

HUMAN RIGHTS WATCH/HELSINKI OVERVIEW

Human Rights Developments

THE HELSINKI REGION COMPRISES THE FIFTY-THREE COUNTRIES OF EUROPE AND NORTH AMERICA THAT ARE SIGNATORIES TO THE 1975 HELSINKI ACCORDS. HERE WE COVER TWENTY-THREE OF THOSE COUNTRIES (FOR DISCUSSION OF THE UNITED STATES, SEE SEPARATE SECTION, BELOW), AS WELL AS A THEMATIC SECTION ON ASYLUM POLICIES IN THE EUROPEAN UNION.

THE CHANGING AND EXPANDING ROLE OF REGIONAL INSTITUTIONS—THE NORTH ATLANTIC TREATY ORGANIZATION, THE EUROPEAN UNION, THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, AND THE COUNCIL OF EUROPE—HAS BEEN A DOMINANT THEME IN THE HELSINKI REGION IN RECENT YEARS, WITH POTENTIALLY SIGNIFICANT IMPLICATIONS FOR HUMAN RIGHTS. DURING 1997, THIS PROCESS CULMINATED IN THE DECISION BY THE NORTH ATLANTIC TREATY ORGANIZATION (NATO), THE QUINTESSENTIAL POST-WORLD WAR II SECURITY INSTITUTION, TO INVITE THREE FORMER MEMBERS OF THE WARSAW PACT—THE CZECH REPUBLIC, HUNGARY, AND POLAND—to join the organization in its first round of expansion. FROM A HUMAN RIGHTS PERSPECTIVE, NATO ENLARGEMENT AND THE ANTICIPATED PARALLEL EXPANSION OF THE EUROPEAN UNION (E.U.), AS WELL AS THE GROWING INVOLVEMENT IN HUMAN RIGHTS MONITORING BY THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) AND THE COUNCIL OF EUROPE, OFFERED A UNIQUE OPPORTUNITY FOR THESE INSTITUTIONS TO EMPHASIZE THEIR COMMON PRINCIPLES OF DEMOCRACY, RULE OF LAW AND HUMAN RIGHTS, AND TO INSIST THAT THESE PRINCIPLES BE THE MINIMUM CRITERIA FOR MEMBERSHIP. BUT IN 1997, AS IN PREVIOUS YEARS, REGIONAL BODIES WERE TOO OFTEN WILLING TO COMPROMISE THEIR CORE VALUES, DISPENSING WITH HUMAN RIGHTS PRINCIPLES FOR SHORT-TERM GAINS. AS THE DEBATE RAGED IN RUSSIA, THE CAUCASUS, EASTERN EUROPE, THE BALKANS AND TURKEY ABOUT THE CRITERIA FOR “ENTERING EUROPE,” IT WAS INCREASINGLY UNCLEAR WHICH MINIMUM HUMAN RIGHTS STANDARDS THESE INSTITUTIONS AND THEIR MEMBER STATES WERE WILLING TO UPHOLD.

ALTHOUGH FOR NATO, SECURITY CONCERNS REMAINED PARAMOUNT, DURING 1997 THE ALLIANCE'S LEADERSHIP EXPLICITLY ACKNOWLEDGED THAT REGIONAL SECURITY WAS INTRINSICALLY LINKED TO THE RULE OF LAW AND RESPECT FOR HUMAN RIGHTS. THE CARROT OF POSSIBLE E.U. AND NATO MEMBERSHIP HAS CONTRIBUTED TO THE RESOLUTION OF TENSIONS AMONG SEVERAL STATES: POLAND AND ROMANIA FINALLY SIGNED FRIENDSHIP TREATIES WITH NEIGHBORING STATES THAT ADDRESSED MINORITY RIGHTS ISSUES. BOTH ORGANIZATIONS ALSO TOOK THE OPPORTUNITY TO RAISE HUMAN RIGHTS CONCERNS THAT WOULD, IF UNRESOLVED, BE OBSTACLES TO FUTURE ADMISSION. HOWEVER, CRITICS NOTED THAT NATO HAD A DOUBLE STANDARD, TOLERATING OPPRESSIVE MINORITY POLICIES, THE SYSTEMATIC USE OF TORTURE, AND OTHER SERIOUS HUMAN RIGHTS ABUSES AMONG SOME OF ITS CURRENT MEMBERS, MOST NOTABLY GREECE AND TURKEY.

WHILE NATO PRESSED FOR HUMAN RIGHTS IMPROVEMENTS IN THE CONTEXT OF ITS EXPANSION, IN BOSNIA OVER 30,000 NATO-LED TROOPS WERE ALL BUT PARALYZED BY U.S. FEARS OF CASUALTIES. AFTER BRITISH SPECIAL AIR SERVICE TROOPS' EFFORTS TO ARREST TWO INDICTED WAR CRIMINALS IN PRIJEDOR IN JULY, THERE WAS REASON TO HOPE THAT NATO FINALLY UNDERSTOOD THE IMPORTANT ROLE IT COULD PLAY IN ESTABLISHING INDIVIDUAL ACCOUNTABILITY FOR GENOCIDE AND WAR CRIMES AS AN ESSENTIAL COMPONENT OF ANY LASTING PEACE. UNFORTUNATELY, AS OF THIS WRITING, NO FURTHER ARRESTS HAVE BEEN MADE.

DURING THE YEAR, THE E.U. IDENTIFIED SPECIFIC HUMAN RIGHTS CONCERNS IN BULGARIA, THE CZECH REPUBLIC, ROMANIA, AND SLOVAKIA THAT WOULD BE OBSTACLES TO ULTIMATE MEMBERSHIP, AND RESOLUTELY CONDEMNED SLOVAKIA'S HUMAN RIGHTS RECORD.

ALTHOUGH THE E.U. CONTINUED TO EXPRESS CONCERN ABOUT TURKEY'S HUMAN RIGHTS RECORD, IT UNDERMINED THIS LEGITIMATE EXPRESSION OF CONCERN DURING 1997 WHEN THE DUTCH FOREIGN MINISTER, IN HIS CAPACITY AS E.U.-TERM PRESIDENT, QUESTIONED WHETHER A MUSLIM COUNTRY SUCH AS TURKEY HAD ANY PLACE IN EUROPE. THE E.U. LATER STATED THAT TURKEY WOULD BE JUDGED BY THE SAME CRITERIA AS OTHER POTENTIAL MEMBERS.

IN BOSNIA, THE OSCE—DOMINATED AS IT WAS BY THE U.S. GOVERNMENT'S DETERMINATION TO DEFINE THE BOSNIA MISSION AS A SUCCESS—CONTINUED TO DOWNPLAY HUMAN RIGHTS ABUSES IN ORDER TO FURTHER ITS PRIMARY GOAL OF MUNICIPAL ELECTIONS. IT REFUSED TO PUBLICIZE SOME HUMAN RIGHTS ABUSES FOR FEAR OF OFFENDING ABUSIVE OFFICIALS AND VIOLATED ITS

own electoral regulations prohibiting the participation of political parties in the municipal elections if they maintain indicted persons in a party position or function. However, some OSCE field staff—often under difficult and even dangerous conditions—actively monitored human rights abuses and pressed local authorities to address human rights concerns, sometimes despite pressure from the regional or national OSCE leadership. In countries such as Belarus, the OSCE was more willing to condemn human rights violations.

