernmental and intergovernmental, although access for journalists and war crimes investigators was often impeded. Also, local human rights organizations did not travel outside their own immediate areas without international escorts for fear of possible threats and attacks from the other entity’s authorities and/or civilians. The International Police Task Force (IPTF) was often prevented from investigating allegations of human rights abuses involving the police. In Banja Luka, for example, following the murder of two Bosniaks in police custody in late August/early September, the local chief of police refused to take action against the police officers responsible and failed to provide the IPTF with information about the investigation. Although eventually guaranteed access to all detention sites, the IPTF was also frequently obstructed in its efforts to investigate reports of illegal detentions or mistreatment in detention.

### **The Role of the International Community**

American and European support for the U.N. Security Council’s decision on October 1 to lift sanctions against the FRY and the Bosnian Serbs was a low point in U.S. and European policy. The elections in Bosnia were not “free and fair,” as required by the U.N. Security Council’s Resolution 1022, nor were the parties cooperating with the war crimes tribunal, also stipulated in the resolution.

### **The United States**

The United States, after years of vacillation and taking a back seat to Europe, finally took the initiative in the peace negotiations in mid-1995. U.S. special envoy Richard Holbrooke, using extensive shuttle diplomacy, managed to bring the parties to the table in Dayton, Ohio, in November 1995, and the United States exerted significant diplomatic pressure throughout the year to keep the peace process on track. The United States also provided 20,000 American troops to IFOR, fully a third of the NATO forces sent to Bosnia-Herzegovina.

The Clinton administration also pushed hard to lay the groundwork for the fall elections, as stipulated in the peace agreement. However, it soon became obvious that the administration was determined to see elections held in Bosnia-Herzegovina whether conditions for free and fair elections existed or not. The Clinton administration feared that the failure to hold elections on time might be interpreted as a policy failure and could call into question the on-time departure of American troops from Bosnia in December 1996 - neither event would be welcome in an election year. Reports emerged that OSCE human rights staff were strongly encouraged by U.S. Ambassador to the OSCE Robert Frowick to report positive developments and to downplay the bleak human rights situation. As the elections neared, the U.S. administration replaced staff members and pressured Europeans associated with the mission to quiet criticisms of the process, even as reports about serious human rights abuses and manipulation of the voter registration process emerged, attacks on opposition members increased, and restrictions of access to the media continued.

One of the most disappointing aspects of the Clinton administration’s policy was its refusal to involve U.S. troops within IFOR in apprehending indicted war criminals. The most glaring example

of this policy occurred in mid-August, when American troops arrived at indicted war criminal General Mladic's headquarters as part of a weapons inspection team to confiscate more than 300 tons of illegal Bosnian Serb military hardware discovered by accident. Learning that Mladic was inside, the Americans quickly left the premises so as not to confront him (and thus the obligation to apprehend him) and returned at a later time after his departure. The Clinton administration also appeared to have signaled that it was satisfactory for indicted war criminal Radovan Karadzic to step down from political office, and that it would not press for his apprehension. Special envoy Richard Holbrooke was reported to have pressured Karadzic to "retire in Montenegro" and stated publicly that "... we have to get Karadzic either out of Pale or better yet move the capital of the Serb part of Bosnia from Pale to Banja Luka."

## **Europe**

European leaders paid lip service to the need for arresting indicted persons, but remained indecisive when it came to action. Indeed France and United Kingdom, both countries with significant numbers of IFOR soldiers in Bosnia-Herzegovina, were not in favor of a clear "duty to arrest" clause when IFOR's mandate was being formulated. Throughout the year, they never provided the leadership so badly needed to secure IFOR arrests of those indicted for war crimes.

## **NATO and the United Nations**

IFOR troops were able quickly to enforce the military requirements of the Dayton agreement and, with the exception of sporadic confrontations especially with the Bosnian Serbs, IFOR's primary tasks of separating the armies of the parties to the conflict and creating a "zone of separation" was largely completed by February. Unfortunately, however, IFOR continued to define its mandate in the narrowest possible terms, thereby contributing much less than it could have to the peace process in Bosnia-Herzegovina.

IFOR and the IPTF did make significant efforts to remove fixed checkpoints throughout Bosnia-Herzegovina, but the parties continued to set up illegal checkpoints and to violate checkpoint rules by asking the ethnic identity of passengers. IFOR was also reluctant to play a leading role in preventing restrictions on freedom of movement and in protecting civilians. IFOR leaders emphasized that this was the responsibility of the parties, disregarding the fact that many of the abuses were being conducted by local authorities or tolerated by them.

Despite its clear authority to arrest persons indicted for war crimes, IFOR failed to apprehend a single person indicted by the ICTY. The U.N. Security Council Resolution 1031 called on all states to cooperate and comply with orders of the ICTY, and the Dayton agreement's Annex 1-A, Article 10 specifically refers to the obligation of all the parties to cooperate fully with ICTY. IFOR was therefore empowered to use force, which included the arrest of persons indicted by the tribunal, if any of the parties refused to hand over the indicted war criminals to the ICTY. After initially stating that it did not have the mandate to arrest indicted persons, NATO Secretary General Javier Solana later announced that IFOR indeed had the mandate and would arrest such persons if encountered in the course of normal business. However, IFOR failed to make arrests on several occasions when indicted persons, including both Karadzic and Mladic, were encountered, and it became increasingly clear that IFOR would go out of its way not to arrest indicted persons.

The IPTF, under the auspices of the United Nations, was slow to deploy and was not given adequate resources, such as communications equipment and vehicles, to enable effective action in the field. Its mandate, formulated by the Security Council, excluded a possibility of arrest. The

Bosnian Serb exodus from Sarajevo was the first real test of the IPTF, and it did not provide meaningful aid to victims of abuse. Many more Bosnian Serbs might have opted to stay in Sarajevo had they trusted the willingness or ability of the international community to protect them. However, IPTF and IFOR did little or nothing to provide protection for those who wished to stay. Statements to the press by IFOR and IPTF, such as "We can't guarantee anyone's security" did not help to reassure the population.

IPTF faced perhaps its greatest challenge in its efforts to restructure police forces throughout Bosnia-Herzegovina. The "vetting" process required police to reapply for their positions, during which those responsible for human rights abuses during the war or since the signing of peace agreement, as well as those who refused to cooperate with IPTF or were otherwise found in non-compliance with the Dayton accords, were supposed to be denied reemployment in the police force. Unfortunately, as of this writing, this process was still in its early stages in the Federation and had not even started in Republika Srpska, where local authorities failed to reach agreement with the IPTF on how to proceed. Meanwhile, in late October, a Boston Globe reporter discovered that four persons indicted for war crimes by ICTY were working as police officers in the Bosnian Serb towns of Prijedor and Omarska.

Pursuant to the Dayton agreement, High Representative Carl Bildt has authority for supervising all aspects of the civilian component. He has ultimate authority for conditioning reconstruction aid and can trigger reimposition of sanctions against the FRY and the Republika Srpska for failing significantly to comply with the peace agreement. Despite the substantial political and economic leverage at Bildt's disposal, he downplayed his authority throughout the year and generally refused to use his power to force substantive improvements in the parties' compliance with the peace agreement.

Instead, Bildt placed his trust in diplomatic negotiation and sent a clear signal to the non-complying parties that they would suffer no serious repercussions for failing to comply with the civilian provisions of the Dayton agreement. Bildt did make a very positive effort to deny aid to several towns in the Federation that had made little progress in the return of refugees and internally displaced persons.

Despite its own resolutions demanding compliance by the parties with the peace agreement and cooperation with the ICTY, the U. N. Security Council failed to take a strong stand regarding serious violations, most particularly the failure of the parties to cooperate with the tribunal and to permit refugees and displaced persons to return to their homes. It failed to use the leverage of Resolution 1022 when it suspended and later lifted the sanctions against the Bosnian Serbs. The Security Council failed to mandate IFOR to arrest those indicted by the tribunal, opting instead for the weaker language of "authority to arrest." The Security Council also undermined the IPTF by not giving it executive police powers.

## **BULGARIA**

### **Human Rights Developments**

Despite some progress in holding police officers accountable for violence directed at persons in custody, police misconduct remained a dominant human rights problem in Bulgaria throughout 1996. Police brutality was directed primarily at ethnic minorities, but attacks on ethnic Bulgarians and

children were also commonplace.

Special police force units known as *Red Berets* routinely mistreat people in custody on the pretext of addressing the burgeoning problem of organized crime in Bulgaria. On April 8, 1996, the Bulgarian daily *Standard* (Sofia) reported that forty masked policemen raided the offices of a private firm. The police beat some employees into unconsciousness, broke windows, and destroyed equipment. The special forces executed a similar operation in late November 1995 in the Druzhba district in Sofia. *Standard* reported that eleven *Red Berets* stormed a cafe and beat several persons so severely that six victims required emergency surgery. No officer serving in the special forces has ever been charged with any offense related to such instances of police abuse.

Bulgaria made some progress in prosecuting police officers responsible for the deaths of suspects in custody. The Bulgarian daily *Twenty-Four Hours* (Sofia) reported on June 10, 1996, that a Sofia military court convicted six policemen of killing or helping to kill twenty-two-year-old Hristo Hristov in April 1995 after he had been arrested on suspicion of theft. The police beat Mr. Hristov to death in a police cell where his parents found him dead and handcuffed to a radiator. Four of the convicted officers received prison terms of between four and twenty years and two received suspended sentences.

Ethnically motivated violence continued to dominate the human rights landscape in Bulgaria in 1996. The Roma minority was specially targeted both by the police and by xenophobic "skinhead" groups. On March 25, 1996, an off-duty police officer in the city of Russe used his identification documents to gain entrance to a Roma home. The officer held Paun Marinov and Veska Marinova at gunpoint and, claiming that the couples' identification documents were not in order, demanded money. The couple refused to pay whereupon the policeman beat them and other members of their family. No charges were brought against the officer. In only one known instance have suspected police officers been prosecuted for mistreatment of Roma. On March 4, 1996, two officers were tried by the Pleven Military Court and sentenced to eight months in prison, suspended for three years, for severely beating two Roma teenagers in Vidin in April 1995.

For the first time in the history of Bulgaria, a Roma man who was beaten by the police sued the Bulgarian Ministry of Internal Affairs for damages. On December 15, 1995, the Regional Court in the city of Pazardzhik ordered the Ministry to pay damages to twenty-two-year-old Kiril Yosifov. Mr. Yosifov was beaten and tortured by the police during an organized raid in his neighborhood on June 29, 1992. The court awarded Mr. Yosifov damages for the bodily injury and moral degradation he suffered.

Attacks against Roma by "skinhead" groups continued throughout 1996 and perpetrators were rarely prosecuted. Roma street children claim that they are attacked frequently and receive no assistance from the police. (See also *Children of Bulgaria: Police Violence and Arbitrary Confinement* in the Children's Rights Project section). On January 4, 1996, a group of twenty "skinheads" armed with knives and chains attacked several homeless Roma children who were sleeping at the railway station in Sofia. Eighteen-year-old Velichka Hristova Ognjanova was stabbed repeatedly. The "skinheads" were taken to the police precinct but later were released.

Freedom of expression suffered serious setbacks during 1996 as the Bulgarian government further infringed on the autonomy of the media. On September 5, 1996, the government passed the *Radio and TV Law*, over President Zhelyu Zhelev's veto, creating a National Radio and Television Council responsible for monitoring broadcasts and appointing directors to state radio and television. The law ensures that the ruling party has the power to elect the majority of council directors and gives directors power to cancel programs and suspend broadcast licenses by taking into consideration

“universally accepted moral values” and the “protection of the national and spiritual values of the Bulgarian people.” The law also prohibits political parties, religious groups and trade unions from broadcasting their own programs, effecting a total ban on broadcasts in minority languages.

Attacks on media freedom also resulted in the firing of seven senior journalists from Bulgarian National Radio(BNR)on December 18, 1995. In November 1995, the reporters signed a declaration accusing the management of BNR of censorship. According to the Bulgarian Helsinki Committee, the dismissals reflected “an atmosphere of lawlessness and administrative arbitrariness in the national electronic media.”

In June 1996, Bulgaria’s Minister of the Interior requested that the National Assembly lift the moratorium on the death penalty, first implemented in July 1990. As a condition of admission to the Council of Europe, Bulgaria was required to impose the moratorium on executions with the expectation that the death penalty would be abolished.

### **The Right to Monitor**

There were no reported violations of the right to monitor.

### **The Role of the International Community**

#### **The Council of Europe**

In 1994, the Council of Europe called for the continent-wide abolition of capital punishment. At the June 1996 session of the Parliamentary Assembly in Strasbourg, the council adopted a resolution calling on member countries not to lift death penalty moratoriums. Bulgaria, now contemplating the lifting of the moratorium on executions, could face the possibility of expulsion from the council.

#### **The European Union**

In November 1995, the European Parliament adopted a resolution calling for Bulgaria and Romania to be removed from the list of countries whose nationals need a visa to enter the European Union. In March, Bulgarian government officials came to an understanding with the E.U. with regard to being removed from the E.U. visa “blacklist” in the near future.

#### **The United States**

The U.S. granted Bulgaria permanent Most Favored Nation trade status (MFN) on July 18, 1996. There was no debate in the U.S. Congress over Bulgaria’s human rights record, and the Clinton administration failed to raise concerns about human rights violations prior to the president’s signing the MFN legislation.

The State Department’s *Country Reports on Human Rights Practices for 1995* contained an accurate and thorough report on the human rights situation in Bulgaria.

## **CROATIA**

### **Human Rights Developments**

The human rights situation in Croatia remained poor in 1996. In particular, the few ethnic Serbs who remained in Croatia after the Croatian Army recaptured western Slavonia and the Krajina from rebel Serbs in the summer of 1995 faced discrimination and mistreatment by the government of President Franjo Tudjman. Few Serb refugees who fled these areas in the face of the army’s offensive were



allowed to return to their homes. In eastern Slavonia, which is still under Serb control but is slated to be gradually reintegrated into Croatia, the situation remained tense. Meanwhile, Croatia's increasingly autocratic ruling HDZ [Hrvatska Demokratska Zajednica] party, led by President Tudjman, frequently sought to suppress domestic political opponents and independent media.

Human rights violations against Croatia's remaining Serb community in the Krajina region included the summary execution of elderly and infirm Serbs and the wholesale burning and destruction of Serb villages and property. Most of the remaining Serbs were ultimately forced to flee the area, reducing the proportion of Serbs in Croatia's population from about 12 percent to between 2 and 3 percent. Local human rights monitors reported that an estimated eighty elderly Serb civilians were executed in the months from November 1995 to April 1996, long after the Croatian government was in control of the region. The Croatian government was aware of the killing and did little to stop it.

By March, according to the UNHCR, 14,000 Krajina Serbs had applied for permission to return home, but only 2,500 applications had been approved, despite President Tudjman's assurances that Croatian Serbs who had not committed war crimes and were ready to accept Croatia as their homeland would be allowed to return. U.S. Ambassador Peter Galbraith and others expressed concern over the slow pace of repatriations. Moreover, Serbs living elsewhere in Croatia also suffered discrimination, especially in the workplace. In April, the government cut off funds to the Serb newspaper *Nas Glas* (Zagreb), citing the paper's "anti-Croatian stance."

The mistreatment of ethnic Serbs in the Krajina region did nothing to ease the fears of Serbs living in eastern Slavonia, scheduled by the U.S.—brokered Dayton peace agreement to be disarmed and brought back under Croatian rule by mid-1997. The area is patrolled by peacekeeping troops of the United Nations Transitional Authority in eastern Slavonia (UNTAES). According to many reports, local Serb leaders have encouraged Serb refugees from elsewhere to resettle in eastern Slavonia and, in a move inconsistent with the Dayton agreement, indicated that they would seek a referendum to determine whether the region should be returned to Croatian authority. However, in early May, the Croatian government adopted a program for the area's peaceful reintegration and passed a law granting amnesty to rebel Serbs who had not committed war crimes. Fifteen Serbs—including Goran Hadzic, "interim president" of the eastern Slavonia Serbs who had been sentenced in absentia to twenty years in prison for war crimes—were specifically excluded from the amnesty. In late September, Croatia drafted a new amnesty law covering all Croatian Serbs who took part in the 1991-95 rebellion, not only those living in eastern Slavonia. Article 3 of the bill listed twenty-one offenses not covered by the amnesty, including genocide, war crimes against civilians and prisoners of war, and the desecration of religious monuments. A U.N. spokesman said on September 25 that the U.N. was "pleased with the new amnesty," and that "This should give a sense of confidence to the people in the region [eastern Slavonia]." According to UNTAES, demilitarization and demobilization was completed in eastern Slavonia without any problems by June 21.

President Tudjman's autocratic tendencies and impatience with democratic opposition surfaced conspicuously with several attempts to quash domestic critics. In October 1995, an opposition candidate won the mayorship of the capital, Zagreb. In December, Tudjman told the state news agency HINA (Hrvatska Informativna Novinarska Aгенicija) that he would not "allow Zagreb, whose population count constitutes a quarter of the whole of Croatia's, to get a city or county authority that would oppose state policy." During the next five months, the opposition-dominated Zagreb City Assembly elected one mayor after another, only to have President Tudjman bar each one

from taking office. Finally, in April, Tudjman dissolved the assembly and called for a referendum. In May, in a rare show of independence, the country's highest court annulled the dissolution. However, a legally elected mayor has not yet been appointed to Zagreb.

The regime also harassed Croatia's few independent media outlets. The HDZ dominated the electronic media and applications for broadcast frequencies by many independent TV and radio stations were rejected by the government. At the beginning of July, "Slikom Na Sliku," an independent television news program, was suddenly canceled without warning. In February, HRTV director Ivan Parac was replaced after accusing his predecessor, Antun Vrdoljak, a member of HDZ, of corruption. HDZ parliamentary deputies blocked discussion of Parac's charges, prompting an opposition walkout. Two weeks later, Deputy Prime Minister Borislav Skegro brandished a pistol in the face of a journalist from *Novi List*, one of Croatia's leading independent dailies which is based in Rijeka, an area where the HDZ has little support. In late March, the HDZ introduced press laws giving the government broad powers to launch legal proceedings against journalists for reporting vaguely-defined "state secrets" and for offending or slandering the president and other officials. The Croatian Journalists' Society and Croatian PEN Club denounced the law. Days later, tax authorities hit *Novi List* and an Italian minority periodical, *La Voce del Popolo* (Rijeka), with a dubious bill for U.S. \$2.5 million for alleged customs violations. In May, citing environmental and property law violations, financial police temporarily closed down *Panorama* (Zagreb), an independent newspaper that had criticized Tudjman. On June 14, a reporter and editor-in-chief of *Feral Tribune*, an independent weekly in Split, were put on trial for satirizing President Tudjman under new legislation—an amended section of Article 71 of the Croatian criminal code—which mandates criminal punishment for journalists who defame top government officials. Although the slander trial ended with the acquittal of *The Feral Tribune* on September 26, the Croatian parliament immediately began reviewing a draft law on public information which would require all media sources to take out a compulsory insurance policy to fund any possible trials against them. Party leaders of the HDZ have already threatened to sue the editor of an independent weekly newspaper, *Globus* (Zagreb), for slander.