In recent years, the Council of Europe has admitted several new members without first insisting that they meet the council's own human rights standards. The benefits of constructive engagement appeared speculative, at best, on the first anniversary of Russia's admission to the council in February, when incontrovertible evidence was presented that Russia's human rights record had deteriorated in the intervening year. Similarly, the council was unable to wrest any significant human rights improvements from the Croatian government in the year following its November 1996 admission. However, in the Caucasus—with Armenia, Azerbaijan, and Georgia being the only countries currently under consideration for admission—the council appeared to be taking a more principled stand, and it suspended Belarus' guest status in January because of that country's human rights record.

The devastating consequences of ignoring human rights abuses to achieve strategic goals were abundantly clear in the case of Albania, where the international community had offered unconditional support and substantial economic aid to the government of Sali Berisha despite mounting evidence of human rights violations. Sparked by the collapse of high-interest-bearing investment companies in early 1997, but fomented by Berisha's complete disregard for human rights, angry protests became violent, and anarchy gradually spread throughout the country. A state of emergency was declared on March 3, the OSCE helped to broker a government of national reconciliation in March, international peacekeeping troops were sent to the country in April, and early elections in July resulted in Berisha's ouster.

In 1997, fewer areas in the Helsinki region were plagued by armed conflict than in previous years. Over 30,000 NATO troops kept the peace in Bosnia, and cease-fires negotiated in previous years continued to hold in Abkhazia and South Ossetia (Georgia), Nagorno-Karabakh (Azerbaijan), and Moldova. There was progress even in some of the region's most entrenched conflicts: in June, the inter-Tajik talks brought a formal albeit extremely fragile end to the five-year civil war in Tajikistan. The new Labour government in Britain was able to reinvigorate the Northern Ireland peace process in the second half of 1997, facilitated by a renewed cease-fire by the Irish Republican Army (IRA) in July. Despite these gains, however, the need to address human rights concerns and issues of accountability in order to create a stable, long-term peace in many former areas of conflict remained an unanswered challenge.

Persons responsible for abuses during armed conflicts continued to exert political and economic control in Bosnia, Croatia, the Federal Republic of Yugoslavia (FRY), Georgia, Tajikistan, and Chechnya, and their ongoing influence hampered efforts to return displaced persons to their homes, as well as to create state institutions to protect human rights. British SAS troops arrested one indicted person and killed another who resisted arrest in Prijedor in July, and because of intense international pressure, ten Bosnian Croats turned themselves over to the International Criminal Tribunal for the former Yugoslavia (ICTY) in October.

Although there appeared to be a lower level of fighting in the thirteen-year conflict in southeastern Turkey, security forces continued to commit serious human rights abuses especially against the Kurdish minority. The Workers' Party of Kurdistan (PKK) continued to commit extrajudicial killings, kidnapping, extortion, and destruction of property. The IRA continued to carry out acts of violence against civilians and police until it renewed its cease-fire in July. Non-state actors attempting to influence politics and post-war settlements in Chechnya and Tajikistan continued to commit humanitarian law violations, including summary executions, hostage-taking, and torture.

Torture and other inhumane treatment remained common practice in Armenia, Azerbaijan, FRY, Georgia, Russia, Turkey, and Uzbekistan. Little progress was made in eradicating torture, in large part because torturers were rarely punished and confessions extracted under torture were frequently admitted into evidence by national courts.

SUCH PRACTICES WERE ALL THE MORE TROUBLING IN THOSE COUNTRIES THAT CONTINUED TO ENFORCE THE DEATH PENALTY, SUCH AS KAZAKHSTAN AND TURKMENISTAN.

POLICE BRUTALITY AND VIOLATIONS OF DUE PROCESS CONTINUED TO BE A CHRONIC PROBLEM. DURING 1997, POLICE USED EXCESSIVE FORCE TO BREAK UP PEACEFUL DEMONSTRATIONS IN ALBANIA, BELARUS, BULGARIA, FRY, GEORGIA, AND MACEDONIA, AND DEATHS DUE TO ILL-TREATMENT IN CUSTODY WERE REPORTED IN BULGARIA AND FRY. POLICE HARASSMENT AND BRUTALITY WERE OFTEN DIRECTED AT THE REGION'S MOST VULNERABLE GROUPS, SUCH AS ETHNIC AND RACIAL MINORITIES, THE HOMELESS, REFUGEES AND HOMOSEXUALS. BEFORE MOSCOW'S 950TH ANNIVERSARY CELEBRATION, FOR EXAMPLE, POLICE VIOLENCE AND PREDATORY BEHAVIOR INCREASED NOTICEABLY AGAINST CAUCASIANS, CENTRAL ASIANS, REFUGEES FROM POORER COUNTRIES, AND THE HOMELESS. ROMA CONTINUED TO SUFFER PERVERSIVE MISTREATMENT BY THE POLICE AND RACIALLY MOTIVATED ATTACKS BY PRIVATE INDIVIDUALS WITH STATE COMPLICITY, AS WELL AS DISCRIMINATION IN BULGARIA, THE CZECH REPUBLIC, HUNGARY, ROMANIA, FRY AND SLOVAKIA.

OVERCROWDING AND SUBSTANDARD FACILITIES, AS WELL AS POORLY TRAINED STAFF, CONTRIBUTED TO ABYSMAL PRISON CONDITIONS. ILL-TREATMENT AND THE EXCESSIVE USE OF FORCE BY PRISON OFFICIALS WERE ALSO REPORTED IN MANY COUNTRIES, INCLUDING AZERBAIJAN, GEORGIA, TAJIKISTAN, AND UZBEKISTAN. IN ONE OF THE WORST CASES OF 1997, SECURITY FORCES IN TAJIKISTAN QUELLED A PRISON RIOT IN THE NORTHERN CITY OF KHOJAND, KILLING AT LEAST TWENTY-FOUR PRISONERS AND WOUNDING THIRTY-FIVE OTHERS.

IN RECENT YEARS, THERE HAS BEEN AN ESCALATION IN REPORTS OF RACIAL AND ETHNIC INTOLERANCE AND DISCRIMINATION IN THE REGION, AS CITIZENS AND GOVERNMENTS ALIKE HAVE SOUGHT SCAPEGOATS FOR THE SOCIAL AND ECONOMIC ILLS PRODUCED BY THE TRANSITION FROM COMMUNISM—in the countries of the former Soviet Union and of Eastern and Central Europe—and by the growing number of legal and/or illegal migrants and asylum seekers, especially in the countries of Western Europe. IN ADDITION TO RAMPANT PERSECUTION OF ETHNIC AND RACIAL MINORITIES THROUGHOUT THE REGION, DISCRIMINATION AND POLICE ABUSE AGAINST HOMOSEXUALS WAS REPORTED IN BULGARIA AND ROMANIA, AND WOMEN FACED WIDESPREAD DISCRIMINATION AND WERE ROUTINELY DENIED THE EQUAL PROTECTION OF THE LAW. WOMEN VICTIMS OF CRIME, SUCH AS DOMESTIC VIOLENCE, RAPE, AND FORCED PROSTITUTION, FACED OBSTACLES IN TRYING TO OBTAIN JUSTICE FOR THE CRIMES AGAINST THEM. WOMEN ALSO FACED SEVERE ABUSES IN CONFLICT AND POST-CONFLICT SITUATIONS. REFUGEES AND ASYLUM SEEKERS OFTEN EXISTED IN A BUREAUCRATIC LIMBO WITHOUT A CONCRETE LEGAL STATUS, MAKING THEM MORE VULNERABLE TO POLICE ABUSE, HARASSMENT, AND DISCRIMINATION IN HOST COUNTRIES. IN RUSSIA, FOR EXAMPLE, POLICE REFUSED TO REGISTER REFUGEES FROM OUTSIDE THE CONFEDERATION OF INDEPENDENT STATES, EXPOSING THEM TO ROUTINE BEATINGS, EXTORTION AND EVICTION BY POLICE. E.U. MEMBER STATES CONTINUED TO ENFORCE EVER MORE RESTRICTIVE ASYLUM POLICIES, LEADING, IN SOME CASES, TO REFOULEMENT, IN CONTRAVENTION OF INTERNATIONAL LAW.

RELIGIOUS PERSECUTION WAS INCREASINGLY FREQUENT, AS SO-CALLED "TRADITIONAL" RELIGIONS ATTEMPTED TO PROTECT THEIR PRIVILEGED POSITION FROM THE INFLUX OF "NEW" RELIGIOUS GROUPS. A DISTURBINGLY VAGUE AND DISCRIMINATORY LAW WAS SIGNED BY RUSSIAN PRESIDENT BORIS YELTSIN, REVOKING ALMOST ALL RIGHTS FROM "MINORITY" RELIGIOUS GROUPS EXISTING IN RUSSIA FOR LESS THAN FIFTEEN YEARS. IN BULGARIA AND GREECE, THE GOVERNMENT REFUSED OFFICIALLY TO REGISTER CERTAIN RELIGIOUS GROUPS, WHO, IN SOME CASES, REPORTED DISCRIMINATION AND ATTACKS BY POLICE.

IN OTHER COUNTRIES IN THE REGION, GOVERNMENTS TOOK STEPS TO COUNTER THE PERCEIVED THREAT OF ISLAMIC "FUNDAMENTALISM." IN TURKEY, THE CIVILIAN GOVERNMENT, UNDER SEVERE PRESSURE FROM THE MILITARY, SOUGHT TO CLOSE CONTROVERSIAL STATE-SUPPORTED RELIGIOUS SCHOOLS AND TOOK STEPS TO BAN THE ISLAMIST WELFARE PARTY (REFAH).

THE INDEPENDENT MEDIA WERE THE TARGETS OF SYSTEMATIC GOVERNMENT HARASSMENT. PRESSURE FROM VARIOUS GOVERNMENTS AMOUNTED TO A FACIT ACKNOWLEDGMENT OF THE GROWING POWER OF INDEPENDENT MEDIA WHICH, BOLSTERED BY ADVANCED TECHNOLOGY, ARE INCREASINGLY DIFFICULT TO SILENCE. JOURNALISTS WERE HARASSED, ILL-TREATED BY THE POLICE, AND SOMETIMES ARRESTED, IN ALBANIA, ARMENIA, BELARUS, BOSNIA, BULGARIA, CROATIA, FRY, TURKEY, TURKMENISTAN, AND UZBEKISTAN. STRICT LIBEL LAWS WERE OFTEN USED TO INTIMIDATE GOVERNMENT CRITICS, THE POLITICALLY MOTIVATED MISUSE OF CRIMINAL STATUTES WAS ALSO COMMON. STATE-CONTROLLED MEDIA NOT ONLY DENIED CITIZENS ACCESS TO DIVERSE VIEWS, BUT WERE SOMETIMES USED BY GOVERNMENTS TO INCITE VIOLENCE AND ETHNIC HATRED. STATE CONTROL OVER THE BROADCAST MEDIA ALSO HAD NEGATIVE IMPLICATIONS DURING ELECTIONS IN BOSNIA, CROATIA, AND FRY, WHERE OPPOSITION CANDIDATES WERE

at an overwhelming disadvantage in getting their message out to the electorate.

The Right to Monitor

In many countries in the Helsinki region, human rights organizations—both domestic and international—were able to work without governmental interference. More importantly, in much of the region, the vibrant community of nongovernmental organizations (NGOs) increasingly represented a check on official conduct. During 1997, NGOs formed coalitions to ban anti-personnel landmines, to call for an international criminal court, to insist that indicted persons from the former Yugoslavia be arrested, as well as to raise other human rights concerns. In several countries, local human rights organizations became increasingly expert at using international mechanisms to pursue remedies for human rights abuses.

However, in several countries, human rights activists continued to face governmental repression. Although Turkey has a dedicated and vocal human rights community, human rights activists were arrested during the year and human rights publications were banned. The leaders of two of Turkey's most prominent human rights groups faced criminal prosecution during 1997. Local authorities in the Russian provinces carried out a wave of repression against human rights activists during late 1996 and 1997; at least four activists were arrested, and the charges against them were believed to be motivated solely by local officials' desires to silence their most forceful critics. In countries such as Albania, Bosnia, FRY, Greece and Uzbekistan, human rights monitors were subjected to police surveillance and various forms of official harassment. In the ethnic Albanian region of Kosovo, FRY, human rights activists were often detained and occasionally ill-treated. The conditions in Turkmenistan remained so repressive that no groups or even individuals were able to monitor human rights violations. The precarious security situation in Tajikistan created severe obstacles for both domestic and international human rights monitors.

Human Rights Watch honored Fatos Lubonja, a co-founder and member of the Albanian Helsinki Committee who had been imprisoned from 1974 to 1991 for his writings, at our annual human rights monitors event in November.

The Role of the International Community

There was ample proof during 1997 that investments of financial, human and military resources were no substitute for a clearly articulated human rights policy and the political will to back it up. NATO's refusal to order the arrests of persons indicted for war crimes in Bosnia, continued to impede most other efforts to obtain civilian compliance with the Dayton agreement. By year's end, economic aid and human resources that had been poured into Bosnia had achieved only modest compliance with the Dayton agreement. International leaders were determined to call the Bosnian peace effort successful—often narrowly defined as the completion of elections and the maintenance of a cease-fire—and therefore were often reluctant to take any concrete action that might affect the perception of a foreign policy success. Human rights in Albania deteriorated dramatically in early 1997, despite the enormous political and financial support given to the Berisha government from 1992–1996.