Croatia continued a policy of not cooperating fully with the International Criminal Tribunal for the Former Yugoslavia (ICTY). Persons indicted for war crimes continued to move about freely in Croatia. Ivica Rajic, a Bosnian Croat wanted by ICTY for having taken part in a central Bosnian massacre of Bosniak civilians in the village of Stupni Do, was spotted residing with his family in a motel owned by the Defense Ministry in Split. Dario Kordic, former leader of Tudjman's HDZ party in Bosnia-Herzegovina and indicted for killing Bosniak civilians during "ethnic cleansing" campaigns in central Bosnia, settled into an apartment in the capital and moved about Croatia unrestricted. Under American pressure, the highest ranking indicted Croat, Bosnian Croat Gen. Tihomir Blaskic, voluntarily gave himself up to the Hague on April 1. Meanwhile, in April, Zagreb's own war crimes tribunal made a show of trying eight Croatians for killing eighteen elderly Serbs after Croatian forces retook the Krajina. In mid-July, the court found no evidence to incriminate six of the eight and sentenced the other two for burglary.

### **The Right to Monitor**

The Croatian government generally did not interfere with the activities of domestic and international groups monitoring human rights in their country; however, local groups were, at times, harassed and intimidated by local extremists. Human rights groups continued to work to prevent forcible evictions and other human rights abuses in their respective localities and brought their concerns to the

attention of the local and national authorities. Many times, the results of their work were also published by the independent press. But, most distressingly, human rights monitoring efforts by local organizations in Croatia came under a steady barrage of criticism and threats from the leading political party and government headed by President Tudjman through the government-controlled media. Specifically targeted was the Croatian Helsinki Committee led by Ivan Zvonimir Cicak, and a number of Croatian intellectuals including Yale professor Ivo Banac who were labeled “anti-Croatian,” “fascist,” and even “enemies of the state.”

## **The Role of the International Community**

### **The United Nations**

With NATO troops taking over peacekeeping duties in Bosnia-Herzegovina and most of the contested areas of Croatia retaken by Croat forces, the U.N.’s largely ineffectual peacekeeping force, UNPROFOR, was left mainly with the mission of patrolling eastern Slavonia. In January, the Security Council authorized a reconstituted 5,000-strong force led by retired American Gen. Jacques Klein and renamed the UNTAES. Klein was to oversee the region’s demilitarization and the return of refugees, as well as its reintegration into Croatia by mid-1997.

In January, the U.N. Security Council passed a resolution condemning Croatia’s human rights abuses in Krajina, including “Killings of several hundreds of civilians, systematic and widespread looting and arson, and other forms of destruction of property.” The resolution called on Zagreb to stop blocking the return of refugees, to bring war criminals to justice, to restore Serbian property rights and to stop discriminating against the remaining Serb civilians. Under pressure, the Croatian parliament voted to reverse an earlier decision requiring Serbs who fled Croatia to reclaim their property within three months. But U.N. Secretary-General Boutros-Boutros Ghali, in an August report to the Security Council, criticized Croatia for continuing to violate the rights of the Serb minority and preventing the return of some 200,000 Serb refugees.

By late September, the U.N. had also clearly become frustrated by Croatia’s failure to cooperate with the ICTY and extradite Bosnian Croat war criminals residing in Croatia. On September 20, “deploring the failure of the Croatian authorities to execute the arrest warrants issued by the ICTY,” the Security Council called for the execution of those arrest warrants without delay. It remained unclear, however, what pressure - if any - the Security Council would be willing to exert on Croatia if it continued to ignore the warning.

In March, the tribunal issued a warrant for the arrest of Krajina Serb leader Milan Martić for a rocket attack on Zagreb in 1995. The tribunal also indicted several Serbian officers of the Yugoslav Army for their role in the massacre of some 261 people, including hospital patients, in the Croatian city of Vukovar during the 1991 war in eastern Slavonia.

### **The European Union**

On August 4, 1995, almost as soon as the Croatian Army launched its offensive in the Krajina area, the European Union announced that it was suspending negotiations on a trade and cooperation agreement with Croatia. The E.U. move appeared to be motivated by irritation with Croatia for having resorted to military means to regain control of its territory. As of mid- October 1996, negotiations between the E.U. and Croatia on the trade and cooperation agreement—which includes both a human rights conditionality and suspension clause—remained suspended.

### **The Council of Europe**

In April the Council of Europe's Parliamentary Assembly voted to admit Croatia as a member. Although the Council of Europe's Committee of Ministers was expected to confirm the decision of the Assembly soon after, it decided to postpone Croatia's membership into the Council indefinitely because of its disregard of commitments made in March. In early July the Committee of Ministers again specified various conditions that Croatia had to meet by September 30, before becoming a member of the Council of Europe. The conditions included allowing the safe return of Serb refugees from Krajina, recognizing the results of Zagreb's mayoral elections, ending the government's crackdown on the independent media, and cooperating fully with the ICTY, including the apprehension of suspected war criminals. On October 16, the Committee prematurely admitted Croatia as its 40th member stating that it had not been able to endorse such membership in May because Zagreb had at that time not fulfilled all conditions required for membership. However, despite Croatia's failure to apprehend indictees or allow most Serb refugees to return safely to Krajina, the Committee of Ministers now found it sufficient that Croatia had made promises to implement the Dayton agreement, cooperate with the ICTY, respect human rights and the rights of minorities, refugees and displaced persons, and allow freedom of the press and local elections.

### **The United States**

As architects of the Dayton Peace Agreement in Bosnia-Herzegovina, the overwhelming U.S. priority in the region was to ensure compliance by all three sides: the Bosniaks, the Bosnian Croats and the Bosnian Serbs. For the latter two, this often meant that U.S. diplomacy was conducted in the respective "mother" countries to make sure that Zagreb and Belgrade would exert pressure on their counterparts in Bosnia. Thus, the U.S. continued to pressure Croatia to support the fragile peace in Bosnia-Herzegovina, while at the same time overlooking, and often failing to condemn, the deteriorating domestic human rights situation in Croatia. Croatia, on the other hand, continued to support the HDZ's hard-line nationalists in Bosnia who resisted cooperating with the Bosniaks, their nominal partners in the American-brokered Federation. On August 17 and 18, at the seventh U.S.-sponsored meeting in as many months to strengthen the Bosniak-Croat Federation in Geneva, President Tudjman agreed to dismantle the Bosnian Croat, self-styled, para-state of "Herceg-Bosna" by August 31. However, once again Tudjman and Bosnian Croat leaders ignored the U.S.-brokered deadline without any repercussions from the Clinton administration.

### **The Czech Republic**

#### **Human Rights Developments**

The Czech human rights record for 1996 was mixed. Despite the generally laudable reforms of Czech democracy, the government failed to ensure many basic human rights to the Roma minority. The continued effects of a discriminatory citizenship law and the state's unwillingness to combat growing racist violence revealed a pattern of discrimination along ethnic lines.

The biggest problem stemmed from the local police, who sometimes displayed an open sympathy for "skinheads," allowing them to hold unauthorized marches and threaten non-ethnic Czechs. Police were often slow to respond to Romani calls for help and hesitant to make arrests, even after a violent attack. In some cases, police themselves used excessive force against Roma.

Despite noticeable improvements in 1996, the judicial system did not always punish the perpetrators of racially motivated violence to the fullest extent of the law. When cases did go to

court, the attack was often viewed as a “personal fight” rather than a premeditated act of violence against an individual on account of his race, ethnicity or color. Sentences were often light, which sent the message that such attacks are not considered serious.

Racist attacks—and the government’s lack of response—were the most serious concern of Roma in the country. But Roma also continued to face state discrimination in other areas of daily life, such as education, housing and employment. They were often segregated in “special schools,” denied residency permits and refused jobs, solely because of their race or ethnicity.

The issue that received the most international attention is the country’s controversial citizenship law, which came into effect after the division of Czechoslovakia in January 1993. Although the law does not specifically refer to Roma, its requirements on residence, ancestry and criminality had a clearly disproportionate impact on Roma, and as such are discriminatory. In addition, many Roma who met all of the requirements of the law were arbitrarily denied citizenship by local officials.

As a result, many Roma living in the Czech Republic in 1996 did not have Czech citizenship even though they are long-time or lifelong residents of the republic. Those denied citizenship were unable to vote, run for office, participate in the privatization process or seek redress for wrongs committed against them during the communist regime. Some non-citizens had difficulty receiving permanent residence, which is necessary to receive social benefits from the state. An undetermined number of people were deported to Slovakia, while others became stateless altogether. Although it is difficult to prove with certainty, evidence suggests that the law was drafted with the specific intent of hindering citizenship for Roma and facilitating their removal from the Czech lands.

Parliament passed an amendment to the law in April 1996 after substantial international criticism. According to the amendment, the Ministry of Interior may waive the five-year clean criminal record requirement, which is the clause that had prevented many Roma from obtaining citizenship. As of August, the ministry had waived the requirement for all sixty-two people who had applied. Even as amended, however, the law remains inconsistent with the Czech Republic’s international commitments.

Parliamentary elections in June kept Prime Minister Vaclav Klaus in power. The far-right Republican Party won eighteen seats (an increase of four seats) with a blatantly anti-Roma program. Former high-ranking communist party officials and secret policemen were banned from running for office under a “lustration law” (screening law) that was extended until the year 2000 in September 1995. In February, the minister of the interior proposed that the Party of Czechoslovak Communists be prohibited from participating in the elections, since the party was banned in 1993, but the government took no action.

### **The Right to Monitor**

Human Rights Watch/Helsinki was not aware of any attempts by the Czech government to impede human rights monitoring and reporting in 1996.

### **The Role of the International Community**

#### **The United States**

Relations between the U.S. and the Czech Republic remained friendly throughout 1996. However, the U.S. Helsinki Commission did express frequent and pointed criticism of the citizenship law and its effect on the Roma minority. The section on the Czech Republic in the State Department’s *Country Reports for Human Rights Practices for 1995* was largely accurate.

## **Europe**

The Czech Republic is, together with Hungary, Poland and Slovenia, considered a leading candidate for early membership in NATO and the European Union because these countries meet, or are close to meeting, essential conditions set out by NATO in 1995. These conditions, among others, include internal democracy and civilian control of the armed forces.

# **GEORGIA**

## **Human Rights Developments**

Human rights progress in Georgia stagnated in 1996. Abuses persisted, especially torture and other forms of mistreatment in detention, arbitrary detention, appalling prison conditions, use of the death sentence, corruption of law enforcement officials and the judiciary, and harassment of some political dissidents.

The cease-fires relating to the internal wars between the central government and the breakaway regions of South Ossetia (1992) and Abkhazia (1992-94) continued to hold, preventing a return to large-scale violations of the laws of war. Spontaneous returnees to Abkhazia suffered reprisals and death, and most of the estimated 250,000 people, overwhelmingly Georgian, who fled that region were afraid to return. The Georgian side made some progress in determining accountability for war crimes committed by Abkhazian fighters, but most war criminals from both sides went unprosecuted, fueling an atmosphere of lawlessness and impunity that adversely influenced general human rights protection.

The year got off to a mixed start. Monitors from the Organization for Security and Cooperation in Europe (OSCE) termed the November 5, 1995, parliamentary and presidential elections and the November 19, 1995, parliamentary run-offs "relatively open;" the assessments of the British Helsinki Group and others were generally less positive. There were overt attempts by the government to intimidate some opposition figures, and the OSCE reported that police interfered with some pre-election rallies. On the eve of the November 5 elections, authorities in the capital, Tbilisi, illegally closed the headquarters of the United Communist Party of Georgia and charged its presidential candidate, Pantileimon Giorgadze, with attempting to commit terrorist acts.

Neither Russian-sponsored peace talks on Abkhazia, recommenced in July in Moscow, nor threat of sanctions against Abkhazia by the U.N. Security Council yielded positive results. Russian (formally Commonwealth of Independent States or CIS) peacekeepers began to implement their expanded mandate in Abkhazia in 1996, including responsibility for policing. CIS and U.N. monitors deterred an escalation of hostilities, but were unable to prevent sporadic violence and intimidation of returnees by local residents and Abkhazian police. On January 5, for example, six members of the ethnically Georgian Sanaia family in Shesheleti, Gali district, were reportedly tortured and murdered, and their two neighbors shot to death. The proximity of the village to several detachments of CIS peacekeeping forces and U.N. observers undermined faith in their ability to protect the hundreds of thousands of potential returnees to the region. Return was also deterred by the disappointingly slow progress in de-mining the Gali region; only 20 percent of the mines were removed by June, according to the U.N.

On June 18, the Georgian State Prosecutor's office completed its investigation into acts of

genocide and ethnic cleansing against Georgians in Abkhazia, naming some seventy people as organizers and several hundred as perpetrators of these acts. This step toward accountability for war crimes was encouraging, but only if these individuals are prosecuted and receive a fair trial. The investigation also reportedly neglected to review cases of abuse by Georgian combatants and is therefore only a half-measure at best.

Hopes were higher in 1996 for resolution of the conflict with the separatist region of South Ossetia. In May, the OSCE helped forge a peace memorandum in which the parties pledged to refrain from use of force or other forms of coercion and to “take all necessary measures to halt any illegal actions and any infringement upon the right of individuals on ethnic grounds.” However, the failure to resolve the issue at the heart of the conflict—the region’s status within Georgia—undermined hopes that signatories would honor this new pledge.

The government acknowledged police abuse to an unprecedented degree in 1996. According to the U.S. State Department’s *Country Reports on Human Rights Practices for 1995*, Georgian prison officials themselves reported that forty individuals had died in pretrial detention alone from torture and abuse as well as poor conditions. According to the August 5, 1996, issue of the Georgian newspaper *Akhali Taoba* (Tbilisi), a review by the Procurator’s office of police misconduct identified sixty-eight illegal searches, fifty-five attempts to hide a crime, seventeen illegal arrests, and an unspecified number of cases of severe mistreatment of detainees, including the use of electric shock.

On August 14, the paper cited the Procurator’s office and the Ministry of Internal Affairs as reporting that “dozens” of criminal proceedings had been initiated against police officers in 1996. However, it was unclear how many had been prosecuted and punished, if any. Moreover, no reduction in the routine police abuse or deprivation of basic due process rights was noted or, indeed, claimed in 1996.

Georgian law enforcement officials’ frequent violation of the rights of detainees made the country’s active use of death sentences in 1996 all the more abhorrent. The government did not provide pertinent figures requested by Human Rights Watch/Helsinki, but some journalists and human rights groups reported that as of September there were forty-one individuals on death row, including several who were known to have been convicted on the basis of confessions extracted under extreme duress.

Press freedom was widely enjoyed, although self-censorship remained a problem, particularly in the government media. The September adoption of a law on state secrets that restricts some freedom of the media, and the de facto closure of independent TV channel Rustavi-2 on July 17, apparently for political reasons, raised some concern over the state of the independent media.

Pressure against some high-profile political opponents also continued in 1996. The trials and sentencing of several leading detractors of President Shevardnadze’s administration, including former Defense Minister Tengiz Kitovani, paramilitary leader Vakhtang (Loti) Kobalia, and opposition members Nugzar Molodinashvili and Badri Zarandia, dealt a significant blow to the radical opposition.

### **The Right to Monitor**

The government generally did not interfere with monitoring; indeed, theoretically it strengthened its own capacity for addressing complaints directly by adopting a law in May establishing the office of human rights defender (analogous to an ombudsman). As of this writing the office was not yet functioning. At the same time, the fact that a human rights activist, Giorgi Kervalishvili, requested political asylum in Germany in December 1995 claiming “constant moral and psychological pressure

from the authorities” suggested that not all was well with indigenous monitoring.

### **The Role of the International Community**

#### **The United Nations**

In the face of political stalemate, the UNHCR failed again in 1996 to promote the safe return of refugees and displaced persons to Abkhazia. Indeed, it closed its field offices in the conflict zone (an area experiencing spontaneous return and violence) due to budget cutbacks. In 1996, the U.N. focused instead on monitoring compliance with the cease-fire agreement, preparing human rights education materials, and developing human rights monitoring for the region. The U.N. extended the mandate for the U.N. Observer Mission in Georgia (UNOMiG) and its 136 military observers in Abkhazia, and thereby played a significant role in deterring human rights abuses there. Security Council resolution 1077 of October 22 established a human rights office in Abkhazia's main city, Sukhumi, as part of UNOMiG. The proposed program, to be jointly administered with the OSCE, would aim “to promote respect for human rights, protect the human rights of the population of Abkhazia,... contribute to a safe and dignified return of refugees and internationally displaced persons and report on human rights developments” there.

#### **The European Union**

On April 22, the European Union signed a Partnership and Cooperation Agreement (PCA) with Georgia that enshrines respect for democratic principles and human rights. If approved by the European Parliament, the E.U.'s commitment to insisting on compliance will be monitored closely.

#### **The Council of Europe**

On July 14 Georgia applied to upgrade its guest status at the Council of Europe to full membership. This opened a review process that will offer many occasions for the council to use its influence to secure improvements in Georgia's human rights record. According to an Interfax report of July 15, Secretary General Daniel Tarchys set an appropriately cautionary tone during his July visit to Georgia by stressing that full membership would not be granted until Georgia banned the death penalty and otherwise brought its legislation into conformity with European standards, and refrained from coercive methods to settle the Abkhazia conflict.

#### **The United States**

The U.S. embassy made important interventions and paid much-needed attention to brokering peace in Abkhazia. The State Department demonstrated a sensitive and comprehensive understanding of human rights problems in its *Country Reports on Human Rights Practices for 1995*. By contrast, the U.S. was not known to have demonstrated similar concern about Georgian authorities' failure to investigate and prosecute its own troops for war crimes.

## **GREECE**

### **Human Rights Developments**

Despite its membership in the European Union and NATO, human rights violations persisted on an alarming level in Greece during 1996. Of particular concern were violations of minority rights, the



maltreatment of immigrants, and restrictions on freedom of expression.

In September 1995, the governments of Greece and Macedonia signed an interim agreement that cleared the way for a normalization of relations. Although the accord guaranteed the free flow of movement between the two countries, tens of thousands of ethnic Macedonians who fled Greece after the civil war were still not allowed back into the country in 1996, even to visit relatives or attend funerals. In contrast, ethnic Greek political refugees were regularly allowed to return. The Macedonian minority in Greece continued to face systematic discrimination. In 1996, for example, Greek courts denied the registration of the organization Shelter of Macedonian Culture. The European Commission of Human Rights consequently declared the case admissible.

Tensions increased in 1996 vis-a-vis the Turkish minority in Western Thrace, in part brought on by the tension between Greece and Turkey over the Aegean islet of Imia (Kardak) and Cyprus. In August, after inter-communal violence left dead two Greek protestors in Cyprus, a gang of motorcyclists rampaged through Komotini, attacking Turks and Turkish-owned property. Police did little to stop the violence, though the prefect of the region condemned the violence and an investigation was launched against the police.

The Greek government continued to deny the existence of a "Turkish minority," as opposed to the religious identification of "Muslim" that is officially used. In 1995, for example, the European Commission of Human Rights declared the case of the late Dr. Sadik Ahmet, a former parliamentarian who had been imprisoned in 1990 for using the words Turkish and Turk, as admissible.

A major instrument used against ethnic Turks in 1996, as well as other minorities, was article 19 of the citizenship law, which allows the state to revoke the citizenship of non-ethnic Greeks who travel abroad without the intent to return. In 1995, the U.S. State Department reported that seventy-two individuals had been arbitrarily stripped of their citizenship; the Greek government claimed that forty-five of them had given it up voluntarily. In 1996, the article was used to revoke the citizenship of a number of non-ethnic Greek citizens who had traveled abroad. One such case concerned Mr. Hussein Ramadanoglu and his wife, who had gone to Germany to work in 1990. In April, on a regular visit to Greece, they were told that they had lost their citizenship.

Another area of concern is the selection of the mufti. A 1990 law gave the state the legal right to appoint muftis, whereas previously they could be elected by the community. In 1995, the elected mufti of Xanthi, Mehmet Emin Aga, served six months in jail; in 1996 both he and the elected Mufti of Komotini, Ibram Sherif, faced similar charges of holding an unauthorized office. On October 21, Ibram Sherif was found guilty and fined.

Ethnic Turks continued to face restrictions on freedom of expression, discrimination in hiring, especially for the civil service, expropriation of land, and poor access to education and other state services. On October 24, the Turkish-language Radio Icik went on trial for operating without a license in 1994 and 1995, even though all private radio stations operate without a license because of the state's failure to distribute them. One bright point in 1996 was the election of three ethnic Turk deputies in the September parliamentary elections and the entrance into Greek universities of forty-five ethnic Turks through the first affirmative action programs.

The Greek Orthodox Church continued to enjoy a privileged status under Greek law. Other religious communities experienced various forms of state discrimination, particularly Catholics, Protestants, Jehovah's Witnesses and Scientologists. In May, the Macedonian activist Father Nikodimos Tsarknias was tried for working as an Orthodox priest, since the Greek Orthodox Church had defrocked him in 1993. He was acquitted in three trials, but other charges are still pending. On

October 7, a prosecutor in Athens asked for the Greek branch of the Scientologists, known as the Center of Applied Philosophy, to be disbanded.

Greece has a large number of foreign guest workers, most of them from neighboring Albania. In August, the Greek authorities undertook a massive campaign to detain and expel illegal immigrants, the third such campaign in the last three years. According to local human rights organizations, an estimated 7,000 Albanians were rounded up and deported; many of them complained of maltreatment by the Greek police and border guards. According to the Greek Helsinki Monitor, twenty-nine Albanians have been missing since March, when they were reportedly arrested by the Greek police.

Greece's Roma population, the country's most marginalized group, faced police abuse and discrimination in housing and education in 1996. In February, the police maltreated a group of Roma in the Aspropyrgos neighborhood of Athens. Two ethnic Albanian groups, Chams and Arvanites, also complained of state discrimination.

Early 1996 saw a series of riots in Greek prisons. Inmates complained about unsafe and unhygienic conditions.

### **The Right to Monitor**

Human rights groups encountered difficulties from the state in 1996. In August and September, state security forces followed a Greek Helsinki Monitor and Danish Helsinki Committee delegation to minority villages in Thrace, as well as a Greek Helsinki Monitor meeting with a Macedonian activist in Florina. The family of a Greek Helsinki Monitor activist was harassed by the secret police, who wanted to know about her work. Minority leaders and human rights activists who defended their rights were often slandered in the media.

### **The Role of the International Community**

#### **Europe**

In September, the European Parliament released a critical human rights report on Greece that cited the imprisonment of conscientious objectors and restrictions on religious freedom, minority rights and freedom of expression. In 1996, the European Court of Human Rights condemned Greece for violations of religious freedom because the state had closed a place of worship of the Jehovah's Witnesses, which had been built without authorization.

#### **The United States**

Relations between the United States and Greece remained friendly throughout 1996, although the State Department's *Country Reports on Human Rights Practices for 1995* did highlight a number of human rights concerns. Greek President Stephanopoulos was greeted warmly by President Clinton when he visited the United States in May. The U.S. also helped mediate a settlement in January between Greece and Turkey over the disputed Imia islet.

# HUNGARY

## **Human Rights Developments**

Hungary's record on human rights was mixed during 1996. The Hungarian government undertook efforts to address some of its most serious human rights problems, especially regarding the protection of minorities. The Hungarian parliament introduced an amendment to the criminal code to allow more effective prosecution of those who commit crimes against individuals because of their national, ethnic or religious affiliation. Hungary also reached agreement with Romania and Slovakia over the mutual protection of minorities, after several years of difficult and controversial negotiations. However, there continued to be significant human rights violations, especially against the Roma minority. Police brutality and mistreatment in detention also continued to be of concern.

There were numerous reports of physical mistreatment of persons in detention during 1996. The European Committee on the Prevention of Torture issued a report in February criticizing the mistreatment of prisoners especially in Budapest, accusing police of beatings, and stating that conditions in some jails were inhuman. In particular, the report drew attention to the Kerepestarcsa Center for detaining foreigners in the country, arguing that they suffered brutal treatment and conditions which were inhuman and degrading. Hungary has since closed the Kerepestarcsa Center and moved those inmates to other facilities. Another twenty detention centers were closed and others were upgraded during the year, according to Interior Ministry spokesperson Moricz Miklos.

The Hungarian minister in charge of the civilian secret services, Istvan Nikolits, came under criticism from the chairman of the Hungarian parliament's human rights committee for authorizing a wide-ranging program of surveillance of all minorities in Baranja county in the south of the country. Nikolits argued that the program, entitled "The Protection of National and Ethnic Minorities" was launched in light of the Yugoslav crisis to protect the county's minorities such as Serbs and Croats from attack because of their nationality or family ties. However, the parliament's human rights committee expressed concern that such extensive surveillance had continued after the danger had subsided and without judicial oversight.

Roma continued to face a discernible pattern of open societal and governmental discrimination in education, the workplace, housing and access to public establishments. In addition, private acts of violence were often openly supported or passively tolerated by the police and criminal investigators. When investigations did lead to criminal charges, the charges were usually significantly less than the facts would seem to warrant. Frequently prosecutors denied that violent attacks against Roma were racially motivated, thereby making the maximum sentence for conviction much less than would be the case if racism were recognized as the motivating factor. Human rights and Romani organizations in Hungary reported that Roma are especially likely to receive discriminatory treatment in the judicial process, with longer periods of pre-trial detention and higher sentences when convicted.

Although police abuses and discrimination against Roma continued to be frequent, Roma victims appeared increasingly willing to seek remedies for such abuse through the judicial system. In a landmark discrimination case, a Roma man who had been refused service in a restaurant because of his ethnicity won a libel suit against the owner of the restaurant.

## **The Right to Monitor**

There were no reports of any attempt by the government to impede the work of human rights

monitors during 1996.

## **The Role of the International Community**

### **Europe**

In general, Hungary was recognized by the international community as having made substantial progress in the area of human rights and democratic institution-building. Spanish Foreign Minister Javier Solana, the new secretary-general of NATO, identified Hungary as a serious candidate for NATO membership during 1996. In addition, Hungary was judged to have met the general requirements for admission to the Organization for Economic Cooperation and Development (OECD), including respect for human rights, democracy and an open market economy. Hungary also met the general requirements of European Union membership, including specific human rights requirements. However, the European Committee for the Prevention of Torture issued a report in 1996 on the mistreatment of persons in detention, which was highly critical of ongoing police abuse and conditions in detention facilities. On September 16, Hungary and Romania signed a treaty designed to permit the development of friendly relations between the two countries and full respect for minorities as foreseen in particular in the European Stability Pact signed on March 20, 1995, in Paris at the initiative of the European Union.

### **The United States**

The Hungary chapter of the U.S. State Department's *Country Reports on Human Rights Practices for 1995* was generally accurate in its analysis of human rights in Hungary, correctly emphasizing that Hungary had failed to prevent police brutality against Roma and crime suspects generally. The report also noted that due process rights, such as access to counsel and a speedy trial, are not consistently guaranteed in Hungary.

# **KAZAKSTAN**

### **Human Rights Developments**

The Kazakhstan government generally observed the rule of law in 1996 and, indeed, took dramatic action in response to serious problems in its penitentiary system. However, its 1996 record continued to be marred by persistent abuse in detention, abysmal prison conditions, attacks on the media, and varying degrees of harassment of leaders of the ethnic Cossack and Uighur communities.

After almost a year's hiatus in which democratic electoral processes were suspended, in January President Nursultan Nazarbaev finally restored democratic rights by reinstating the parliament, which he had illegally suspended in March 1995 and replaced with unilateral rule by the president and his Cabinet of Ministers.

Also heartening was the Kazakhstan government's response to the entrenched problem of appalling prison conditions and serious mistreatment of detainees. According to the local newspaper *Karavan-Blitz* (Almaty) of June 4, some 2,500 inmates died in Kazakhstan jails last year. Kazakhstan was also vilified in a July report by Amnesty International for holding fourth place in the world for the number of executions and for shocking mistreatment of inmates. The government pledged to initiate a "stage-by-stage transition" from death to life sentences, proposed a ten-year program to

bring jail conditions up to international standards, and issued an amnesty in July that, according to local monitors, resulted in the release of several thousand inmates from among a total prison population of 78,000, and the reduction in sentence of unknown more. Sadly, the amnesty was justified publicly by citing the dropping crime rate rather than the necessity to reduce human rights abuse.

Parts of the media had to battle for their independence in court this year. Although Kazakhstan enjoyed broad press freedom, the independent Kazakhstan-American Bureau on Human Rights alleged that independent journalists were increasingly persecuted by the state, such as being charged with slander for expression of critical political opinions. The group also charged that a new censorship regime had been introduced by the State Radio and Television Committee. The independent Kazakhstan newspaper *Dozhivem Do Ponedel'nika* was forcibly closed this year, and in May, the procurator's office threatened closure of the widely read Russian newspaper *Komsomol'skaia Pravda* unless its publishers issued a statement of regret for having published the provocative views of Russian nationalist Aleksandr Solzhenitsyn. The newspaper complied, and threats of charges were dropped. At the same time, in September a Radio Liberty stringer won damages from local officials who detained him illegally on his way to cover the visit of a Chinese dignitary.

Two cases of imprisonment and abuse of Cossack leaders in late 1995 and 1996 set an ominous tone for ethnic relations. On October 28, 1995, Nikolai Gunkin, *ataman* (leader) of the Semirech'e Cossack Host, was arrested in Almaty on his way to register as a candidate in the elections to the lower house of parliament. On November 21 he was sentenced to three months of imprisonment under Article 183-1 of the Criminal Code ("organizing an unsanctioned meeting," which he claimed was a peaceful religious procession in January 1995). Two weeks before his sentencing, unidentified assailants broke into the home of Gunkin's defense attorney, Ivan Kravtsov, and assaulted his wife, Iraida, who had to be hospitalized. Kravtsov withdrew from the defense the following day. Gunkin alleged that, once in detention, he was attacked by prison guards and that they threw cold water on him to force him to end a hunger strike.

In an eerily similar case, on August 20, 1996, Nina Sidorova, head of the Russian Center and advocate for the rights of Cossacks, was arrested on charges of resisting police authority and contempt of court. She, too, was arrested months after her alleged crime, and only when she made a political claim (attempting to register her group as a social organization). In statements received by Human Rights Watch/Helsinki, Ms. Sidorova claimed she was repeatedly beaten by guards and, prior to meetings with visitors, was shut in a small dark space, an experience she found so traumatizing that she ultimately refused to see anyone from the outside. On September 11, her defense attorney, middle-aged Maria Larshina, was beaten with a heavy object by an unknown man loitering outside her home, requiring her to be hospitalized. On September 22, Ms. Sidorova was released on bail pending trial, a concession to international pressure.

### **The Right to Monitor**

Monitoring generally took place unimpeded. The May 31 law on social organizations reaffirmed in principle government support for such groups as human rights organizations.

### **The Role of the International Community**

#### **Europe**

The OSCE monitored parliamentary elections in December 1995 and protested violations of the electoral process. The European Commission opened an official representative office in Almaty on April 12 and the European Union became the single largest donor to Kazakhstan. Following President Nazarbaev's suspension of parliament in 1995, the European Parliament decided to withhold assent for the Partnership and Cooperation Agreement which was signed by the E.U. and Kazakhstan in 1995. The agreement is conditioned on the parties' respect for human rights and democratic principles as set out in OSCE documents.

## **China**

In April, Kazakhstan government officials signed a pact with Chinese counterparts in Shanghai to strengthen their common borders. This was formalized by a July 5 joint declaration in which China and Kazakhstan pledged, among other things, that "they are opposed to national separatism in any form and they will not permit any organizations and forces to engage in separatist activities in their respective territories against the other side." Because the Chinese government often paints its ethnic Uighur minority as separatist-minded saboteurs, this is undoubtedly an implicit reference to Kazakhstan's Uighur population, which shares language and culture with Uighurs in neighboring regions of China. The commitment ensured that Kazakhstan, among other signatory countries, would turn a blind eye to the "Strike Hard" crackdown against Uighurs the Chinese had embarked on several months before throughout China. The campaign reportedly led to hundreds of illegal arrests. The agreement prompted Kazakhstan authorities to prevent Uighurs from staging a public rally during the Chinese president's visit in July, in violation of their right to freedom of assembly.

## **Kyrgyzstan**

### **Human Rights Developments**

The continued government crackdown on independent or critical media, freedom of speech and association, and an alarming consolidation of power for President Askar Akayev marked a distressing trend for human rights in Kyrgyzstan in 1996. Additional causes for concern included the continued use of the death penalty, squalid prison and detention center conditions, and police brutality.

President Akayev won the December 24, 1995, presidential election with more than 70 percent of the vote. However, his victory came amidst allegations of constitutional illegality that elections had been called prematurely and that three out of six presidential candidates had been unfairly excluded from the electoral process on the grounds that they had not collected the required 50,000 signatures mandated by unreasonable 'oblast' (regional) proportions."

Freedom of speech and of association also came under fire on December 22, 1995, when Topchubek Turgunaliyev, deputy chairman of the political party *Erkin Kyrgyzstan*, and Dzhurmagazi Usupov, chairman of the *Ashar* movement, were arrested for the distribution of leaflets critical of President Akayev prior to the presidential election. They were charged under article 128, section 2, article 129 and article 68 of the Criminal Code of Kyrgyzstan for slandering and insulting the president in printed and written forms and intentionally inciting national dissent. Having spent four months in pre-trial detention, each man was given a one-year suspended sentence.

Rysbek Omurzakov, a journalist for the *Res Publica* (Bishkek) newspaper was arrested on April 12, 1996, and sentenced to two years of imprisonment under article 128, part 3 (libel with

accusations of treason or other state crime). Unofficial sources suggest that the arrest was also made in connection with distributing leaflets critical of President Akayev. Following an appeal on August 6, 1996, Omurzakov had his two-year prison sentence suspended ostensibly after the court took into account his character and the fact that he has a family to support but likely as a concession to public outcry over his arrest.

The February 10, 1996, referendum on a draft law on constitutional change was approved by more than 94 percent of the electorate. This violated the 1993 Kyrgyzstan constitution, which prohibits constitutional change by referenda. The referendum was also objectionable because it gave the president unilateral power to appoint all top ministers except the prime minister.

The Kyrgyzstan government in 1996 continued to implement the *propiska* (residence permit) system which, in conjunction with an internal passport, is required in order to obtain permission to leave the country. This system arbitrarily restricts freedom of movement, both internally and internationally, in direct contravention of article 12 of the International Covenant on Civil and Political Rights, to which Kyrgyzstan is signatory. In April, in a clear violation of freedom of expression and of association, the Kyrgyzstan government banned the ethnic Uighur society, Ittipak, for three months on the grounds that it was allegedly carrying out separatist activities that ran counter to the interests of the Chinese people. Kyrgyzstan law does not treat separatist activities as a criminal act; rather, the suspension was the result of an interstate agreement to quell separatist activities, reached in April between Kyrgyzstan, Kazakhstan, Tajikistan, and the Chinese government. The Ittipak society was barred from campaigning in the press and media or from organizing any meetings, demonstrations or other mass activities in Kyrgyzstan, in violation of its right to freedom of speech, association, and assembly.

The year 1996 was proclaimed "Women's Year" in Kyrgyzstan. President Akayev accordingly granted an amnesty to numerous female prisoners on March 8 (International Women's Day) and appointed a female vice-premier. However, in contrast to the fanfare, "Women's Year" was not marked either by the introduction of any specific legislation to give support or protection to women who face domestic violence and job discrimination, or the enforcement of existing anti-discrimination laws, most notably the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, to which Kyrgyzstan is a signatory.

Kyrgyzstan in 1996 did not sign the Second Optional Protocol of the ICCPR on abolishing the death penalty; it retained the measure for fifteen peacetime and two wartime offenses and continued to pass the death sentence in 1996. According to one Kyrgyz human rights group, juveniles are among those being put to death.

### **The Right to Monitor**

There were no reported violations of the right to monitor.

### **The Role of the International Community**

#### **The European Union**

The European Union was silent on specific human rights abuses in Kyrgyzstan. In addition to its substantial aid through the TACIS and ECHO programs, it was preparing to implement, pending ratification by all E.U. member states, the signed Partnership and Cooperation Agreement (PCA) between the E.U. and Kyrgyzstan. The PCA cites respect for human rights and democratic principles as an essential element of the agreement. The European Parliament approved the PCA in November

1995.

### **The United States**

U.S. government aid was expected to be over US\$50 million in 1996, reportedly in recognition of Kyrgyzstan's stability and democratic reforms. The U.S. government sent observers to the trial of Topchubek Turgunaliyev and Dzhurmagazi Usupov and prepared a strong and comprehensive analysis of Kyrgyzstan's human rights record in its *Country Reports on Human Rights Practices for 1995*.