United Nations

United Nations peacekeepers and military monitors continued to play an important role in maintaining security and, to a lesser extent, monitoring human rights in the region. The very presence of the United Nations Transitional Authority in Eastern Slavonia (UNTAES) was widely recognized as having prevented a massive exodus of ethnic Serbs from the region during the year. UNTAES continued to take an active role in monitoring human rights, and its troops carried out the first arrests of indicted war crimes suspects by international forces in the former Yugoslavia. In Georgia, the U.N. Observer Mission in Georgia (UNOMIG) was largely unsuccessful in fostering the return of refugees and displaced persons from Abkhazia, although it continued to monitor the peace settlement in that region. Although the U.N. Preventive Deployment Force (UNPREDEP) in Macedonia contributed to short-term regional and domestic security concerns, but gave little attention to the human rights developments in the

country that present a risk to long-term stability. The U.N. Mission of Observers in Tajikistan (UNMOT) and the office of the U.N. Secretary-General played an important role in the conclusion of a peace accord ending the five-year civil war. However, UNMOT's reduced presence in Tajikistan during the year precluded it from actively deterring abuses.

In Bosnia, the U.N. International Police Task Force (IPTF) achieved only modest results in restructuring the local police forces in the Federation: in the RS, it did not even obtain the agreement of the local authorities to carry out its restructuring mandate until late September. Although in late 1996 the IPTF was given an expanded mandate to investigate human rights violations by local police, its 120-member human rights investigative unit was not fully operational as of October 1997. Follow-up in serious cases of human rights abuses remained inconsistent, and the results of independent investigations were often delayed or never reported publicly. The IPTF did conduct thorough investigations in a few prominent cases, but generally failed to take full advantage of its new powers.

U.N. human rights bodies, including the Human Rights Committee, the Committee Against Torture, the Committee on Elimination of Religious Discrimination, and the Special Rapporteur on the Independence of Lawyers and Judges, were active in the Helsinki region during 1997, highlighting serious human rights abuses in several countries, including in Bulgaria, Georgia, the U.K. (Northern Ireland), and Russia.

European Union

The European Union's human rights record was mixed during 1997. On the one hand, it was critical of Croatia's failure to cooperate with the ICTY and to comply with its human rights obligations, and threatened trade sanctions for 1998 if the situation did not improve. However, in April, the E.U. granted FRY preferential trade status despite President Milosevic's attempts to annul the Serbian opposition's electoral victory and ongoing human rights violations in FRY. It later announced that the preferential trade status would be revoked if the FRY did not improve its human rights record by the end of the year and sent a delegation to the country in October to assess progress in this regard. The E.U. did criticize ongoing human rights violations against ethnic Albanians in Kosovo.

European institutions and governments remained content, during 1997, to allow U.S. interests to dominate Bosnia policy. In one commendable step, British special forces carried out an arrest effort—the only one to date—in the Bosnian Serb town of Prijedor, arresting one indicted person and killing another during a shoot out.

But U.S. pressure prevented other such initiatives. Instead, Europe concentrated on providing financial incentives for compliance with the Dayton agreement. Even this policy was ambiguous, however, despite the E.U.'s professed commitment to conditionality of aid, the E.U. neglected to create mechanisms to help distribute aid at the micro-level, opting instead to suspend all non-humanitarian aid to the Republika Srpska.

During 1997, the E.U. was a vocal critic of the Belarusian government's human rights record. During its review of potential candidates for future E.U. membership, it raised concern about specific human rights abuses in Bulgaria, Croatia, the Czech Republic, Hungary, Romania, and Slovakia. The E.U. continued to insist on provisions relating to human rights and democratization in its Partnership and Cooperation Agreements (PCAs) with non-member states. But it undercut these positive standards in some cases. For example, although the E.U. had not yet ratified PCAs with Uzbekistan and Kyrgyzstan because of human rights concerns, interim agreements with these countries lessened its leverage for obtaining human rights improvements. The European Parliament was more consistent: it continued to block payment of adjustment fees related to its 1995 customs union agreement with Turkey on human rights grounds and issued a strongly worded resolution condemning, among other things, torture, ill-treatment and prison conditions in Russia.

Organization for Security and Cooperation in Europe

In recent years the OSCE has expanded its human rights monitoring efforts in several countries in the region, devoting large numbers of staff and resources especially in Bosnia. While the OSCE's increasingly active role could have been a positive development, to date its work has often been compromised by the political interests and goals of the OSCE and its most powerful member states. In Bosnia, the OSCE refused to publicize some human rights abuses, defended its own performance, and sometimes tried to undermine the credibility of independent monitors, often to the dismay of its own human rights staff. Given this record, there was little reason to celebrate the organization's decision to send 250 human rights monitors to Eastern Slavonia. The OSCE also failed to exploit key opportunities to raise human rights concerns in Azerbaijan and Uzbekistan.

By contrast, in Belarus, the OSCE forcefully condemned the human rights record of President Aleksandr Lukashenko's government and initiated negotiations to open a permanent OSCE office in Minsk, while in Tajikistan its field offices played a significant role in monitoring human rights abuses. In Albania, the OSCE helped broker a deal between the government of then President Sali Berisha and the opposition to form a reconciliation government until new elections could be held in June. The OSCE helped organize and monitor the elections, which went off relatively peacefully. The OSCE planned to establish permanent representatives in Belarus and Georgia (Abkhazia), and its representative in Chechnya criticized human rights developments during the year. In response to large-scale demonstrations to protest election violations in FRY, the OSCE sent a mission, which confirmed massive electoral fraud and pressed the government to accept the electoral results.

Council of Europe

Consistent with its previous decisions to admit countries that clearly did not comply with the organization's most basic human rights tenets, the Council of Europe admitted Croatia as a member in November 1996. The council monitored respect for human rights in Russia during the year, but its assessment remained confidential. In 1997, Armenia, Azerbaijan, and Georgia were being considered for membership. However, the council accurately concluded that Armenia did not yet meet its human rights standards, and an assessment of human rights in Azerbaijan was pending as of this writing. It also suspended Belarus' guest status in January, reflecting the widespread violations of human rights in that country. The council ended its special monitoring of Romania in April, but warned that such monitoring would resume if the government did not address certain human rights concerns.

NATO

On July 10, NATO undertook its first action to arrest indicted war crimes suspects in the former Yugoslavia. NATO's actions in Prijedor quieted any doubt that the arrest and surrender of indicted persons by international troops in Bosnia could be carried out in accordance with the current mandate of the Stabilization Force (SFOR) and that any reprisals could be contained. Disappointingly, however, no further arrests were made by SFOR. Instead, SFOR resorted to its previous and now well-worn excuses for inaction. Throughout the year, there were repeated and credible reports that SFOR troops failed even to uphold their mandate—to arrest indicted persons only when encountered—as they narrowly defined it.