## **MACEDONIA**

### **Human Rights Developments**

Since declaring its independence in 1991, Macedonia has avoided the war in the former Yugoslavia and established a basic framework for the protection of civil and political rights. Nevertheless, the implementation of these rights has remained a problem. In 1996, the government continued to commit human rights violations against Macedonian citizens of all ethnicities.

The most sensitive issue is minority rights, since Macedonia is made up of numerous ethnic groups, including Albanians, Roma, Serbs and Turks. All of these groups reported state discrimination, especially in minority-language education and state employment. At times their complaints were politically motivated, but, in many cases, the state failed to abide by the non-discriminatory principles of international law.

By far the largest and most vocal of the ethnic communities is the Albanians who, according to official statistics, comprised almost one quarter of the population. Despite some minor improvements, Albanians were still grossly under represented in state jobs, especially the police force. Some voting districts in the western part of the country, where Albanians predominate, were three times larger than districts in the east inhabited primarily by ethnic Macedonians.

The most important issue for ethnic Albanians is education in their mother language. An attempt in 1995 to open a private Albanian-language university was deemed illegal by the state, and the university was ordered to shut down. Four of the university's organizers were imprisoned after a trial that violated international standards of due process; they were later released on bail while they awaited an appeal. In 1996, the appeals court confirmed the guilty verdicts but reduced each of the defendants' sentences by one year. One of the defendants, Milaim Fejziu, was subsequently released.

Albanians were not the only victims. All citizens of Macedonia, regardless of ethnicity, suffered from the country's weak democratic institutions.

A constant problem in 1996 was the excessive use of force by the police. A local human rights organization, the Macedonian Helsinki Committee, documented numerous cases of arbitrary arrest and abuse in detention. On August 9, a Romani woman, Rakiba Mehmed, died under unclear circumstances after being chased by the police in Skopje. The authorities claimed that she died from a heart attack, but eyewitnesses claimed that they saw her being beaten severely by the police. As of November, the government had not begun an official investigation.

The independence of Macedonia's courts also came into question after the election of some judges with close ties to the government. Despite the adoption of democratic legal standards, there were violations of due process in 1996. Defendants were sometimes held in detention longer than



the twenty-four hours allowed by Macedonian law, did not have proper access to a lawyer or were denied the right to a fair trial.

The political opposition continued to complain about state efforts to restrict its work, such as phone tapping and police harassment. In March, the two largest opposition parties, the Democratic Party of Macedonian National Unity and the Democratic Party, submitted a petition with 150,000 signatures calling for new elections. Shortly thereafter, the government proposed, and parliament hurriedly passed, legislation that altered the guidelines for submitting citizens' petitions. In June, according to the new guidelines, parliament decided that new elections would not be held.

In January, the government decided to privatize the state-run media conglomerate *Nova Makedonija*, which had a monopoly on the printing and distribution of newspapers. As of October, the privatization process had still not begun. Many private television and radio stations exist in Macedonia, but their broadcasts were limited to their local areas.

## **The Role of the International Community**

### **The United Nations and the OSCE**

The international community's priority was to maintain the territorial integrity and political stability of Macedonia. Toward this end, a 1,200 member United Nations Preventive Deployment Force (UNPREDEP) and an Organization for Security and Cooperation in Europe (OSCE) mission continued to monitor and report on the internal and external threats to the country. In the name of stability, however, both organizations voiced little public criticism of human rights violations committed by the Macedonian government. Macedonia established full diplomatic relations with the European Union on January 10. The E.U.'s PHARE aid program provided Macedonia with approximately U.S.\$30 million annually.

### **The United States**

The United States continued its support of the Macedonian government and the government's attempts to promote inter-ethnic dialogue. Approximately 600 U.S. soldiers participated in the UNPREDEP mission. High ranking Macedonian military delegations visited the U.S., and joint military exercises were held within the framework of the Partnership for Peace. The first American ambassador to Macedonia was appointed in March.

# **UNITED KINGDOM/NORTHERN IRELAND**

## **Human Rights Developments**

Cease-fires declared by paramilitary organizations in 1994 led to calls for the repeal of Northern Ireland's draconian emergency legislation regime. In January 1996, with the cease-fires still in force, the United Kingdom (U.K.) renewed the Emergency Provisions Act (EPA) for another two years commencing in August 1996. In doing so, the U.K. government ignored calls made in 1995 for the repeal of emergency legislation from the U.N. Human Rights Committee and the U.N. Committee Against Torture.

The emergency legislation regime severely curtails due process rights with decidedly compromised standards for arrest, detention, interrogation, and the right to counsel in comparison

with universally accepted standards under international law. Since 1994, Human Rights Watch/Helsinki has called for the total repeal of the emergency legislation. In addition, European legal institutions have found the U.K. guilty on more than one occasion of human rights violations under emergency legislation provisions. The U.K. has failed to support its renewal of the emergency regime with credible proof required under European law that an emergency posing a "threat to the life of the nation" exists.

The Irish Republican Army (IRA) resumed its campaign of violence in February 1996 with a bomb at Canary Wharf in London. The bombing came only weeks after the International Body on Arms Decommissioning, chaired by former U.S. Senator George Mitchell, issued a report on January 24, 1996, recommending the de-commissioning of paramilitary weapons as a process parallel and integral to peace talks but not as a pre-condition to talks. After abandoning its cease-fire, the IRA claimed responsibility for seven bombs on the U.K. mainland. On October 7, 1996, the Provisional IRA resumed bombing in Northern Ireland with the explosion of two car bombs inside British army headquarters at Lisburn, southwest of Belfast, killing one soldier and injuring thirty people.

The Mitchell report also stressed the need for confidence building measures such as action on policing, prisoners, and an end to emergency legislation. Human rights groups have argued that issues of justice and accountability are at the core of the conflict and must be at the center of any attempt to broker a solution. They have been concerned that the lack of attention to human rights concerns by the U.K. has contributed to the failure of the peace process.

Despite the eighteen-month cease-fire, paramilitaries on both sides of the conflict continued to engage in punishment beatings and shootings in the course of community policing. Direct Action Against Drugs (DAAD), associated with the IRA, claimed responsibility for the deaths of seven alleged drug dealers in December 1995 and January 1996. *The Irish Times* (Belfast) reported in late January that the IRA had suspended its campaign of killing drug dealers because of its adverse impact on Sinn Féin's political credibility. DAAD resumed such killings on September 16, 1996, with the shooting death of Sean Devlin, a drug dealer who defied a previous IRA expulsion order by returning to Belfast.

The summer months in Northern Ireland saw continued controversy around the issue of marches by members of the Protestant community through predominantly Catholic neighborhoods. Concerns in particular centered around the breakdown in the rule of law when the police reversed an earlier decision to re-route a march at Drumcree away from a Catholic area under threats of violence from Protestant marchers. Human rights groups also were disturbed by the massive and indiscriminate use of plastic bullets by the security forces, which resulted in numerous injuries. Human Rights Watch/Helsinki has called for a total ban on the use of plastic bullets. Of further concern was the death of Dermot McShane who was killed when a British army vehicle ran him over during disturbances in Derry in July and attacks by police in riot gear on people seeking emergency treatment at a city hospital.

In late August, the U.K. government announced the establishment of an independent body, the North Commission, to review current arrangements for handling public processions and "associated public order issues in Northern Ireland." Given the public's lack of confidence in both the Royal Ulster Constabulary (RUC) and the autonomy of state appointed review commissions, there are reservations regarding the practical impact of the commission's recommendations.

The inquest system in Northern Ireland remained a source of concern. In the case of Patrick Shanaghan, killed by a loyalist paramilitary group in 1991, an inquest was only held after five years.

The Shanaghan family withdrew from the inquest after being prevented from raising evidence that suggested official collusion in the death. Nine months before the slaying, Mr. Shanaghan had been warned by an RUC inspector that his life was in danger because his security files had fallen out of a military vehicle and were in the hands of loyalist paramilitaries. An independent inquiry stated that the killing was a very serious crime which "the authorities who claimed to investigate it did not take seriously."

Meanwhile, the official peace talks were beset by procedural wrangling, and little progress was made toward addressing substantive issues.

### **The Right to Monitor**

There were no reported violations of the right to monitor.

### **The Role of the International Community**

#### **Europe**

On February 8, 1996, the European Court of Human Rights held in *Murray v. U.K.* that the restrictions on access to legal advice under the emergency legislation, coupled with the ability to draw adverse inferences from silence in the face of police interrogation, violated the European Convention on Human Rights guarantee of a fair trial. The U.K. government declined to amend the emergency legislation in response to the court's ruling but has indicated that it is studying the court's judgment.

#### **The United States**

The Clinton administration remained actively involved in the peace process in Northern Ireland, although the administration generally failed to highlight the centrality of human rights issues to resolving the conflict.

The U.K. section of the U.S. State Department's *Country Reports on Human Rights Practices for 1995* cited the concerns expressed by the U.N. Human Rights Committee, the Committee on the Rights of the Child, and the Committee Against Torture about the U.K.'s failure to protect human rights in Northern Ireland.

(for other problems in the U.K., see *The Right to Asylum in the European Union*)

## **ROMANIA**

### **Human Rights Developments**

The Romanian government made an effort to improve relations with its ethnic Hungarian community in 1996, but made little progress toward guaranteeing protection of its Roma minority. Although mob violence against Roma decreased during 1996, it was replaced by systematic police raids on Roma villages. These raids were usually conducted without warrants and were characterized by the excessive use of force by police.

The Colentina neighborhood of Bucharest was raided four times in 1996 by officers from the 7th District police. On one such occasion, on June 6, 1996, fifty policemen invaded homes and forced residents into cars. When one victim asked to see a warrant, an officer replied that no warrants

were required because the Roma were not legal residents of the neighborhood. The Roma were taken to the station where they were severely beaten and humiliated and fined for "illegal domicile" for squatting on land they did not officially own. The Roma allege that the Ceausescu regime promised the land to them when they moved to Colentina in the 1970s to work on construction sites. Residents claim they have tried to buy the land from city authorities, but their offers were refused. The Roma village of Bontida was also the target of similar raids; victims there claim the police beat people and fined Roma families regardless of whether their address registrations were produced or not.

Random police violence targeting Roma was also commonplace and routinely tolerated by the authorities, leaving Roma victims without legal recourse. On May 9, 1996, Mircea-Muresul Mosor, a twenty-six-year-old Rom from Comani, was shot and killed by the chief of police, Plut. Adj. Tudor Stoian, in Valcele. An official police communique issued after the incident alleged that Mosor lifted a stick and was about to strike the police chief when Pl. Adj. Stoian shot him. Mosor was taken to the hospital where he died. Testimony from Mosor's attending physician and the death certificate contradict the official police report. The death certificate states that Mosor was shot in the back, and Dr. Dan Jijau, the attending physician, confirmed that the bullet went through Mosor's back. The official communique is thus highly suggestive of police misconduct at several levels.

Freedom of religion and association suffered setbacks in 1996 as Romania continued to prohibit particular religious gatherings. On June 25, 1996, the Romanian government denied permission for an international convention of Jehovah's Witnesses in Bucharest in July. The government's General Secretariat declared that it considered "thoroughly inopportune the attempt to improvise such a meeting in Bucharest in July or at any time in the future." The government's denial came in response to concerns raised by the Romanian Orthodox Church in a communiqué dated June 21, 1996, accusing Jehovah's Witnesses of "irresponsibly contributing to growing violence and hatred in the world." On July 1, Hillary Clinton reportedly canceled a visit to a Romanian Christian church in protest over the government's decision to deny permission for the Jehovah's Witnesses' convention.

A move toward decriminalizing homosexuality in Romania was undermined by the adoption of an amendment to article 200 of the penal code that makes sexual acts between persons of the same sex punishable with imprisonment for six months to three years. The amendment was adopted by the Chamber of Deputies of the Romanian parliament on September 10, 1996, and produced a storm of international protest, including passage of a European Parliament resolution condemning the decision. Romania's parliamentary Mediation Commission overruled the Chamber of Deputies' decision on September 24, 1996. The commission opted for the text adopted earlier by the Romanian Senate which criminalized homosexual conduct only if such conduct resulted in "public scandal."

On July 11, 1996, Radu Mazare and Constantin Cumpăna from the Romanian daily *Telegraf* were sentenced to seven months in prison and fined for libel in connection with a 1992 article about corruption in the Constanta city council. The journalists were charged under articles of the penal code providing criminal penalties for journalists who offend public officials and began serving the jail sentences on August 30, 1996. The use of criminal libel laws against journalists will continue to silence dissent against government officials.

### **The Right to Monitor**

There were no reported violations of the right to monitor.

## **The Role of the International Community**

### **The European Union**

On September 16, 1996, Romania and Hungary signed a treaty designed to permit the development of friendly relations between the two countries and to foster respect for minorities as contemplated by the European Stability Pact signed on March 20, 1995, in Paris at the initiative of the European Union. The treaty includes a recommendation guaranteeing the rights of the Hungarian minority in Romania.

### **The United States**

In July 1996, the U.S. Congress approved a bill granting Romania permanent Most Favored Nation trade status (MFN). The House vote was delayed because some members expressed harsh criticism of President Ion Iliescu and the Romanian government. Former U.S. Ambassador to Romania David Funderburk, member of the U.S. House of Representatives from North Carolina, opposed Romania's MFN status upgrade charging the Romanian government with human rights abuses, including violations of freedom of expression and religion and discrimination against ethnic minorities. The U.S. State Department's *Country Reports on Human Rights Practices for 1995* catalogued serious human rights abuses by the Romanian government, including the frequent beating of detainees by police, rampant discrimination and police violence against the Roma minority, and restrictions on freedom of expression and religion. President Clinton signed the permanent MFN bill on August 3, 1996.

# **THE RUSSIAN FEDERATION**

### **Human Rights Developments**

The Russian Federation's human rights practices did not improve in 1996 despite heightened expectations stemming from its admission into the Council of Europe and from President Boris Yeltsin's re-election campaign promises. The August 1996 Khasavyurt agreements ended twenty months of war in Chechnya and the hideous violations of humanitarian law that had so tragically characterized it. New laws sought to implement Council of Europe standards in the Russian criminal justice system, and two Constitutional Court decisions reinforced guarantees of freedom of movement and due process. But the systematic violations of the rules of armed conflict in Chechnya from January through mid-August, unabated police brutality, especially against non-ethnic Russians, and the continued failure to repeal the *propiska* (residence permit) system underscored the Russian government's indifference to its domestic and international human rights commitments.

In the second year of war in Chechnya, civilians were the victims of indiscriminate and disproportionate fire in most areas of Chechnya, causing anywhere from 18,500 to 80,000 civilian deaths since the start of the war in December 1994. For example, in the December 1995 battle for Gudermes, Chechnya's second-largest town, Russian forces pounded parts of the town with heavy artillery and surface- and helicopter-launched shells, killing at least 267 civilians.

In his re-election campaign, President Yeltsin promised to end the war in Chechnya, which resulted in the Nazran cease-fire agreement. Within days of Yeltsin's re-election on July 3, however, indiscriminate bombing in Gekhi and Makhety killed at least another twenty civilians, and soon

thereafter indiscriminate and disproportionate bombing and shelling killed an untold number of civilians throughout villages of eastern and southern Chechnya. In the August battle for Grozny, Russian bombs and shells destroyed entire apartment blocks and at least one hospital, and hit residential suburbs with wild inaccuracy. Gen. Konstantin Pulikovskii's August 20 ultimatum to carpet bomb Grozny, giving the city's 300,000 civilians forty-eight hours to evacuate, fortunately dissolved as new peace negotiations began.

Dozens of civilians reported to Human Rights Watch/Helsinki and Memorial (a leading Russian human rights organization) that they were shot at as they attempted to flee hostilities in Gudermes, and that dozens were killed and wounded. In another glaring example of direct attacks on civilians, Russian helicopters opened fire on a column of buses and cars transporting civilians fleeing Grozny after the August 20 ultimatum; ten civilians were killed. In early March, Russian forces blockaded the village of Sernovodsk, home to 7,000 civilians (the majority of them displaced persons from Chechnya); they forbade civilians from leaving the village and international humanitarian relief organizations from entering until after shelling had already begun. According to Memorial, at least forty-five civilians were killed during hostilities. On March 15, Russian forces gave civilians a two-hour warning to leave Samashki, a village of 7,000, before shelling it. Such short notice proved fatally inadequate. Russian forces refused to allow Chechen men to flee past the Samashki checkpoint, forcing them to remain under the shelling.

In June, the Ministry of Internal Affairs closed PAP-1, Grozny's most notorious "filtration" camp. While this was clearly a positive development, Russian forces not only continued the practice of beating and torturing Chechen men—the vast majority of them civilians—captured at checkpoints and holding them in unofficial "filtration" points; they also used these civilians as hostages to be exchanged for Russian detainees. Memorial documented at least three incidents of Russian forces using civilians as human shields: in Samashki, in March, where villagers were forced to ride on an armored personnel carrier (APC) through the village; and in Grozny, where from August 9-11 a trapped group of Russian troops took up defensive positions in Hospital No. 9, refused to allow the staff to tend to their patients, and used hospital staff as shields against Chechen fire.

The exchange of prisoners and detainees unfolded haltingly during 1996, resulting in few releases, in violation of the "all-for-all" principle set out in the Khasavyurt agreement. Between 1,500 and 3,000 Chechens were missing as of this writing; many of them presumably languished in the Russian criminal justice system outside Chechnya, having been captured at checkpoints and "filtered" outside Chechnya. As of October 3, some 1,900 Russian soldiers were reported missing.

Journalists repeatedly came under fire in Chechnya. On August 6, at two separate checkpoints, helicopters fired on two groups of journalists, both of which were traveling in vehicles clearly marked "TV" or "Press." Fortunately no casualties resulted. Russian commanders repeatedly denied journalists access to towns and villages under fire, notably in Gudermes (December 1995) and Samashki and Sernovodsk (March 1996). Unknown assailants assassinated Russian journalists Nadezhda Chaikova in March and Nina Yefimova on May 8.

On January 9, Chechen rebels led by Salman Raduyev seized 2,000 hostages in Kizlyar, Dagestan, and herded them into the town's hospital. They subsequently took 160 of these hostages as far as Pervomaiskoe and distributed the hostages among the houses where they had taken up defensive positions against Russian forces. Russian forces then bombed Pervomaiskoe, killing approximately twelve hostages. Within Chechnya, rebels held twenty-eight construction workers hostage in Achkoi-Martan in December 1995 and about eighty-four energy sector workers in Grozny in March. Chechen fighters as a rule did not refrain from taking up positions in residential areas, and

their attacks on Gudermes and Grozny endangered the lives of hundreds of thousands of civilians.

In a slight improvement over last year, the Russian military procuracy reportedly convicted twenty-seven servicemen (the vast majority of them draftees) for crimes against civilians, mostly non-combat-related murders and lootings. However, it failed adequately to investigate, let alone prosecute, the most glaring combat-related violations of humanitarian law.

Law enforcement officials in Moscow harassed and brutally attacked ethnic Chechens and other individuals from the Caucasus. On November 18, 1995, the Organized Crime Police (RUOP) beat and tortured Artem Arutunian, an ethnic Armenian, breaking two ribs. Police sent him to a hospital on November 20, apparently fearing he would die in their custody, and released him without charges four days later. Mr. Arutunian's attempt to sue for damages ended in threats on his life. On December 11, RUOP severely beat Islam Gashayev in a Moscow apartment, causing him to lose consciousness, as they arrested him for the alleged illegal possession of a single bullet. A court later sentenced Gashayev to three years of imprisonment. In February, RUOP police broke into the apartment of Olga Kurbanova, arrested her Chechen brother-in-law Sultan, beat him, held him for three days, and left him on the snowy streets of Moscow. Moscow riot police even raided a tuberculosis hospital where Chechen families—war refugees—were being treated and roughed up several patients on the pretext of a weapons search.

Rather than seeking to curb racially-motivated violence rampant in Moscow since 1993, the Moscow city government strengthened police discretion to verify passports and propiskas, which it uses overwhelmingly against dark-skinned people. In the two days following the July 10 and 12 bombing of Moscow trolley buses, police detained 5,770 individuals for violating city propiska and registration requirements. This extraordinarily high number suggests that many of the detentions were wholly arbitrary. Moreover, Mayor Yuri Luzhkov's televised remarks, expounding a theory of Chechen involvement only two hours after the crime in which he "warn[ed] the entire Chechen diaspora" and promised to rid the city of "bums and organizations . . . connected to systems of southern structures," set the tone for "Operation Cleanse"—raids on markets, dormitories and the like—and the implementation of presidential decree 1025 (see below), which followed. The beatings of dozens of Azerbaijanis during market raids caused at least two to be hospitalized during this period. In August, Mayor Luzhkov declared that "crime in Moscow bears no ethnic factor," but failed to note that crime-fighting indeed does.

Presidential decree 1025, which was issued on July 10 as a crime-fighting measure, singled out "vagrants and beggars," enabled the Moscow city and regional governments to prolong such individuals' involuntary detention in "social rehabilitation centers" for up to thirty days, and allowed the police forcibly to "remove" the homeless from Moscow. Under an August 27 mayoral decree implementing decree 1025, Moscow police renewed the practice, established in 1993, of detaining the homeless and shipping them out of Moscow on trains. The decree provoked confusion and criticism even from within the ranks of the police, but police nonetheless deported about 4,800 individuals within the first three weeks the decree was in force.

In a landmark April 4 decision, the Russian Constitutional Court found unconstitutional city ordinances in Moscow, Stavropol' Krai, St. Petersburg and other cities that require individuals to purchase propiskas. Despite the court's decision, by November the Moscow and Stavropol governments had not altered their propiska rules and in addition continued to enforce regulations on temporary residence that caused undue hardship for refugees and migrants.

Ethnic tensions that flared against Chechens in Stavropol in the wake of the 1995 Chechen rebel raid on Budyonnovsk generally ebbed this year, but the Stavropol Krai and local village

administrations failed to return at least twenty-one families who were deported from their homes in June 1995. In isolated areas, local Cossacks and police harassed and detained without warrant ethnic Chechens on suspicion of harboring weapons.

Moscow authorities sharpened their hostility toward refugees from the former Soviet Union. Police in Moscow regularly raided hotels where Armenian refugees had been granted housing after fleeing Azerbaijan in 1989 and 1990, allegedly to check identification and search out illegal weapons. In one such raid in July, Moscow riot police severely beat one Armenian man and sexually abused three Armenian girls. The Federal Migration Service (FMS) staunchly maintained its policy of refusing to settle refugees permanently in Moscow, in violation of the law on refugees and the Russian housing code. It presided over the evictions of refugee families from Moscow hotels and sent the former to reportedly uninhabitable quarters far from Moscow. When a facility director (an FMS employee) hired a gang of thugs to intimidate resident refugees into leaving, the FMS did not react. More positively, amendments to the 1993 law on internally displaced persons provided for refugee advocacy organizations to play a greater role in refugee policy-making.

Russia not only refused to grant political asylum to dissidents and politicians from countries of the former Soviet Union, it extradited them without the benefit of a court hearing. At least five individuals wanted in their home countries (Azerbaijan and Georgia), mostly on treason charges, were extradited between November 1995 and November 1996. Perhaps the most glaring case was that of Rahim Qaziyev (see section on Azerbaijan), whom Russian authorities extradited to Azerbaijan within three days of his arrest in Moscow in April. On July 25, Moscow police detained Davlat Khudonazarov, an opposition candidate in Tajikistan's 1991 elections, in cooperation with an outdated Tajikistan Internal Ministry "wanted" list. He was released the same day under tremendous public pressure.

The case of environmental researcher Alexander Nikitin underscored the pervasive powers the Federal Security Service (FSB) continued to exercise over freedom of information and due process. On February 6, the FSB arrested Nikitin, a retired Russian navy captain, and charged him with treason for having released state secrets. The charges sprang from a chapter he wrote on nuclear submarine accidents entitled "The Russian Northern Fleet: Sources of Radioactive Contamination" for Bellona (a Norwegian environmental organization.) Due process violations marred the case from its very beginning and, although the FSB failed to provide evidence justifying his continued incarceration, the St. Petersburg district court refused to release him from pre-trial custody while he awaited trial.

In a positive development related to the Nikitin case, the Russian Constitutional Court in March struck down a provision of a 1995 law on state secrets that required defense lawyers in state secrets cases themselves to obtain security clearance.

Despite Russia's admission into the Council of Europe, the Duma (parliament) failed to adopt a moratorium on the death penalty, and fifty-three convicts were executed as of October, a pace on par with 1995. The newly-adopted criminal code, which comes into force on January 1, 1997, continued to list seven capital offenses.

In compliance with Council of Europe requirements, the Council of Ministers issued a decree in June aimed at providing relief for the tens of thousands of individuals languishing in Russia's uninhabitable pre-trial detention facilities. While the decree called for changes in the code of criminal procedure to facilitate the release of individuals whose case investigations had ended, it failed to address the need for wider change in the bail system, responsible for catastrophic overcrowding. These facilities have proven deadly: the nongovernmental Moscow Center for Prison



Reform (MCPR) estimated that since 1994, 5,000 people have died while awaiting trial in Russia. In 1995, 242 people died in Moscow's Butyrka pre-trial prison alone, which houses about 6,500 inmates. The MCPR attributed the rise in pre-trial deaths to the lack of medical attention. Not a single facility was held responsible for criminal neglect in relation to the deaths.

The new criminal code and code of criminal procedure ignored women's need for justice in cases of sexual violence. It eliminated Article 118, which dealt with rape at the workplace, despite the widespread practice of sexual harassment in private enterprise. Moreover, the new code of criminal procedure retained articles permitting investigators and defense counsel to request character references for the victim and requiring her to confront her attacker in closed meetings at police headquarters. These practices—along with stonewalling and outright refusal on the part of police to process a victim's report—in part explained why only 2 to 3 percent of women who were raped reported the crime.

The Yeltsin administration began to accord needed attention to violence against women, doubtless the result of advocacy by a vibrant network of crisis centers. The government's white paper on improving the position of women, issued in January, noted a sharp rise in domestic violence (a 100 percent increase in reported cases between 1993 and 1994) and acknowledged that the majority of victims of domestic and sexual violence refrain from reporting such violence to the police. However, it only vaguely stated the need to develop criminal and civil sanctions for violence against women, proffered no guidelines for improving police response, and neglected to call for the adoption of a law on domestic violence, various drafts of which repeatedly failed to clear the Duma Committee on Women, Family and Youth.

The central government's careful control of the broadcast media overwhelmingly favored President Yeltsin during the presidential election campaign, but with very few exceptions journalists enjoyed wide freedoms in Moscow and St. Petersburg. Careful research by the Glasnost Defense Foundation, though, revealed that in the provinces, local governors maintained a tight grip on the press, dealing with their critics—especially those who investigate government corruption—by threatening them or pressing libel or other fabricated charges.

### **The Right to Monitor**

Russian human rights organizations operated mostly unfettered, and a June 13 presidential decree supported the human rights movement by, among other things, establishing within the Presidential Human Rights Commission a council of experts consisting of representatives of independent human rights organizations.

In Chechnya, however, Russian forces refused access to Sernovodsk and Samashki to human rights and humanitarian relief organizations and the press until up to ten days after it had completed mop-up operations. From January through the end of May, the Russian command denied the ICRC access to detainees, whereas in 1995 the ICRC had had access to nearly 700 detainees.

### **The Role of the International Community**

#### **The United Nations**

The office of the secretary-general called the events in Chechnya "tragic," but maintained a hands-off policy with regard to human rights abuses by the government. On August 20, when Grozny was in flames and hundreds of thousands of civilians were fleeing in response to General Pulikovskii's ultimatum to carpet-bomb the capital, Secretary General Boutros Boutros-Ghali's office stated that

Chechnya was an “internal matter of the Russian Federation,” failing to use his authority to condemn the massive international humanitarian law violations that were clearly prohibited by United Nations treaties and, therefore, should never be considered solely an internal matter.

The Secretary General was mandated by the statement of the Chairman of the fifty-first session of the Commission on Human Rights to report on Chechnya to the commission’s following session. To request a report on a state with a permanent seat on the Security Council was exceptional in the commission’s practice. Notably, in its section devoted to NGOs, the report cited NGOs’ documentation of human rights and humanitarian law violations.

The fifty-second session of the Commission on Human Rights again declined to adopt a resolution on Chechnya, opting instead for a chairman’s statement. The statement requested another report from the Secretary General and called for individual accountability for human rights and humanitarian law violations.

The U.N. Committee on the Elimination of Racial Discrimination, in its conclusions and recommendations to Russia’s periodic report, noted the rise in “racist attitudes” among local authorities, rightly connected racism with the propiska system, and expressed “grave concern for the use of excessive and disproportionate force” in Chechnya. However, it failed to emphasize the role played by the federal government in fostering racism.

### **The European Union**

The European Union, Russia’s largest trading partner, focused its human rights concerns on Chechnya, albeit reactively, as distinct from its proactive 1995 approach. In November, just as the worsening hostilities in Chechnya pointed to the utter failure of a 1995 peace agreement, the European Parliament incomprehensibly approved ratification of the Partnership and Cooperation Agreement with the Russian Federation, which is conditioned on the respect for human rights and democratic principles. After squandering this important means of leverage, the European Parliament’s strongly-worded statements on Chechnya had little impact. In January and July, the European Parliament issued welcome resolutions warning Russia that its conduct would threaten its relations with the E.U., but arch responses by the Russian Foreign Ministry underscored the ineffectiveness of such resolutions without enforcement mechanisms.

An E.U. presidency statement deplored the loss of life and hostage-taking and called for an immediate end to fighting. On March 25, the E.U. strongly condemned attacks on civilians during the wave of fighting in Samashki and Sernovodsk. In sharp contrast, E.U. Commissioner Hans van den Broek chose not to use a high-profile visit to Moscow a week earlier to urge the Russian side to curb abuse in Chechnya. To its credit, the E.U. troika advanced the U.N. Commission on Human Rights chairman’s statement, despite strong pressure from the Russian delegation.

On September 19, the European Parliament called on Russia to release Alexander Nikitin pending trial and to explain the charges against him.

### **The OSCE**

The OSCE Assistance Group (A.G.) in Grozny spoke out frequently and sharply against abusive conduct in the Chechnya war. Its March 25 report on human rights violations noted Chechen responsibility for taking civilian hostages and characterized Russian forces’ attacks on towns and villages as “warfare against the civilian population. . . in clear excess of what could be described as military necessary [sic].” A.G. head Tim Guldemann, undaunted by repeated calls for his removal by Russian politicians and commanders, publicly raised concerns about such abuse on numerous

occasions. In Vienna, however, the Permanent Council made no noticeable effort to pressure Russia on accountability for humanitarian law violations, squandering the unique influence the OSCE enjoys as the only intergovernmental organization with a mandate in Chechnya.

### **The Council of Europe**

The Council of Europe's vote to admit Russia four years after Russia's initial application clearly reflected the primacy of the organization's political concerns over its human rights mandate and unwittingly gave a stamp of approval to abusive laws and practices by the Russian government. The timing of the vote—just after Russian forces had razed Pervomaiskoe—demonstrated that the council was set on admitting Russia with no regard for human rights abuses, thereby damaging the council's credibility on human rights.

Upon Russia's admission to the council, the Parliamentary Assembly (PACE) immediately created an ad hoc committee on Chechnya with a mandate to monitor human rights in the region and to prepare a parliamentary hearing to facilitate negotiations. When the council attempted to stage the hearing in September, however, Russia pressured the council into cancelling it, emphasizing Chechnya as "an internal matter of Russia." In September the council activated Order No. 508 against Russia, which monitors compliance with human rights obligations among new member states. It adopted a statement of concern on the Nikitin case in February, assigned a special rapporteur in September, and dispatched a mission to St. Petersburg to express its concerns jointly with the European Parliament to procuracy officials.

### **The United States**

The Clinton administration periodically criticized Russian forces' conduct in the Chechnya war, yet maintained an obvious silence during President Yeltsin's re-election campaign. In January, Secretary of State Warren Christopher accurately characterized Chechnya as "one of the troubling signs of Russian reform under strain," and State Department Spokesman Nicolas Burns called the war a "grave, grave mistake." Russian forces' operations in the months leading up to the June 16 and July 3 elections, however, not only failed to elicit a public response from the White House or State Department but failed to become an issue in President Clinton's April 20 summit meeting with President Yeltsin and Warren Christopher's March visit to Moscow. After Yeltsin's re-election, the administration's public statements toughened considerably; in a private letter in August, President Clinton urged President Yeltsin to call off the threatened total bombardment of Grozny.

The Clinton administration maintained a puzzling public silence on the Nikitin case. President Clinton squandered an excellent opportunity to raise it at the G-7 nuclear safety summit in Moscow in April, and Vice-President Gore likewise failed to raise the case publicly during his July visit.

The Clinton administration slashed Freedom Support Act aid to Russia—which funded among other things useful democratization, rule of law, and human rights programs—by threefold in FY 1996, to U.S. \$115 million. It played a central role in securing a colossal \$10 billion IMF loan to Russia, the second-largest IMF undertaking in the institution's history.

## **FEDERAL REPUBLIC OF YUGOSLAVIA**

## **Human Rights Developments**

Human rights conditions remained a cause for concern in 1996 in the Federal Republic of Yugoslavia (FRY), despite Serbian President Slobodan Milosevic's efforts to shake off the country's pariah status after the Dayton agreement. Continued repression and police brutality in Kosovo, discriminatory practice with regard to minorities and the unlawful treatment of refugees perpetuated the pervasive atmosphere of xenophobia and ethnic nationalism. Government control of the media became more stringent, and independent media nearly ceased to exist. The government's continued antagonism toward the U.N. International Criminal Tribunal for the Former Yugoslavia (ICTY) underscored the FRY's defiance of the international community's efforts to seek accountability for war crimes perpetrated in the former Yugoslavia.

Minorities continued to face harassment, in part because of their ethnicity and in part because of the political threat they pose to the state since most non-Serbs identify with opposition parties. Opposition Serbs, although never facing the level of intimidation and violence that Muslims and Croats faced during the war, nonetheless encountered serious harassment and limitations on their political participation that paralleled those imposed on minorities. Few attempts were made during 1996 to prosecute or hold accountable those who committed serious crimes against non-Serbs and Serb supporters of the opposition. Now, in the wake of the Dayton agreement on Bosnia-Herzegovina, the Serb political opposition and ethnic minorities continue to be marginalized by the Milosevic government - which, under international pressure, has changed its tactics, but not its aims.

The treatment of Bosnian Serb and Croatian Serb refugees was particularly troubling during 1996, as the government continued with its attempts to forcibly settle displaced persons in Kosovo, the Serbian-controlled sector of eastern Slavonia in Croatia, Sandzak and Vojvodina. The Serbian Helsinki Committee reported that Bosnian Serb and Croatian Serb refugees in Serbia were "the worst treated refugees in the war," noting that many had not been officially recognized as refugees by the Serbian government, and that in some instances this indeterminate status had been used to reduce the level of humanitarian aid, medical treatment and housing opportunities.

The government also interfered with the registration process of Bosnian Serb refugees for the September national elections in Bosnia-Herzegovina. Human rights groups in rump-Yugoslavia reported that local authorities obstructed efforts by refugees to vote by absentee ballot. In addition to failing to distribute ballots to many voters who had been promised that they would receive them by mail, Serbian officials were accused of coercing Bosnian Serbs to register to vote in the Bosnian Serb-held entity, Republika Srpska (RS), in areas of strategic importance to the RS authorities, and to vote exclusively for Bosnian Serb candidates. Methods used included misinformation, withholding of humanitarian assistance, fraudulent registration and mass public registration designed to intimidate those who might otherwise have registered in a non-Serb dominated municipality.

The status of resident minorities did not improve in Kosovo, where 1.8 million ethnic Albanians have faced systematic discrimination since 1989. In 1996, thousands of Albanians were harassed, detained or beaten by Serbian policemen who act with near total impunity. At least sixty ethnic Albanians are currently in Yugoslav prisons for political reasons after trials fraught with due process violations. The politically controlled courts consistently rejected overwhelming evidence that torture was used by the police and investigators to extract confessions.

Serb authorities continue to deny ethnic Albanians their right to free association and speech. All Albanian organizations face regular harassment by the police and security forces, including the maltreatment of activists and the arbitrary and illegal confiscation of office equipment. Albanian-language media is minimal, censored, and faces political and economic barriers imposed by the state.

In September, the Serbian government agreed to reopen Albanian-language schools in Kosovo, although it remains to be seen if the agreement will be respected. Before September, during 1996, many Albanian students and teachers were detained and beaten for wanting to study or teach in their native language. The police often confiscated money that had been collected for private Albanian-language schools.

Freedom of movement for ethnic Albanians in Kosovo remained limited. A large number of Albanians were denied passports by the rump Yugoslav authorities and could not travel; others were denied reentry into rump Yugoslavia after time spent abroad. A new citizenship law was passed by the parliament on July 16 which may result in statelessness for Kosovo Albanians. According to this law, a person from Kosovo may lose his or her citizenship if it is determined that he or she originally became a Yugoslav citizen by using documentation that the rump Yugoslav government claims to be false. There is a danger that this provision will be used arbitrarily to strip ethnic Albanians of their citizenship with no official inquiry or right to appeal specified. The creation of "stateless" Kosovo Albanians would be a violation of the FRY's commitments under international law to eliminate statelessness, in addition to leaving many with no voting or residence rights.