United States

There was a noticeable contrast between the U.S. government's forceful condemnation and effective strategies against human rights abuses in some countries and its subversion of human rights concerns to strategic and economic interests in others. The U.S. remained highly engaged in Bosnia during 1997, but its policy continued to be driven by U.S. domestic political considerations. Although the Clinton administration voiced its strong support for the British SFOR arrest action in Prijedor in July and continued to insist on its firm commitment to bring war criminals to justice, the U.S. worked behind the scenes to prevent further such arrests in the follow-up to

municipal elections in September. The U.S. also continued to advocate for human rights conditionality of economic aid to the region, but the administration did not create the mechanisms to ensure that aid would not enrich those indicted for war crimes or those who obstructed the Dayton agreement.

Although critical of human rights abuses in Armenia, the U.S. failed to use the significant leverage that it had—due primarily to massive, long-term U.S. aid to that country—to obtain concrete improvements. U.S. oil interests took precedence over human rights concerns in Azerbaijan, and although the U.S. government reportedly expressed concern about the country's poor human rights record to government officials, no public condemnation was issued. Largely motivated by regional security concerns, the U.S. failed to criticize human rights abuses in Macedonia, especially those against the ethnic Albanian population. Although it did openly criticize the Turkish government's human rights record, this criticism was often tempered by its strategic interests in that country.

By contrast, the U.S. was the main force behind the maintenance of economic sanctions in FRY, forcefully condemning abuses in Kosovo, as well as violations in Serbia proper, and refusing to restore full diplomatic relations unlike the E.U. member states. Similarly, the U.S. took a leading role in raising human rights concerns in Croatia. In June, the U.S. blocked a World Bank loan to Croatia and, in September, called on the Council of Europe to suspend Croatia because of its human rights record. The Clinton administration was also a vocal critic of abuses in countries such as Belarus, Kazakhstan, Kyrgyzstan, Slovakia, and Uzbekistan, and raised human rights concerns in Bulgaria and Romania as part of the debate on NATO expansion. After six years of unequivocal support, the U.S. government criticized Albanian President Sali Berisha's violent suppression of civic protest and supported new elections.

The Work of Human Rights Watch

Convinced that the failure to arrest indicted persons would have long-term repercussions for human rights in the Balkans and beyond, Human Rights Watch continued to give top priority to the arrest of indicted war crimes suspects during 1997. Other priorities in the region included: insisting on conditionality of aid to Croatia and FRY, challenging xenophobia and the mistreatment of migrants in Russia, building respect for human rights and democratic principles in Albania, Belarus and FRY, exposing severe abuses in Central Asia and the Caucasus to international scrutiny, opposing torture and restrictions on freedom of expression in Turkey, ensuring that human rights were a component of peace negotiations in several countries in the region, and urging the European Union not to undermine refugee protection.

Human Rights Watch employed a three-pronged strategy for its work in Bosnia: systematic documentation and exposure of human rights violations by all sides, a focus on the failure of international actors to stop abuses, and a campaign for the arrest and prosecution of persons indicted for war crimes. In an effort to highlight the continuing influence of indicted war crimes suspects, we concentrated our research on key cities and towns where abusive local officials who were responsible for atrocities during the war exert ongoing political and economic control, making an effort to investigate human rights violations by all ethnic groups. In a December 1996 report, we showed that underground Bosnian Serb paramilitary organizations led by the ruling nationalist-based Serbian Democratic Party (SDS), continued to destabilize the peace process and obstruct implementation of the Dayton agreement by IFOR and other international bodies. In a follow-up report issued in January 1997, we demonstrated that the same warlords who had "ethnically cleansed" the town of Prijedor retained total control in the post-war period over key economic, infrastructure, and humanitarian sectors of the community. Two of the individuals featured prominently in our report were later indicted by the tribunal and were the subject of the first arrest efforts by SFOR in July. The third report in this series, issued in August, documented the systematic persecution of those who are not members of Alija Izetbegović's Party of Democratic Action (SDA), particularly those who fought on the Bosnian-Serb side during the war, by local authorities in the Una Sana Canton. During the year, we also conducted a fact-finding mission to Croat-controlled areas in and around Mostar; investigated

the human rights concerns of Bosnian women in the post-conflict period; and conducted an evaluation of the role played by the IPTF in vetting the police force in Bosnia.

We continued to make accountability for war crimes and crimes against humanity during the war a priority of our work in the former Yugoslavia. Through our reports, numerous articles in the press, and in a broad-based international NGO coalition, we maintained pressure on Western leaders to order SFOR troops in Bosnia to arrest the remaining war crimes suspects. The *Arrest Now!* campaign was launched on July 10, to coincide with the second anniversary of the fall of Srebrenica. A press briefing was conducted in Madrid (at the time of the NATO summit), and press conferences were held in Washington, D.C., London, Paris and Sarajevo by Human Rights Watch and its partners on the campaign. We released an open letter—signed by more than 130 prominent individuals and ninety organizations from throughout Europe—to European political leaders on September 9 calling for NATO action to arrest war crimes suspects.

In Croatia and FR Yugoslavia, Human Rights Watch focused on the governments' crackdown on civil society, as well as ongoing discrimination against ethnic minorities, and pressed for all financial assistance to be linked to respect for human rights. In an effort to highlight human rights concerns that needed addressing before the transfer of authority in the only remaining Serb-controlled region of Croatia, in an April report we warned that unless the international community pressured Croatia to fulfill its human rights obligations, the transition could bring more violence and displacement to the region. In June, we successfully urged the United States government to use its influence to block a U.S.\$30 million loan to Croatia because of that country's human rights record and failure to cooperate with the ICTY. In an effort to prevent a mass exodus of ethnic Serbs at the time of the transfer of authority in Eastern Slavonia, we met with Croatian government officials and senior representatives of the international community to urge respect for human rights guarantees; we also monitored the treatment of ethnic Serbs in the Krajina. Before the Serbian elections in September 1997, we released a report analyzing electoral violations during the November 1996 municipal elections and documenting police abuse during mass demonstrations in Belgrade to protest those violations. We conducted detailed investigations into minority rights in Sandzak and Vojvodina, as well as Kosovo. A report on violations against ethnic Albanians in Kosovo was released in December 1996. In statements and reports, we also criticized Milosevic's failure to cooperate with the ICTY.

To keep the legacy of abuse committed during the war in Chechnya a vital issue in Russia and among international institutions, we published two reports about the war's aftermath: one addressed to the OSCE Review Conference in November 1996, the other timed for the January 27 presidential elections in Chechnya. In February, the first anniversary of Russia's membership in the Council of Europe, we issued a report enumerating Russia's failure to implement Council of Europe requirements, including its conduct during the Chechnya conflict and continued use of the death penalty. Building on our research and advocacy—locally and among the international community—on xenophobia, refugee rights and residence restrictions, we documented the Moscow residence permit system and the predatory and racist way in which it is enforced. Our Moscow office intervened in several specific cases and conducted regular advocacy to stop the extradition of refugees to other CIS countries. In an effort to secure a veto on the discriminatory law on religion, we urged the international community through numerous letters, briefings and other advocacy efforts to register concern about the deeply flawed law and issued a series of letters to President Boris Yeltsin, the Council of Europe, and individual European leaders about our concerns. As provincial authorities attempted to silence local human rights activists and public defenders, we petitioned the Russian procurator general's office to secure their release.