State control of media and efforts to prevent free expression continued in 1996. Freedom of the press within rump Yugoslavia was curtailed after the Serbian information minister declared in January that independent broadcasters would no longer be granted frequencies because their information was "anti-government, inaccurate and patently one-sided." Studio B, the last prominent independent television station in the FRY was nationalized in February; at the end of May, the popular Radio Smederevo left the ranks of independent radio stations in the country when it too was nationalized.

Facing growing criticism for having betrayed the Serb populations of western Slavonia and the Krajina region of Croatia, and western Bosnia, the Milosevic government took steps against its critics. Authorities detained opposition leaders on questionable charges and scheduled local, republican and federal elections simultaneously in November, thus making it difficult for opposition parties to distribute scant resources for any semblance of a free and fair campaigning process.

Although the FRY turned over two suspected "small fry" war criminals in early April and permitted the ICTY to open an office in Belgrade in August, the government refused to cooperate with the tribunal in other ways. Members of the Yugoslav Army, Milan Mrksic, Veselin Sljivancanin and Miroslav Radic, all indicted war criminals for their activities in the Croatian city of Vukovar in 1991, continued to reside in the FRY. The government did little to encourage the arrest and extradition of another fifty indicted persons believed to be in Republika Srpska. Several of the most infamous inditees were allowed to make very public appearances during 1996, with no repercussions. Sightings of indicted war criminal and Bosnian Serb Army General Ratko Mladic were embarrassingly frequent throughout Republika Srpska, and he was also allowed to move freely in the FRY, most notably attending a May funeral for an indicted war criminal General Djordje Djukic in Belgrade. Although not yet indicted by the ICTY, Zeljko "Arkan" Raznatovic - a notorious war criminal who partook in brutal ethnic cleansing campaigns in Bosnia-Herzegovina and Croatia—continued to hold a parliamentary position in the Serbian government.

### **The Right to Monitor**

While the work of international and domestic human rights groups was carefully monitored by the state government, international human rights groups were more consistently allowed visas into the country in 1996 than they had been in the past. The work of organizations such as the Helsinki

Committees for Human Rights in Serbia and Montenegro, the Humanitarian Law Center and the Serbian Civic League helped to maintain international awareness of human rights conditions in the country; the Democratic League of Croats in Vojvodina, the Council for the Defense of Human Rights and Freedoms in Kosovo, the Helsinki Committee of Sandzak, and the Kosovo Information Center also reported instances of abuse against their respective nationalities. Nonetheless, rights groups were far from universally respected: human rights activists in Kosovo, specifically from the Council for the Defense of Human Rights and Freedoms, were regularly harassed by Serbian police.

## **The Role of the International Community**

### **The United Nations and Europe**

Throughout 1996, Milosevic's continued support for the Dayton peace process was viewed by the international community as critical to its success. In an effort to keep the Dayton peace process on track, the United States and the European Union opted to downplay human rights abuses within the FRY, as well as the government's continued ties to the war-criminal laden leadership in the Republika Srpska.

In late December 1995, in recognition of the role played by Milosevic in bringing about the Dayton peace agreement, the Security Council suspended the sanctions imposed mainly by Security Council Resolution 757(1992). These sanctions required member states to cease trading in any commodity, maintaining air traffic links, or participating in sporting or cultural events with the FRY; the lifting of these sanctions was to be contingent upon cooperation with the ICTY, ceasing to aid the Bosnian Serbs, and cooperating with the U.N.'s embargo against Bosnia-Herzegovina.

The FRY's inner wall of sanctions was permanently lifted on October 1 after the OSCE ruled that the national-level elections were successful in Bosnia-Herzegovina. At the time of this writing, the so-called outer wall of sanctions remained in place, including denial of readmission into the United Nations, the OSCE, the International Monetary Fund, and other international organizations crucial to the FRY's full integration into the international community. According to an October 1995 decision by the European Union's General Affairs Council, long term economic assistance is conditioned on the implementation of the Dayton agreement, respect for human and minority rights, cooperation with the ICTY, and with respect to FRY "the granting of a large degree of autonomy within it for Kosovo."

### **The United States**

Throughout the year, the Clinton administration continued to meet with President Milosevic on issues related to the Dayton peace process, the ICTY, the state of affairs in Kosovo, and press freedoms in the FRY. In July, after two rounds of talks with U.S. special envoy Richard Holbrooke, President Milosevic was finally induced to demand that Bosnian Serb leader and indicted war criminal Radovan Karadzic step down from any form of political activity in the Republika Srpska. This served the immediate aim of removing Karadzic from public view, while allowing Karadzic's Serbian Democratic Party, headed by nationalist elements far more extreme than he, to remain an OSCE-legitimized participant in the Bosnian elections. Although Milosevic's agreement with Holbrooke promised Karadzic's official withdrawal from political activities, even Holbrooke noted that Karadzic could still exercise power through hidden channels.

Although U.S. Secretary of State Warren Christopher told Milosevic in February that Yugoslavia will never achieve full acceptance into the international community until it reconciles the

status of Kosovo, both U.S. and European governments gave up one of their most important bargaining chips for improvements in human rights in Kosovo by allowing the permanent lifting of economic sanctions in early October.

## THE SLOVAK REPUBLIC

### Human Rights Developments

Freedom of expression, freedom of assembly and the rights of minorities were under continuous attack by the government of Vladimir Meciar in 1996. The secret service, police force and state media were all used by the government for political purposes.

The government continued to impede an impartial investigation into the 1995 kidnapping of Michal Kovac, Jr., son of President Kovac, who has been a strong critic of Prime Minister Meciar. In May, a policeman and key witness in the case was killed when his car exploded on the outskirts of Bratislava. The government claimed that it was an accident, but allegations of Slovakia's first political murder quickly arose. Editor of the independent newspaper *Sme* (Bratislava), Peter Toth, accused the Slovak Information Service and government circles of involvement in the death. The government filed libel charges against him for "intolerance and gross and ungrounded attacks against the cabinet." On May 20, the police announced the case's adjournment for lack of evidence, despite credible charges of the government's involvement.

In April, parliament approved amendments to the penal code that were intended for the "defense of the republic." While the amendments were allegedly intended to protect the state, their vague terminology opened the door for the state to restrict freedom of speech, assembly and expression. The articles in question restrict the right of Slovak citizens and, in some cases, foreigners living in Slovakia to organize activities or express opinions that are deemed damaging to "state interests" or "subversive to the republic." As of October, no one had been charged under these articles.

On June 20, parliament passed a controversial Law on Foundations to regulate the work of nongovernmental organizations that the government claimed were "destroying Slovakia's image." The law required all foundations to have a minimum U.S.\$3,200 endowment, an amount which may force some of the smaller, local foundations to close. More seriously, foundations must now register with the government, which may arbitrarily decide which foundations may operate in the country. According to the Third Sector, a local nongovernmental organization, one foundation was already refused registration.

In May, the Slovak parliament ratified a Slovak-Hungarian friendship treaty, which had been signed by the country's two prime ministers in March 1995. Despite this, the Hungarian minority still experienced discriminatory treatment by the government. The most controversial development was the January enactment of a new language law, which made it illegal to use any language other than Slovak in official state business.

The country's estimated 300,000 Roma also continued to suffer from state discrimination, especially in education, housing and employment. Violent crimes against Roma by "skinheads" continued to rise, and the police and local courts often did not take adequate steps to apprehend and punish those responsible.

The government maintained control of Slovak television and radio, using it to present its

political views rather than objective information. On May 22, Ivan Lexa, head of the Slovak Intelligence Service, accused the independent media, including Radio Free Europe (RFE), *Sme* and Radio Twist, of creating an "anti-Slovak atmosphere." In February, the government threatened not to renew RFE's license, but a one-year license was granted on February 15. In March, the government's legislative council approved a restrictive media bill, although, as of October, it had not been passed by parliament.

### **The Right to Monitor**

Human Rights Watch/Helsinki is not aware of any attempt by the Slovak government to hinder the monitoring or reporting of human rights during 1996.

### **The Role of the International Community**

The international community expressed concern about human rights violations in Slovakia on a number of occasions. The foundations law, language law and penal code amendments all provoked statements of concern from the European Union, the Council of Europe and the U.S. government. In February, European Commissioner Hans van den Broek warned that a lack of democratic reform could threaten Slovakia's acceptance into the European Union. The European Union and American ambassadors to Slovakia reiterated this position in October. The U.S. State Department's *Country Reports for Human Rights Practices for 1995* accurately reflected the human rights situation in the country.

## **TAJIKISTAN**

### **Human Rights Developments**

After several years of slow improvement on the human rights front, renewed fighting between government and opposition forces, violent attacks on returnees and some minorities and political activists, and a series of apparently politically motivated assassinations made 1996 the worst year in Tajikistan since the end of its bloody civil war in 1992. The sporadic fighting that broke out in October 1995 generated a new wave of displaced persons, raising the number of internally displaced persons within Tajikistan to some 20,000 by late September, according to the International Committee of the Red Cross and the Tajikistan Central Refugee Department. The fighting also raised tensions throughout the country that hampered general human rights protection in other spheres of life.

The peace settlement process remained largely deadlocked, resulting in bleak prospects for the full and safe repatriation of the tens of thousands of individuals forced from their homes during the war. The renewed warfare centered around Taval-Dara, about 150 kilometers east of Dushanbe, along a strategically important road that connects it with the buffer area between government- and opposition-held territories, and in Kurgan-Tiube, Komsomolobod and Gharm regions. Since there was little independently confirmed information emanating from the conflict zone, the true picture of the nature and scope of violations of the laws of war during the hostilities remained unclear. Reports, however, were disturbing. A February 8 ITAR-TASS report, for example, asserted that opposition forces had used government prisoners of war as human shields. Displaced persons feared return even after the hostilities subsided because the Taval-Dara area had been heavily mined.



It was clear that the violations of the 1994 cease-fire created a serious humanitarian crisis for the civilian population. The U.N.-sponsored peace negotiation process extended the cease-fire agreements between the government and the United Tajik Opposition and elaborated on such issues as prisoner exchanges. However, the exchange set to take place before August 20 did not take place, and hostilities continued in blatant violation of the cease-fire.

Safe repatriation of the remaining approximately 19,000 Tajiks in northern Afghanistan (according to UNHCR figures from October) was impeded not only because of retribution against them upon return but because refugees in opposition camps in Konduz and Takhar were intimidated by camp leaders into staying on. Moreover, the UNHCR undertook measures to coerce the remaining 7,000 refugees in Sakhi camp near Mazar-I-Sharif in northern Afghanistan to leave prematurely by cutting their food and fuel rations to below generally accepted levels. Returnees, and regional minorities such as the Gharmis and Badakhshanis, faced harassment by neighbors and even law-enforcement officials, notably in Khotlon province, and the government was generally unwilling to safeguard their rights or prosecute the abuses.

High-profile assassinations in and around the capital kept the country in the grip of political terror in 1996, severely hampering free speech. The sluggish response or complete inaction of the police further eroded faith in law enforcement; as of this writing, for example, only one of the murders resulted in apprehension of a suspect. Among the most influential shooting victims were Muhiddin Olimpur, a BBC war correspondent (whose body was found on December 13, 1995); Fatkhullo Sharifzoda, the state mufti, and his wife, son, daughter-in-law, and one other (January 21, 1996); Russian Public TV (ORT) journalist Viktor Nikulin (March 28), the twenty-ninth journalist to be killed in Tajikistan since 1992; the elderly rector of Dushanbe Medical School Yusuf Iskhaki (May 6); Mohammed Osimi, former president of Tajikistan's Academy of Sciences (July 29); and Mahmud Idiev, head of administration of Tajikabad District (August 1). The abduction of the opposition's representative to the U.N. talks, Zafar Rakhmonov, on February 24, symbolized the political lawlessness that reigned in 1996.

The government continued an ambiguous policy toward political dissidents in 1996. On January 12, President Imomali Rakhmonov granted pardons to three opposition figures his government had once imprisoned: Oinyhol Bobonazarova, Shodmon Yusuf, and Bozor Sobir. At the same time, the government attempted to extradite dissidents from Moscow on politically motivated charges. Mirzo Salimov, a journalist for the dissident Tajik newspaper *Charogi Ruz* (Dushanbe), was arrested on October 13 for insulting the president; and former presidential contender Davlat Khudonazarov was detained briefly in July. Both were released under public pressure, and the treason charges that had hung over Khudonazarov since 1992 reportedly were dropped.

Authorities in the northern province of Leninobod, in particular, repressed civil rights through police abuse. Police dispersed a disorderly crowd in Ura-Tiube on May 14, resulting in five deaths; they also severely beat Ikhromjon Ashurov, who had spoken at a rally in the regional capital, Khojent, breaking several of his ribs, and arrested him for "banditry."

### **The Right to Monitor**

Monitoring by local residents was extremely limited in 1996. U.N. military observers were at times denied access to the conflict zone by government soldiers. Fear of retaliation against individuals who reported violations to UNMOT (U.N. Mission of Observers in Tajikistan) or the Organization for Security and Cooperation in Europe (OSCE) greatly limited the ability of Tajiks to enjoy the protection of even these foreign bodies. Throughout 1996, UNMOT observers were robbed, shot at,

and prevented from gathering information on the fighting. UNHCR access to camps in Konduz and Tokhar in northern Afghanistan was limited. The International Committee of the Red Cross was denied access to the troubled Taval-Dara region from April to September.

### **The Role of the International Community**

The presence of UNMOT, with its forty-four military observers, continued to help deter abuse. The 25,000 CIS (Russian) troops, which largely protect Tajikistan's borders and military objects, played a more ambiguous role: both target of attacks and non-neutral participant in operations in Kurgan-Tiube, Tursun Zade, and Taval-Dara. (The Russian government denied allegations of the latter). The UNHCR and OSCE monitored violations on the ground and conducted some important interventions. However, no international body consistently protested or was able to secure prosecution of human rights violators, and all continued to play primarily a reactive rather than preventative role. The IMF and World Bank squandered their considerable influence by approving \$22 million and \$60 million, respectively, without conditioning the credits on improvements in human rights practices.

### **The United Nations**

The U.N.'s diplomatic and refugee protection work was generally disappointing in 1996. The U.N. extended the mandate of the ninety-four-member UNMOT through December 15, 1996, but was impeded by the government and the opposition from carrying out its full mandate. It also failed to secure meaningful progress at the negotiating table, looking on helplessly as fighting erupted again in violation of freshly signed extensions of the cease-fire agreement. Most alarming was the UNHCR/Afghanistan's actively abusive role in attempting to coerce the premature repatriation of refugees at its Sakhi camp in northern Afghanistan through reduction of survival rations, a violation of its own policy of voluntary repatriation. UNHCR/Dushanbe took inadequate measures to follow up on the welfare of returnees in Dushanbe.

Human Rights Watch/Helsinki is concerned that the UNHCR effectively handed over its protection function inside Tajikistan, except in Dushanbe, to the OSCE before conditions of return reached a level of stability adequate to permit the less experienced organization to undertake successfully the protection of the returnees. The OSCE was unable to maintain all of the UNHCR's field offices, thereby reducing the international community's capacity to offer protection to returnees on the ground. The UNHCR also failed to respond to serious charges leveled in a May Human Rights Watch/Helsinki report.

### **The OSCE**

In addition to implementing its new protection mandate, the OSCE mission, operational in Tajikistan since early 1994, continued important monitoring of human rights abuse. However, it was slow in fielding a full staff, reducing its efficacy. At OSCE initiative, the German government financed the establishment of a governmental civil rights institute in 1996. In March, the OSCE also agreed in principle to sponsor a human rights mission in Tajikistan, although as of this writing it had not materialized. Disturbingly, the OSCE agreed that mission staff be appointed by the government, thus intrinsically jeopardizing the ability of the staff to be impartial in a highly divisive conflict.

# TURKEY

## Human Rights Developments

A caretaker government and two subsequent coalition governments beset by bitter internal conflict were unable to produce any substantive democratization improvements or human rights legislation in 1996, though individual government ministers did speak out on human rights issues, and some positive actions were taken. A vocal, mostly free press, a small, but active civil society, and hotly-contested elections coexist with persistent violations, such as disappearances in detention or under suspicious circumstances, extrajudicial killings, restrictions on peaceful free expression, torture, forced evacuations, and death in custody. Illegal armed opposition groups, such as the Workers Party of Kurdistan (PKK) and various radical left-and right-wing organizations, also continued to commit abuses such as extra-judicial killings. As in 1995, the main issue affecting human rights was the armed conflict between government security forces and the PKK in southeastern Turkey. A state of emergency is in effect in ten provinces there.

After the fall of the DYP/CHP coalition government of Prime Minister Tansu Ciller in September 1995, new parliamentary elections were held on December 24, 1995. They, however, brought no conclusive results: the Islamist Welfare Party (RP) received a plurality of 21 percent. Efforts to form governments proved lengthy and difficult. The short-lived center-right ANAP/DYP minority coalition government of Prime Minister Mesut Yilmaz (ANAP) made promises about ending the state of emergency in southeastern Turkey and liberalizing policies concerning the linguistic and cultural rights of Turkey's ethnic Kurds. During a March 21 trip to eastern Turkey for the *Newruz* new year holiday shortly after the formation of his government, Yilmaz announced a new approach to the conflict in southeastern Turkey, promising, "a new, more human, more realistic and courageous approach to the Kurdish problem including, in particular, the lifting of the ban on the teaching of the Kurdish language." Ultimately, his government was able to accomplish little and collapsed in early June. Regrettably, it abolished the office of State Minister for Human Rights, which in the past two years was a strong proponent of human rights.

In July, Necmettin Erbakan (RP) became Turkey's first Islamist prime minister since the founding of the republic in 1923. His party, in an awkward coalition with former Prime Minister Ciller's True Path Party (DYP), made general reform promises but also was unable to accomplish much. While in opposition, Erbakan had spoken of an Islamic approach to ethnic and regional problems, in part an attempt to strengthen his party among ethnic Kurds. During his first news conference after the December 1995 elections, Erbakan promised that he would recognize a Kurdish identity: "A human being can come from any origin. It is God's decision. We cannot discriminate." He also suggested allowing some form of Kurdish-language television and education.

These promises were not incorporated into the government's coalition protocol, which stated that, "The spiritual and psychological aspects of the fight against terror will not be neglected nor will debates be allowed that weaken our security forces conducting this struggle," while vaguely promising to "remove the state of emergency having taken the necessary precautions." Shortly after taking office in July, however, Erbakan traveled to Bingol in southeastern Turkey, where he promised a return program for the inhabitants of more than 2,500 villages and hamlets depopulated in the conflict, mostly as the result of a government counterinsurgency campaign. A similar move by a previous government ended in failure. In a first step to end the state of emergency, which was last renewed for four months on July 31, a law was passed amending a number of laws, including one on

provincial administration. This new law, however, was criticized by opposition deputies as “disguised martial law” as it strengthened certain police powers and made them valid for all of Turkey. In October, Erbakan stated that, “We don’t have a Kurdish problem...We have a terrorism problem.”