Due to the deteriorating human rights situation in Belarus and Albania, our work in these countries took on a new urgency during 1997. Beginning soon after the crisis erupted in early 1997, three separate field missions to Albania allowed Human Rights Watch to document and publicize violations—such as the banning of demonstrations, police brutality, and the harassment of key opposition politicians, journalists, and government critics by the secret police—as they were taking place and to provide information to policymakers and the public. We followed

UP OUR FIELD WORK WITH NUMEROUS STATEMENTS AND LETTERS OF CONCERN ADDRESSED TO THE ALBANIAN GOVERNMENT AND THE INTERNATIONAL COMMUNITY. AFTER THE JUNE ELECTIONS, WE WORKED TO MAKE INTERNATIONAL AID TO ALBANIA CONDITIONAL ON RESPECT FOR HUMAN RIGHTS. IN SEPTEMBER, HUMAN RIGHTS WATCH REPRESENTATIVES MET OFFICIALS OF THE NEW GOVERNMENT TO DISCUSS HUMAN RIGHTS CONCERNS, INCLUDING JUDICIAL REFORM, DEPOLITICIZATION OF STATE INSTITUTIONS, AND GOVERNMENT RESPECT FOR A FREE PRESS.

BASED ON AN APRIL MISSION TO BELARUS TO INVESTIGATE THE GOVERNMENT'S CRACKDOWN ON CIVIL SOCIETY, WE ISSUED A SEVERELY CRITICAL REPORT IN AUGUST AT PRESS CONFERENCES IN MINSK AND MOSCOW AND MET WITH BELARUSIAN GOVERNMENT OFFICIALS TO PRESENT OUR FINDINGS AND RECOMMENDATIONS. AS FOLLOW-UP, WE URGED THE CLINTON ADMINISTRATION, THE OSCE AND THE E.U. TO CENSURE AND ISOLATE THE REGIME OF ALEKSANDR LUKASHENKA IF HUMAN RIGHTS VIOLATIONS CONTINUED. WE ALSO PRESSED THE RUSSIAN GOVERNMENT TO USE ITS INFLUENCE IN BELARUS TO OBTAIN HUMAN RIGHTS IMPROVEMENTS.

THE COUNTRIES OF CENTRAL ASIA AND THE CAUCASUS SUFFER FROM NUMEROUS HUMAN RIGHTS VIOLATIONS, INCLUDING TO VARYING DEGREES TORTURE AND OTHER MISTREATMENT IN DETENTION, PERVERSIVE DISREGARD FOR DUE PROCESS, STRICT CONTROL OF THE MASS MEDIA, POLICE BRUTALITY, AND AYSMAL PRISON CONDITIONS. TO HIGHLIGHT AND EXPOSE HUMAN RIGHTS ABUSES THERE TO GREATER INTERNATIONAL SCRUTINY, IN LIGHT OF THE COUNCIL OF EUROPE'S REVIEW OF HUMAN RIGHTS CONDITIONS IN ARMENIA, AZERBAIJAN AND GEORGIA FOR POSSIBLE MEMBERSHIP, AS WELL AS THE GROWING INTERNATIONAL BUSINESS INTEREST IN THE REGION, HUMAN RIGHTS WATCH BEGAN THE PROCESS OF ESTABLISHING A PERMANENT FIELD OFFICE IN TBILISI, GEORGIA FROM WHICH TO MONITOR HUMAN RIGHTS IN THE CAUCASUS. DURING 1997, WE MADE SUBMISSIONS TO THE U.N. COMMITTEE AGAINST TORTURE (OCTOBER) AND THE U.N. HUMAN RIGHTS COMMITTEE (MARCH) HIGHLIGHTING ONGOING CONCERNS IN GEORGIA. IN MARCH, WE ALSO MADE A SUBMISSION TO THE U.N. COMMISSION ON HUMAN RIGHTS REGARDING SERIOUS HUMAN RIGHTS VIOLATIONS IN TAJIKISTAN, TURKMENISTAN, AND UZBEKISTAN. A MISSION IS UNDERWAY IN AZERBAIJAN AS OF THIS WRITING. IN UZBEKISTAN, POLICE BRUTALITY AND THE GOVERNMENT'S BACKTRACKING ON ITS COMMITMENTS TO RESPECT THE INDEPENDENCE OF THE PRESS WERE THE PRIMARY THEMES IN OUR WORK.

IN TURKEY, WE CONTINUED TO PRESS THE GOVERNMENT TO PUT A STOP TO TORTURE, INCLUDING BY HOLDING ABUSIVE POLICE ACCOUNTABLE. WE ISSUED A REPORT IN MARCH THAT EXPOSED THE SYSTEMATIC PATTERN OF TORTURE AND OTHER ABUSE BY ANTI-TERROR POLICE UNITS, WHICH HAVE METHODICALLY INCORPORATED TORTURE AND ABUSE INTO THEIR DAILY OPERATIONS, UTILIZING SPECIAL EQUIPMENT, INCLUDING SPECIAL STRAPS TO BIND DETAINEES, HIGH-PRESSURE HOSES, RACKS FOR SUSPENDING SUSPECTS BY THEIR ARMS, AND INSTRUMENTS TO APPLY ELECTRIC SHOCK. WE ALSO CONDUCTED A FACT-FINDING MISSION TO THE COUNTRY IN SEPTEMBER TO INVESTIGATE ONGOING VIOLATIONS OF FREEDOM OF EXPRESSION.

DURING 1997, HUMAN RIGHTS WATCH ATTEMPTED TO MAKE CONSTRUCTIVE RECOMMENDATIONS RELATED TO CEASE-FIRES AND PEACE TALKS IN BOSNIA, NORTHERN IRELAND, AND TAJIKISTAN. TAKING LESSONS FROM OTHER PEACE PROCESSES, WE WORKED THROUGHOUT THE YEAR TO IDENTIFY HUMAN RIGHTS CONCERNS—MOST IMPORTANTLY, ACCOUNTABILITY FOR ABUSES COMMITTED DURING THE CONFLICTS, CONFIDENCE-BUILDING MEASURES SUCH AS THE VETTING OF ABUSIVE MILITARY AND POLICE FORCES, AND THE CREATION OF INSTITUTIONS TO ADDRESS THE COMPLAINTS OF CIVILIANS—THAT WOULD BE ESSENTIAL TO ANY SUCCESSFUL PEACE PROCESS. WE WERE INTENSELY ENGAGED IN NORTHERN IRELAND DURING THE YEAR AND WORKED WITH A COALITION OF HUMAN RIGHTS GROUPS TO MONITOR POLICE ACTION DURING THE 1997 MARCHING SEASON. WE ISSUED A REPORT ANALYZING POLICE PRACTICES IN NORTHERN IRELAND IN MAY, AT PRESS CONFERENCES IN LONDON AND BELFAST, AND MET WITH GOVERNMENT OFFICIALS IN BELFAST, DUBLIN AND LONDON TO DISCUSS OUR FINDINGS. IN TAJIKISTAN, OUR FIELD OFFICE MONITORED HUMAN RIGHTS DURING THE PEACE NEGOTIATIONS, INVESTIGATED THE POLITICAL CRACKDOWN IN THE LENINABAD REGION, AND RAISED OUR CONCERNS ABOUT THE TREATMENT OF TAJIK REFUGEES AND RETURNEES IN NUMEROUS INTERNATIONAL FORA.

HUMAN RIGHTS WATCH CONTINUED TO HIGHLIGHT THE HUMAN RIGHTS IMPLICATIONS OF THE EUROPEAN UNION'S INCREASINGLY RESTRICTIVE ASYLUM POLICIES, BELIEVING THAT E.U. POLICIES NOT ONLY INCREASED THE RISK OF REFOULEMENT IN INDIVIDUAL CASES, BUT ALSO RAN THE RISK OF UNDERMINING INTERNATIONALLY GUARANTEED REFUGEE RIGHTS WORLDWIDE. IN 1997, WE CONTINUED TO MONITOR ASYLUM POLICIES AT THE E.U. LEVEL, AS WELL AS IN SWEDEN, THE U.K., GERMANY, FRANCE, AND THE NETHERLANDS, ISSUING REPORTS ON THE NETHERLANDS AND ON FRANCE DURING THE YEAR. IN FEBRUARY, WE CALLED ON E.U. MEMBER STATES TO REJECT SPAIN'S PROPOSAL TO ELIMINATE THE RIGHT OF E.U.-MEMBER-STATE NATIONALS TO SEEK ASYLUM IN THE E.U. AND, IN APRIL, WE COSPONSORED A MEETING OF NONGOVERNMENTAL ORGANIZATIONS, PARLIAMENTARIANS, AND

REPRESENTATIVES OF THE EUROPEAN COMMISSION AND COUNCIL OF MINISTERS TO DISCUSS THE COMMISSION'S PROPOSED JOINT ACTION ON TEMPORARY PROTECTION.

IN 1997, WE REMAINED COMMITTED TO DOCUMENTING HUMAN RIGHTS ABUSES AGAINST ROMA AND PRESSING GOVERNMENTS TO ADDRESS THE DIFFICULT PROBLEMS OF RACIALLY MOTIVATED VIOLENCE BOTH BY PRIVATE AND STATE ACTORS. FOLLOWING UP ON A 1996 REPORT ON POLICE ABUSE AGAINST ROMA IN THE CZECH REPUBLIC, WE ISSUED A TRANSLATION OF THE REPORT IN 1997 AND CONDUCTED NUMEROUS MEETINGS WITH CZECH GOVERNMENT OFFICIALS TO URGE PROGRESS ON SPECIFIC RECOMMENDATIONS CONTAINED IN THE REPORT.

FOR A LISTING OF RELEVANT REPORTS AND MISSIONS SEE PAGE 459 AT THE END OF THIS REPORT. PARTIAL LISTINGS ALSO FOLLOW EACH COUNTRY CHAPTER.

ALBANIA

Human Rights Developments

1997 WAS A TUMULTUOUS AND TRAGIC YEAR FOR ALBANIA, IN WHICH APPROXIMATELY 2,000 PEOPLE LOST THEIR LIVES DURING A POPULAR REVOLT, THE GOVERNMENT'S VIOLENT RESPONSE, AND THE CHAOS THAT ENSUED. AS DISCONTENT WITH THE GOVERNMENT SPREAD, THE STATE ARRESTED AND BEAT DEMONSTRATORS, MUTILATED THE PRESS, AND ORDERED THE SECRET POLICE AND ARMY TO QUELL THE UPRISING THROUGH ALL MEANS. THE RULING DEMOCRATIC PARTY (DP) ARMED ITS SUPPORTERS TO DEFEND THE EMBATTLED PRESIDENT SALI BERISHA, WHO ULTIMATELY LOST POWER IN AN ELECTION MONITORED BY THE INTERNATIONAL COMMUNITY.

THE SPARK FOR THE MASS PROTESTS WAS THE COLLAPSE OF CRIMINALLY LINKED HIGH-RISK INVESTMENT SCHEMES IN NOVEMBER AND DECEMBER 1996, IN WHICH LARGE SECTIONS OF THE POPULATION LOST THEIR LIFE SAVINGS. MANY BELIEVED THAT BERISHA'S GOVERNMENT WAS TOLERATING, IF NOT DIRECTLY INVOLVED IN, THE SCHEMES. HOWEVER, UNDERLYING THE PROTESTS WAS DISSATISFACTION WITH BERISHA'S INCREASING AUTHORITARIANISM AND THE FACT THAT, BY THE END OF 1996, ALBANIA HAD BECOME A ONE-PARTY STATE BASED ON FEAR AND CORRUPTION. THE DP CONTROLLED THE EXECUTIVE, JUDICIARY, AND LEGISLATIVE BRANCHES OF GOVERNMENT, AS WELL AS THE POLICE, SECURITY SERVICE (SHIK), AND ELECTRONIC MEDIA.

IN JANUARY 1997, THE GOVERNMENT RESPONDED TO THE GROWING PROTESTS WITH REPRESSION AND FORCE. DEMONSTRATIONS WERE BANNED AND THE POLICE BEAT AND DETAINED HUNDREDS OF PROTESTORS, ESPECIALLY IN THE SOUTH WHERE THE DISSATISFACTION WITH BERISHA WAS MOST INTENSE. ON TELEVISION, BERISHA ACCUSED THE PROTESTERS OF BEING "RED BANDITS" WORKING IN COLLABORATION WITH "ALBANIA'S TRADITIONAL ENEMIES." THE SECRET POLICE HARASSED KEY OPPOSITION POLITICIANS, JOURNALISTS, AND GOVERNMENT CRITICS, WHOM THE STATE-RUN MEDIA WERE BLAMING FOR INCITING THE CRISIS. AT LEAST EIGHT PEOPLE WERE PHYSICALLY ATTACKED BY UNKNOWN ASSAILANTS BELIEVED TO BE THE SECRET POLICE DURING JANUARY AND FEBRUARY, INCLUDING THE INDEPENDENT WRITER EDI RAMA (JANUARY 22) AND SOCIALIST PARTY ACTIVIST NDRE LEGISI (JANUARY 27), BOTH OF WHOM WERE SERIOUSLY INJURED. IN ALL CASES, THE POLICE FAILED TO CONDUCT AN ADEQUATE INVESTIGATION.