Some government actions to investigate and prosecute allegations of human rights abuses were welcome and, if carried out widely, would do much to improve the situation. The DYP/CHP caretaker government—especially State Minister for Human Rights Adnan Ekmen—quickly charged officers implicated in the killing of the journalist Metin Goktepe. In April, a trial was launched against village guards implicated in a February 5 killing in Diyarbakir. In June, a trial was launched against ten officers charged with torturing sixteen high school students in Manisa in January. In late September, Justice Minister Kazan ordered an investigation after a prison riot in Diyarbakir took ten lives and suspended three top prison officials. In October, Foreign Minister Ciller promised to reduce detention periods.

The armed conflict in southeastern Turkey continued, along with forced village evacuations, most by security forces. The majority of human rights violations—whether by state actors or others—took place in this region. Unrest expanded west toward the rural Alevi villages of southeastern and eastern Sivas province as the PKK and other armed opposition groups who sought to move into these areas clashed with security forces. Large-scale police detentions, blockades, and harassment further exacerbated the situation. A report issued in February on the Sivas events by three Democratic Left (DSP) parliamentarians stated that, “many of our fellow citizens have chosen to leave their villages because of this ‘double-sided’ pressure.” In southeastern Turkey, so-called actor unknown death squad style murders of suspected PKK members and Kurdish political activists and intellectuals continued. Many such killings are believed to be directly or indirectly linked to security forces, a fact stated in a 1995 parliamentary report but not investigated. Such killings have also been perpetrated by two feuding wings of an illegal radical Islamist group “Hezbollah,” both against each other and against targets mentioned above, though security forces have continued a crackdown on this group.

The Human Rights Watch Arms Project continued to monitor arms sales to the Turkish government and deliveries to the PKK and to highlight the abusive use of these weapons. In October, a trial began against the translator and the publisher of a Turkish-language edition of an Arms Project report on the abusive use of such weapons by both sides in the southeast.

Although banned by a wide variety of domestic laws and international treaty obligations, torture continued to be used widely as an interrogation method by police, especially by units of the Anti-Terror Section. Detainees are stripped naked and often subjected to electric shock, beatings, suspension by the limbs, squeezing of sexual organs, and high-pressure water hose. While various government officials acknowledged the use of torture—most recently former Justice Minister Firuz Cilingiroglu in January—and groups like the European Committee for the Prevention of Torture regularly conducted expert on-site investigations, the practice continued because prosecution of abusive police is sorely insufficient and prosecutors are able to hold certain suspects up to fifteen days without access to counsel or appearance before a magistrate, a period that can be doubled under a state of emergency.

In early January, sixteen mostly teen-aged high school students were detained in the city of Manisa on charges that they were members of or had links with Dev-Sol (DHKP-C), a radical, leftist, illegal armed opposition group. During their eleven-day detention, they were subjected to torture. A parliamentarian who represents the region, Sabri Ergul (CHP), went to the police station to get

information about the youths and came upon some of the young people lying on the floor, naked and blindfolded. Medical reports confirmed the torture.

Torture and ill-treatment were a major cause of unlawful death in police custody. A case that shook all of Turkey was that of Metin Goktepe, a journalist for the leftist Istanbul daily *Evrensel* who was detained at noon on January 8 in Istanbul while covering a funeral of prisoners beaten to death during prison unrest. Other reporters witnessed his detention and other detainees reported speaking to him. Police detained roughly 1,000 individuals and held them in a sport center turned into a temporary holding facility. Goktepe's body was discovered eight hours later inside the facility. An autopsy indicated that Goktepe died of internal bleeding to the brain and body due to blows.

A weekly sit-down protest in Istanbul of families of those believed to have disappeared in police custody or under suspicious circumstances focused public attention on the problem as never before. Lengthy detention periods and police flouting of regulations requiring the immediate registration of detainees and the notification of their families exacerbated the problem. One such case was that of Talat Turkoglu, a left-wing trade unionist who had been imprisoned in the past and was convicted in late March of supporting an illegal organization. After reports that he was being followed by police, Turkoglu left Edirne on April 1 for Istanbul and was not seen again. Another case is that of Abdullah Canan, brother of former CHP parliamentarian, Esat Canan, who disappeared in Hakkari province in late January after reportedly being stopped at a gendarmerie check-point. His mutilated body was discovered a month later. An inquiry commission composed of three CHP parliamentarians—including former Culture Minister Ercan Karakas—issued a report calling for the investigation of a gendarmerie major who had conducted a raid on Abdullah Canan's village and then publicly threatened Mr. Canan after he opened a case against him.

Considerable free and open expression in both print and television coexisted with the punishment of free expression through restrictive laws, such as Penal Code Article 312 forbidding "racism," Article 8 of the Anti-Terror Law banning "separatist" propaganda, and the Law to Protect Atatürk (No. 5816). While the mainstream press also suffered restrictions, the main targets were leftist and pro-Kurdish publications or publishing houses or Islamists who question the secular basis of the state. In August, the Istanbul daily *Cumhuriyet* reported that in the first six months of 1996, 172 years of prison time had been given to free expression cases. The leftist daily *Evrensel* (Istanbul) was especially hard hit, with courts ordering its closure in April and May for periods of up to twenty days.

Prison unrest and the excessive use of force in dealing with it remained a serious problem. During a riot in Umraniye prison in Istanbul in January, four inmates were reportedly beaten to death in retaliation. During unrest in the Diyarbakir E-Type Prison in September, ten prisoners died in a similar incident. In July, a hunger strike among leftist prisoners led to eleven deaths due to starvation. While part of the strike was motivated by the prisoners' refusal to be moved from preferred barracks-style prisons to ones with individual cells, many of their demands—such as the desire to be close to their trial, not to be maltreated during transport, and access to proper medical care—fell clearly within Turkey's international obligations.

There was also pressure against political parties. Forty-one top administrators of HADEP, the pro-Kurdish party that took 4.5 percent of the national vote in December 1995 and came in first or second in many southeastern provinces, were arrested in July on charges of being linked to the PKK after a June party congress at which a Turkish flag was ripped down and replaced by a PKK one. Eleven were released in September; but the trial continued. Three HADEP members were murdered execution-style in June near Kayseri. In May, proceedings were started to close the "Labor"

("Emek") party because its charter contained "separatist" propaganda. Various judicial proceedings were also launched against the Freedom and Solidarity Party ("Ozgurluk ve Dayanisma Partisi").

Illegal armed opposition groups continued to commit serious abuses in 1996, such as extrajudicial executions. In spite of public statements to abide by Common Article 3 protecting civilians and other non-combatants, the PKK consistently and flagrantly violated it. Victims included families of village guard members, government employees such as teachers, and those perceived by the PKK as "supporting the state." In March, an individual was assassinated in Adana for "cooperating with the state." In April, PKK leader Ocalan threatened that fifty Germans would "return home in coffins" if they vacationed in Turkey. In June, family members reported that the PKK executed a village headman in Tunceli province in front of them because the man's daughter lived with a Turkish army NCO. That same month a rocket attack on a television station in Diyarbakir killed nine, mostly woman and children. In August, after stopping a bus in Sivas, PKK members executed the tourism director of the Malatya police force and another individual. In January, the radical leftist group Dev-Sol (DHKP-C) assassinated Turkish industrialist Ozdemir Sabanci. In August, militants of the radical Islamists "Islamic Great Eastern Raiders Front" (IBDA-C) burned down the office of a journal.

### **The Right to Monitor**

Turkey's active and vocal human rights monitoring groups, led by the Human Rights Foundation of Turkey(HRFT), the Human Rights Association(HRA), and the Islamist-based *Mazlum-Der*, faced trials, detentions, and the banning of their publications throughout 1996. Amnesty International's researcher for Turkey remained banned from entering the country, though a large A.I. delegation headed by President Pierre Sane traveled to Turkey in September.

Both the HRFT headquartered in Ankara and the Rehabilitation and Treatment Centers for torture victims it operates in Adana, Ankara, Izmir, and Istanbul, faced legal harassment. The pressure against the treatment centers, which have operated openly since 1990 and which receive U.N. and E.U. funding, was a first. In late 1995 a trial was launched against nine members of the HRFT board and the former head of the Balikesir Bar Association for an article in a foundation publication, *A Present to Emil Galip Sandalci*. The trial ended in acquittal in May. In March, charges were filed against the head of the Adana branch of the HRFT, Mustafa Cinkilic, and a doctor who consulted at the treatment center there, for "disobeying orders of an official" and "negligence in reporting a crime." The prosecutor charged that both men had a legal obligation to report to officials the torture cases of those who sought treatment. In September Dr. Sukran Akin of the Istanbul HRFT treatment center was charged with "operating an unlicensed health center"; in November, the trial ended in acquittal.

The pressure against the HRFT appeared to come from the fact that the data it gathered was widely used and quoted by news agencies and foreign embassies and governments: for example, the U.S. State Department *Country Report on Human Rights Practices* has often used HRFT data.

The HRA, which has 15,000 members and operates offices in most of Turkey's provinces, faced similar difficulties in 1996. In the areas of southeastern Turkey under emergency rule, the HRA operated formally only in Diyarbakir because of threats, detention and torture, and in the past, killings. In February, the Iskenderun HRA branch was raided and searched, and a case was opened under Article 8 of the Anti-Terror Law against seventeen HRA members and administrators for a bulletin issued on September 1, 1995, in connection with World Peace Day; the case ended in acquittal in October. In March, the Adana office was also raided and ordered closed for fifteen days,

and a Hakkari branch board member was detained by police. In April, the Kirsehir branch was mysteriously set ablaze; seventeen individuals who protested this action were detained by police. In August, HRA Deputy Secretary Erol Anar faced charges along with his publisher under Article 8 of the Anti-Terror Law for his book, *A History of Human Rights*.

### **The Role of the International Community Europe**

European organizations of which Turkey is a member or an associate all played a role in human rights developments in 1996: the European Union; the Organization on Security and Cooperation in Europe (OSCE); and the Council of Europe's European Commission of Human Rights and European Court of Human Rights.

On December 13, 1995, the European Parliament ratified a Customs Union Agreement between Turkey and the European Union. The customs union is intended to reduce trade barriers and tariffs. As part of the agreement, Turkey should receive U.S.\$470 million in adjustment funds between 1996 and 2000. Shortly after ratification, the parliament passed a non-binding resolution on Turkey, calling on the E.U. Commission to, "monitor permanently human rights and democratic developments in Turkey." The parliament, which has veto power over the allocation of adjustment funds, also called on the commission to prepare periodic reports on human rights and democratization in Turkey.

On September 19, the European Parliament passed a resolution criticizing Turkey for doing little regarding "improvements promised by the then Prime Minister, Tansu Ciller, in the areas of democratization and human rights..." Consequently, it decided to block the 1997 adjustment fund payment of \$66 million. Previously, these funds had been blocked due to objections from Greece. On October 11, the E.U. Commission presented its annual report on relations with Turkey since the implementation of the customs union. The report, which parliament will debate, called on Turkey to strengthen individual freedoms and liberties.

Other European bodies were also active. In July, the OSCE parliamentary assembly passed a resolution calling on Turkey to improve its human rights shortcomings and promising further OSCE activity in this area. The European Commission of Human Rights, which acts as screening mechanism for the European Court of Human Rights, continued to review cases brought by Turkish citizens. More than 800 applications from Turkey have been made to the commission since 1991. In September, the court found Turkey guilty of violating the European Convention of Human Rights concerning the destruction of an ethnic Kurdish village in southeast Turkey and ordered damages to be paid.

### **The United States**

While U.S. officials did not abandon human rights dialogue with the Turkish government in 1996, its overall emphasis and importance fell compared with 1994 and 1995, a period highlighted by high-profile visits by Assistant Secretary of State John Shattuck. The strategic value of the Turkish-American relationship was spotlighted, while human rights were downplayed. This shift can be explained by several factors: growing U.S. concern over stability in Turkey given the inability to form a government after the December 1995 elections; the January conflict with Greece over the disputed Kardak (Imia) islet in the Aegean; an unspoken official unease over the entrance of the Islamist Welfare Party into the government; and the internecine Kurdish fighting in Northern Iraq and the desire to extend Operation "Provide Comfort," which operates from bases in Turkey. The

embassy in Ankara, however, was active in monitoring the human rights situation, including trials, and the State Department's *Country Report on Human Rights Practices for 1995* was accurate and forthright.

During a speech in March, U.S. Ambassador to Turkey Marc Grossman stated that "1996 has already been more challenging," but affirmed that, "the United States supports a strong security partnership based on our shared interests." President Clinton did not mention human rights or democratization as one of the topics of his discussion with Turkish President Demirel in official statements released after a March meeting. In response to a Human Rights Watch/Helsinki letter outlining human rights concerns in Turkey on the occasion of the meeting, President Clinton affirmed that "the promotion of democracy and human rights serves as the cornerstone of my Administration's foreign policy" and regretted not having reviewed the letter before the meeting. In early July, upon the formation of the RP/DYP government of Prime Minister Erbakan, Under Secretary of State Peter Tarnoff traveled to Ankara to reaffirm the Turkish-American security relationship. While in the opposition, Erbakan had stressed the need to reorient away from the West and toward the Islamic world. Commenting on Tarnoff's visit, a State Department spokesman stated that, "The national interests of the United States in Turkey dictate that we will continue to be concerned by Turkey's full...participation in NATO, with the fulfillment of the vision that both Turkey and the United States have had, that Turkey should be associated with Western institutions like NATO...that democracy and human rights are important."

U.S. military loans (FMF) and economic support funds (ESF) were drastically reduced in 1996, part of a long-term trend. In March, the Clinton administration asked for \$175 million in military loans and \$60 million in economic support funds for Fiscal Year 1997. After various amendments were attached in the House of Representatives to ESF, Turkey rejected the funds. At the Conference Committee in September, these amendments were scrapped, and it was decided to allocate to Turkey \$175 million in FMF and \$22 million in ESF for FY 1997. As of this writing, the administration has still not authorized the sale of ten attack helicopters to Turkey despite reports that Prime Minister Erbakan specifically requested them. The sale is being held up because of human rights concerns raised within the administration and by a number of groups, including Human Rights Watch.

## TURKMENISTAN

### **Human Rights Developments**

The autocratic rule of President Saparmurad Niyazov insured that 1996 was another year of relentless oppression of almost all civil and political rights in Turkmenistan. The media were tightly controlled, slavishly praising the president and his policies; there were no public rallies; there was no political opposition within the country; and political dissidents were arrested or committed to psychiatric hospitals against their will, making Turkmenistan the only Soviet successor state known to continue this barbaric practice. The high degree of repression kept information about abuses minimal again in 1996, which limited international criticism of specific abusive acts and helped the government to operate in an atmosphere of impunity.

It is indicative that the only public shows of dissent in 1996 took place in prison. According to the Kazakstan newspaper *Karavan-blitz* (Almaty) of February 15, fourteen death-row inmates in



an unidentified Turkmenistan prison reportedly took guards hostage to secure their right to judicial review of their sentence (granted automatically under international law). The result of the reviews was not known, but, according to the article, President Niyazov later declared that all death sentences should be reviewed. In August, prisoners in the city of Mary rioted to protest appalling prison conditions, particularly acute in the blistering August heat of this desert country; this was the second such riot in a year. According to government sources, one inmate committed suicide, two were killed, and seven were injured. In the wake of the uprising, President Niyazov fired senior prison officials but took no known steps to improve conditions.

Turkmenistan's population continued to reel from the crackdown against the public rally of July 12, 1995, which called for new parliamentary elections and was the first public act of dissent in the country since the early 1990s. Police dispersed the peaceful demonstrators and arrested scores of participants. On December 26, 1995, reportedly twenty-seven individuals arrested at the rally were sentenced in secret trials. Two journalists among them, Yovshan Annakurban and Mukhamad Muradly, were each sentenced to three years of imprisonment for "malicious breach of the peace." On January 11, 1996, presidential edict No. 1717 granted twenty of those men clemency and exonerated them. There is no confirmation of charges against or sentences of the remaining demonstrators; the arrest of Charymurad Amandurdiev, who had escaped arrest until February 1996, raised the number to eight in 1996.

One of the few political dissidents remaining in Turkmenistan, Durdy Murad Khodzha-Mukhammedov, co-chairman of the banned Party of Democratic Development of Turkmenistan, reportedly was committed to a psychiatric hospital in Goek-Teppe on February 23 without medical necessity. He had been similarly confined once before, in 1994, but reasons for his release then, or for his current confinement now, were unclear. Two other dissidents (Rufina Arabova and a fellow member of Khodzha-Mukhammedov's party Valentin Kopysev) were also believed to be held in psychiatric hospitals for political reasons.

### **The Right to Monitor**

Intense and pervasive government repression precluded the functioning of any indigenous human rights monitors in Turkmenistan in 1996. A delegation from Human Rights Watch/Helsinki was granted high-level government meetings in June, during which it was given assurances of permission to conduct field investigations in the future. Fearing possible government reprisals against local residents, the delegation deliberately avoided meeting with victims or other independent sources of information during its stay.

Because of the complete repression of dissent, there was no reason to believe that the newly created parliamentary Institute of Human Rights and the Democratization of Society and the State (established on December 27, 1995) would be permitted to function as anything but a government show piece.

### **The Role of the International Community**

The international community did not break from its inexplicable silence on human rights abuse in Turkmenistan in 1996, at best limiting expression of its concern to closed-door meetings. As a result, the government was not forced to make any improvements as concessions to outside pressure—the only pressure possible in this repressive state. Typical of the passive attitude was the statement made by a World Bank representative to Human Rights Watch/Helsinki during a March meeting that the bank took no action on Turkmenistan's well-known human rights abuses precisely because they were

so bad.

### **The United States**

Except for its excellent *Country Report on Human Rights Practices for 1995*, the U.S. government is not known to have made any public condemnations of Turkmenistan's entrenched human rights practices. On September 14-16, Deputy Assistant Secretary of State Stephen Coffey traveled to Ashgabat to communicate concerns privately and to demand responses to specific cases of illegal arrest and detention. There was no known response as of this writing.

## **UZBEKISTAN**

### **Human Rights Developments**

There were contrary tendencies of abuse and reform in Uzbekistan in 1996, although almost all human rights continued to be denied. The government maintained complete control of the media, and perpetrated or allowed the abuse of detainees and prisoners, interference with the independence of the judiciary, and a crackdown against members of the Islamic community. Nevertheless, the release of some prisoners of conscience, improvement in the right to monitor, and the federal authorities' greater willingness to address new abuses brought to their attention by international actors made 1996 a more promising year for human rights in Uzbekistan. Generally, the government's pledges of reform brought Uzbekistan greater international approval than its actual human rights record warranted. By year's end, increased attacks on dissidents suggested that the promises were empty words.

Perhaps the most pervasive violation of human rights in Uzbekistan remained denial of free speech, typified by total government control of the mass media and the widespread intimidation of journalists. A May 8 presidential decree and repeated presidential exhortations to journalists to be more critical of the government rang false. Media were still used fundamentally for state propaganda. The government attempted to boost its image in February by bringing a delegation of high-profile journalists from Russia to tour Uzbekistan, but it strictly controlled their movements during their stay. Several journalists who asked to remain anonymous reported that they had been threatened with loss of their jobs because their line of inquiry was displeasing to the government. In separate incidents, President Karimov and the head of the state television and radio, Shahnoza Ghanieva, deliberately misrepresented protests of abuse by Human Rights Watch/Helsinki representatives as statements that the organization had, on the contrary, found all reports of abuse to be unfounded.

The Russian-language media were particularly hard-hit in 1996. In February, Interfax correspondent Sergei Grebeniuk was found murdered. A police investigation did not result in any arrests, sending a chilling message to journalists, particularly Russians, in Uzbekistan. In January, Goskompechat' froze publication of the Russian Cultural Center's newspaper *Vestnik Kul'tury* (Toshkent) immediately after the first issue had appeared and, in August, Russian Radio Mayak was reportedly ordered closed beginning in January 1997. The information blockade was so severe that many Russian-speakers reportedly cited it as the reason for their emigration in 1996.

Abuse during arrest, detention, and incarceration remained serious problems in 1996. Residents were detained and interrogated without legal grounds and mistreated for the purposes of intimidation or extortion. The release of some political prisoners this year gave a crucial glimpse into

abusive practices. According to testimony taken by a then-member of the Human Rights Society of Uzbekistan, Safar Bekjon was beaten 106 times during six months in Karshi prison, or almost once per day, and Gaipnazar Kushchanov was regularly beaten by guards, losing three teeth as a result, in Kyzyl Teppe pre-trial detention center.

Police entrapment of dissidents also continued in 1996. On August 12, police raided the home of Kochkar Ahmedov, a member of the banned Birlik movement. He was later accused of possessing several grams of marijuana and two pistol cartridges that allegedly were found during the raid. The charges fall into a well-known pattern of charges falsified by the police against dissidents. His trial had not begun as of this writing. The families of opposition figure Shukhrullo Mirsaidov, activist and Radio Liberty journalist Iadgor Obid, and independent cleric Obidkhon Qori Nazarov were badly harassed by the police in the capital, Tashkent, and threatened with eviction. Most dramatically, on November 9, Mr. Mirsaidov's son, Hasan, was kidnapped, beaten, threatened with death, and released—an uncanny revisiting of the same kidnapping and beating he and his father had suffered in 1995 in the darkest days of government repression. Freedom of association also remained severely limited in 1996. Genuinely alternative political parties remained banned for the fourth straight year.

The government continued to deny the existence of a state-sponsored crackdown on leaders of independent, as opposed to state-run, mosques and their followers in Tashkent and in the Farghona Valley. There, the government harassed, detained, fired from work, and illegally deported dozens of these individuals. On February 24, for example, some fifty security agents surrounded the Tokhtaboi mosque in Tashkent during prayer time, and a representative of the local administration announced that the mosque's prayer leader, Obidkhon Qori Nazarov, was dismissed from work. Then the forces reportedly beat some twenty people, put four under administrative arrest for alleged "hooliganism," fined others, and ordered his deputy, Tahir Ibrahimov, deported to Tajikistan, where his family lived. These events, coupled with the failure to find three high-profile clerics believed to have been "disappeared" by security forces—Abdulla Utaev (1992), Abduvali Qori Mirzo and Ramazanbek Matkarimov (1995)—silenced many Muslims.

At the same time, a June amnesty on the eve of President Islam Karimov's working visit to the United States liberated five prisoners of conscience: Rashid Bekjon, brother of exiled Democratic Party Erk leader Mohammed Solih; Abdulla Abdurazzakov; Safar Bekjon; Gaipnazar Kushchanov; and Mukhammadnabi Mirkomilov. An August 7 amnesty released political dissidents Makhmadali Makhmudov, Tolibjon Artykov, Shavqat Mamatov and Khoshim Suvanov, and also reduced the sentences of other prisoners of conscience by a quarter to a half. But four new political arrests were also made: on February 13, three scholars affiliated with Samarqand State University—Kholiknazar Ghaniev, Bakhtiar Nabii-oghli, and Nosim Boboev—were arrested for possession of the banned *Erk* (Tashkent) newspaper. Under international pressure, the men were released on April 13 and the charges dropped.

### **The Right to Monitor**

Despite some abuse of human rights activists, the right to monitor improved this year, as did the government's willingness to respond to reports of abuse. Fear of reprisals generally prevented local residents from investigating and reporting on violations of their own civil and political rights, however.

In March, secretary of the unregistered Human Rights Society of Uzbekistan Polina Braunerg and her son were arrested in Almalyk and interrogated about her "spying" activities. After

international outcry, the case against her and her son was suspended but the charges were not dropped. At the end of 1995, when leading activist Mikhail Ardzinov was in the United States to receive a human rights award from Human Rights Watch, police reportedly broke into his Tashkent home, removed his telephone and camera, and sealed his apartment. During the September seminar of the OSCE's Office of Democratic Institutions and Human Rights, activist Ahmadjon Abdullaev was detained and interrogated for an hour after having met with a representative of Amnesty International, and others reported heavy surveillance. It is likely that the police's overnight detention and mistreatment on August 30 of John MacLeod, the director of Human Rights Watch/Helsinki's Tashkent-based Central Asia office, was meant as intimidation for his activities.

At the same time, some new doors opened to monitoring and reporting by local residents in 1996. An intense international support campaign secured eleventh-hour permission, illegally denied, for the long-banned Human Rights Society of Uzbekistan to hold its organizing congress on September 7. The congress was held without interference, epitomized by the presence of society chairman Abdumannob Polat, who had returned to Uzbekistan for the first time since fleeing it for asylum in the United States in 1993. On June 14, the Ministry of Justice registered the nongovernmental Committee for the Defense of Human Rights, despite the group's failure to comply with all provisions of the law on social organizations, strongly suggesting that it enjoyed government backing: the ostensible reason for prior rejection of the registration application of the Human Rights Society of Uzbekistan had been its failure to meet all legal requirements.

International monitoring also expanded in 1996. The two-and-a-half-year visa ban on Human Rights Watch/Helsinki was lifted and a field investigation permitted in November 1995 as well as numerous high-level meetings. In July, a branch office was registered by the Ministry of Foreign Affairs (registration by the Ministry of Justice was pending) and began operating.

The parliament's human rights commission completed its first full year of activity as a channel for citizens to seek government intervention on cases of abuse. It was not active on cases of political harassment, but did give an unusually candid assessment of government impediments to monitoring (*Narodnoe Slovo*, Tashkent, July 16), such as that "the people responsible cannot be bothered to make the effort, or lack the basic competence [to do so], which means the state funds spent on checking endless complaints are wasted."

### **The Role of the International Community**

With the exception of the U.S. government and OSCE and, to a lesser extent, the U.N. and the government of the United Kingdom, the international community left human rights off its visible Uzbekistan agenda in 1996. Attempts by Human Rights Watch/Helsinki to inform the international business community involved in Uzbekistan about state-sponsored abuse and urge that it use its influential voice to press for reform had no apparent impact in 1996.

### **The United Nations**

In February, the UNDP, in conjunction with ODIHR and the U.N. Centre for Human Rights, conducted a government needs assessment trip, which in part included human rights concerns, and submitted a proposed program for implementation. With the exception of representatives of the U.N. Centre for Human Rights and ODIHR, however, the delegation failed to act on information contained in a detailed briefing paper submitted by Human Rights Watch/Helsinki, and rejected opportunities to consult with local activists. A UNDP representative in Tashkent reported that the UNDP office had made some interventions during the year but declined to mention which.

### **The European Union**

On June 20, Uzbekistan and the E.U. signed an Agreement on Cooperation and Partnership which conditions implementation on respect for human rights as outlined in OSCE documents. However, that element was not stressed prior to the signing. On the contrary, during an April 8 visit to Uzbekistan, European Commissioner Hans van den Broek inexplicably praised Uzbekistan's "serious progress in ensuring that human rights were defended." The European Parliament can still use its power to reject final approval of the Partnership and Cooperation Agreement with Uzbekistan to show concern that Uzbekistan seriously breached its human rights clause even before the agreement was ratified.

### **The OSCE**

The OSCE worked actively in Uzbekistan in 1996. It helped promote a human rights dialogue with the Uzbekistan government by maintaining a regional liaison office in Toshkent, sending delegations, and conducting two seminars on human rights topics in the fall of 1996. Although these seminars fixed much-needed scrutiny on Uzbekistan's human rights record, neither ODIHR nor the OSCE as such insisted on making even minimum improvements a prerequisite for conducting the seminars and failed to insist at the planning stages on adequate participation by nongovernmental actors at all seminars. The addition of a full-time human rights officer promised to strengthen the otherwise lackluster human rights work of the OSCE's regional office.

### **The United States**

The U.S. remained in the forefront of international governmental efforts to address human rights concerns in Uzbekistan in 1996, but prematurely weakened its stance by dramatically enhancing its support for the government.

The embassy conducted important interventions on behalf of victims, paid welcome and rare attention to the crackdown against Muslims, and the State Department's Bureau of Democracy, Human Rights and Labor consistently stressed that the progress to date fell short of international commitments and submitted specific demands and case work to the government. The U.S. is likely to have won the release of five prisoners of conscience in June, encouraged an open exchange of information with the government, and also used its membership in the OSCE effectively to promote human rights.

But it also offered an unprecedented degree of support for Uzbekistan, based more on promises of reform than actual reform. The most dramatic evidence of the new policy came in June when President Karimov came to the U.S. for a "working" visit (functionally an official visit). The trip granted him a long-coveted meeting with the U.S. president (which took place on June 25), previously withheld as a sign of U.S. disapproval of serious ongoing abuse in his country. It also afforded him several weeks of photo opportunities and assistance in securing business contracts that reportedly almost tripled U.S. investment in Uzbekistan, but allotted only a single meeting in which to communicate human rights concerns (put to excellent use by Assistant Secretary of State John Shattuck and his staff). However, because of the new policy of conciliation, when U.S. human rights demands were almost entirely unmet by the end of the year, the U.S. seemed hesitant to use available leverage to ensure compliance in the future.

## The Right to Asylum in the European Union

### Human Rights Developments

The number of persons seeking asylum in Europe continued to decline in 1996. Following a record number of applications in 1992, European states imposed strict visa requirements on the nationals of most of the world's refugee-producing countries. Largely due to these restrictions on entry into Europe, the number of asylum applications filed in the first six months of 1996 fell to an eight-year low. The rate at which European states recognized asylum seekers as refugees under the Geneva convention relating to the status of refugees remained low, with many countries pursuing increasingly restrictive interpretations of their obligations under the convention. For example, in the first six months of 1996, excluding refugees accepted under the UNHCR's resettlement quota program, Norway recognized only five asylum applicants as convention refugees. Although many of the European Union (E.U.) member states also granted temporary protection regimes and residence permits on humanitarian grounds, these alternative categories of protection often accord asylum seekers fewer rights and benefits than those available under the convention.

Those asylum seekers who, notwithstanding entry restrictions, reached Europe and applied for asylum faced a variety of additional barriers. Asylum seekers who had what were deemed "manifestly unfounded" claims and those coming to Europe through "safe third countries" to which they could be returned were subjected to accelerated screening procedures. Many asylum seekers placed in these categories were detained, received inadequate information and assistance for navigating the asylum procedures, and were either denied a right of appeal or deported before a decision was reached on their appeal. In the U.K., the home secretary introduced legislation to extend application of accelerated procedures to all asylum seekers from countries on its "white list," proposed to include Bulgaria, Cyprus, Ghana, India, Pakistan, Poland and Romania.

Application of "safe third country" rules continued to place many asylum seekers in jeopardy of ultimate *refoulement* because most E.U. member states made little effort to ensure that the returned asylum seeker would be able to seek asylum in the third country. Moreover, as E.U. states returned asylum seekers to their eastern and southern neighbors through which they had transited, these "safe third countries" increasingly implemented "safe third country policies" of their own. Many asylum seekers expelled from E.U. territory allegedly bounced from "safe third country" to "safe third country" and, in some cases, were ultimately returned to their country of origin. In a major setback for asylum seekers, the German constitutional court held in May 1996 that restrictions on the right of asylum adopted in 1993, including a "safe third country" policy and limitations on the right to appeal, do not violate the German Basic Law.

Detention of asylum seekers in Europe was a persistent problem in 1996. Detention was most often employed in the cases of asylum seekers with uncertain identities or nationalities. The trend in many countries was to detain asylum seekers for increasingly long periods of time. In May 1996, the Belgian parliament adopted legislation providing for renewable two-month periods of detention for asylum seekers whose asylum application had been rejected. Both the United Kingdom and the Netherlands constructed new facilities in which to detain rejected asylum seekers and illegal immigrants. In many European countries, asylum seekers were detained in unsatisfactory, prison-like conditions for extended and sometimes indefinite periods of time. In Sweden, notwithstanding repeated complaints by the European Committee for the Prevention of Torture and government-appointed advisory committees, the authorities persisted in detaining asylum seekers in remand prisons, integrated with the criminal population and subject to the same strict prison visitation and

recreation regime, in at least one case for as long as ten months. The Netherlands held rejected asylum seekers awaiting deportation at its Koning Willem II detention facility, widely criticized in 1996 for its allegedly arbitrary and excessive disciplinary regime.

The primary purpose of increased detention is to ensure that asylum seekers whose applications are denied can be expelled. In 1996, a number of European countries stepped up efforts to expel rejected asylum seekers and illegal immigrants. Threatened expulsions were the subject of hunger strikes, demonstrations, and suicide attempts throughout Europe. Activists claimed that many expulsions split families in violation of the right to respect for family life and imposed other forms of hardship on long-term residents of European states. Methods of expulsion employed by several European states also drew criticism in 1996. On several occasions, authorities were reported to have used excessive physical restraint and administered sedative drugs to resistant returnees. There was also widespread use of group expulsion to countries where human rights activists claimed the high-profile practice could draw attention to and endanger the returnees.

The fate of more than 700,000 asylum seekers from Bosnia-Herzegovina residing in western Europe continued to dominate political agendas in 1996. The Dayton peace plan signed in December 1995 identified the early return of refugees and displaced persons as an "important objective" of the peace process. By late January 1996, Germany, which shelters more than half of the Bosnian refugees in western Europe, had already announced plans to terminate temporary protection as of June 30, 1996, and to commence repatriation of refugees immediately thereafter, with a goal of repatriating 200,000 Bosnians by July 1997. Although conditions in Bosnia-Herzegovina forced Germany to abandon this initial plan, it subsequently set October 1, 1996, as the date after which the Länder (lands or states) could forcibly repatriate Bosnians. Switzerland also announced plans to begin the aggressive repatriation of Bosnian refugees in mid-1996, though repatriation had not occurred as of this writing. Other countries took a more generous stance toward Bosnian refugees, refusing to set a strict timetable for return and agreeing to pursue only voluntary repatriation in cooperation with the UNHCR. As a practical matter, implementation of large-scale repatriation proved impossible in 1996 due to the slow pace of reconstruction and on-going violations of human rights. (See section on Bosnia-Herzegovina) Nonetheless, because of these repeated threats of imminent repatriation, many Bosnians in western Europe lived under considerable stress and insecurity throughout 1996.

## **The Role of the International Community**

### **The European Union**

The European Union's efforts to harmonize asylum policies in 1996 continued to reinforce restrictive trends in member states' policies.

On March 4, 1996, the Council of Ministers formally adopted a "joint position" on "the harmonized application of the definition of the term 'refugee' in article 1 of the Geneva Convention of 28 July 1951 relating to the status of refugees." Reinforcing restrictive jurisprudence in France, Germany, Italy, the Netherlands, and Sweden, the joint position suggests that protection should be given only to those persecuted by state agents or with the encouragement or permission of state agents. This interpretation of the convention could be used to deny protection to, for example, Algerians whom the government cannot protect from persecution by insurgents or Somalians fleeing circumstances in which the government has collapsed altogether. The UNHCR strongly criticized this aspect of the joint position, describing the interpretation as contrary to the letter and spirit of the

Geneva convention. The joint position constitutes a non-binding political commitment by the member states, and in September the Swedish government proposed reform of its asylum law that would depart from both its past practice and the E.U. joint position by providing protection for victims of persecution by non-state agents, regardless of government complicity. It remains to be seen to what extent the joint position will be implemented by the other member states.

In support of member states' efforts to increase expulsion of rejected asylum seekers and illegal immigrants, in December 1995 the Council of Ministers adopted a "recommendation of concerted action and cooperation in carrying out expulsion measures." The recommendation listed principles to govern coordinated expulsions and identified measures to obtain cooperation from states to which third-country nationals are to be returned. In September 1996, the European Parliament adopted a resolution criticizing the council for its failure to consult the parliament on the December 1995 recommendation, deploring expulsion practices in certain member states (France, Spain, and Belgium, in particular), and calling for a "thoroughgoing study into the legislation and practices on expulsion and removal policies in the Member States of the European Union."

There was some progress in 1996 toward complete ratification of the 1990 Dublin convention, detailing rules by which one and only one member state of the European Union would be responsible for adjudication of an asylum application. The convention must be ratified by all member states before it can be implemented. Ireland and the Netherlands, the only two states that had not yet ratified the convention, were expected to do so by late 1996 or early 1997. In the meantime, in March 1996, a subset of the European Union member states celebrated the first anniversary of the entry into force of the Schengen convention, which also established rules for determining the state responsible for each asylum application. There were continued reports, throughout 1996, that the applications of asylum seekers sent to "safe third countries," both inside and outside Europe, were frequently not considered in the third country, sometimes resulting in *refoulement*. In numerous cases, adjudicators of the British Immigration Appeal Authority found insufficient evidence to conclude that other European countries, including France and Belgium, could serve as "safe third countries." Such decisions raise significant doubts about whether the "safe third country" rules embodied in member states' legislation and the Schengen and Dublin conventions comport with international commitments to safeguard against *refoulement*. The "safe third country" rules and other aspects of European asylum procedures were the subject of a critical report and resolution endorsed by the Civil Liberties Committee of the European Parliament in October in response to the Council of Ministers' 1995 resolution on minimum guarantees for asylum procedures.