THE GOVERNMENT UNDERTOOK INCREASINGLY REPRESSIVE MEASURES IN JANUARY AND FEBRUARY AS THE DEMONSTRATIONS GREW MORE VIOLENT, AND ANGRY MOBS RANSACKED THE DP HEADQUARTERS AND MUNICIPAL BUILDINGS IN TOWNS ACROSS THE SOUTH. FROM JANUARY 26-30, THE POLICE AND SHIK MADE WIDE-SCALE ARRESTS IN THE SOUTHERN TOWNS OF LUSHNJE, BERAT, AND KORÇA. MANY PEOPLE WERE TAKEN FROM THEIR HOMES IN THE MIDDLE OF THE NIGHT WITHOUT AN ARREST WARRANT AND HELD FOR THREE TO FOUR DAYS IN UNSPECIFIED LOCATIONS. UPON THEIR RELEASE, MANY REPORTED PHYSICAL ABUSE AND TORTURE.

JOURNALISTS ALSO CAME UNDER INCREASING ATTACK, ESPECIALLY ALBANIANS WORKING WITH FOREIGN NEWS AGENCIES. CORRESPONDENTS WITH REUTERS, ASSOCIATED PRESS, AND THE BBC WERE FOLLOWED AND RECEIVED THREATENING PHONE CALLS FROM UNIDENTIFIED PERSONS BELIEVED TO WORK FOR THE STATE. SOME OF THEM WERE DETAINED BY THE POLICE OR HAD THEIR EQUIPMENT AND NOTEBOOKS CONFISCATED DURING DEMONSTRATIONS. A NUMBER OF THEM FLED THE COUNTRY OUT OF FEAR FOR THEIR LIVES.

Violent protest erupted into open fighting with the SHK in the southern city of Vlora on February 27, one day after approximately one hundred secret police forces were sent south from Tirana. The violence quickly spread to other cities in the south, where insurgents overran police stations and army bases, arming themselves with automatic weapons, grenades and anti-aircraft guns.

Berisha mobilized the army, and parliament declared a state of emergency on March 2, which included a shoot-to-kill policy on armed insurgents and a curfew. The emergency legislation also placed restrictions on public gatherings and required that newspapers be cleared by a government censor. Article 3 of the emergency law stated that investigations would begin immediately against those who had "organized or instigated the revolt," which allowed the government to intimidate those who had peacefully expressed their opposition to the government and had not been involved in the violence. The day the state of emergency went into effect, a rubber-stamp parliament re-elected Berisha to another five-year term as president.

That night the office of the largest opposition newspaper, *Koha Jone*, was destroyed by arsonists believed to be members of the secret police. On three occasions during the night, groups of armed men fired automatic rifles at the paper's office and, during their last visit, set the building on fire. The police never conducted an investigation. That night, two *Koha Jone* employees were detained by plainclothes policemen in Tirana: Alfred Peza, a journalist, was detained in the police station in Fier on March 4. All three were held for one day and beaten.

Meanwhile, DP "volunteers" were armed by the party with assistance from the secret police. Local DP branches handed out weapons to their supporters throughout the country, especially in Tirana and the north. These armed civilians, together with SHK, comprised Berisha's defense in the capital.

On March 6, after an E.U. and OSCE delegation visited Tirana, Berisha withdrew the armed forces from the south, leaving the population free to commandeer army, navy, and air force bases across the region. By this time, many of the young conscripts had already defected, and large sections of the population, including children, became heavily armed. Prisoners broke free from the state's prisons; criminals and armed gangs took advantage of the chaos to loot businesses and terrorize the local population. There were many reports of rapes and murders.

Increasingly isolated in Tirana and under pressure from the international community, on March 9 Berisha agreed to form a Government of National Reconciliation with representatives from all the Albanian political parties, although the DP maintained control of the all-important Ministry of the Interior. The transitional government, headed by a Socialist, was mandated to restore order and prepare the country for new parliamentary elections that were scheduled for June 28. But Berisha maintained control of the secret police and broadcast media.

Outside the capital, "salvation committees" were formed. In some places they were local attempts to restore order; in other places they were run by gangsters intent on profiting from the chaos and Albania's lucrative trade in cigarettes, arms, drugs, and the trafficking of women. The DP claimed that some of these committees were supporting the Socialist party.

On March 28, the U.N. Security Council authorized an eight-country military force, led by Italy, to secure the delivery of humanitarian aid, even though humanitarian organizations said that such protection was not required. Most observers believed the unspoken reason for the intervention was to stem the flow of Albanian refugees to Italy and other neighboring countries.

The elections on June 28 were monitored by the OSCE with assistance from the multi-national military force, which escorted foreign observers. Despite anarchic conditions that created obstacles to the electoral process, such as the Democratic Party's inability to campaign in the south and Berisha's strict control of the state media, the elections proceeded in a surprisingly fair manner. The international community deemed them "adequate and acceptable."

The Socialist Party (former Communists) won more than two thirds of the seats in the new parliament, compared to 25 percent for the Democratic Party. Six other parties also won seats in the 140-seat assembly. After some delay, Berisha resigned, and Fatos Nano, who had been imprisoned by Berisha for four years following an unfair trial in 1993, was elected prime minister. A five-party coalition government was formed, and a physicist,

REXHET MEJDANI, WAS CHOSEN PRESIDENT.

AT THE END OF 1997, IT WAS STILL TOO EARLY TO EVALUATE THE NEW GOVERNMENT'S HUMAN RIGHTS RECORD. NANO HAD CONDEMNED POLITICAL REVENGE AND PROMISED TO RETURN ALBANIA TO A STATE GOVERNED BY THE RULE OF LAW. SOME SIGNS WERE PROMISING: IN SEPTEMBER A REPRESSIVE PRESS LAW, ENACTED BY BERISHA IN 1993, WAS ABROGATED, AND THE STATE TELEVISION, RADIO, AND PRESS AGENCY (ATA) BECAME MORE OPEN TO A DIVERSITY OF POLITICAL VIEWS, ALTHOUGH THEY WERE STILL SUBJECT TO POLITICAL PRESSURES. THE GOVERNMENT WAS ATTEMPTING TO COLLECT ARMS FROM THE POPULATION, AND A COMMISSION TO DRAFT A CONSTITUTION HAD BEEN FORMED.

HOWEVER, THE NOW-OPPOSITION DEMOCRATIC PARTY, HEADED BY BERISHA, WAS COMPLAINING OF POLITICALLY MOTIVATED PURGES OF STATE EMPLOYEES. DP DEPUTIES STAGED HUNGER STRIKES TO PROTEST WHAT THEY VIEWED AS BIASED COVERAGE IN THE STATE TELEVISION AND RADIO AGAINST THE DP. ON SEPTEMBER 20, A WELL-KNOWN DP DEPUTY, AZEM HAJDARI, WAS SHOT BY A SOCIALIST DEPUTY INSIDE THE PARLIAMENT BUILDING. HAJDARI CLAIMED IT WAS A POLITICAL ATTACK, BUT EVIDENCE SUGGESTS THAT IT WAS AN INDIVIDUAL ACT OF REVENGE. THE GOVERNMENT CONDEMNED THE ATTACK, ARRESTED THE ATTACKER, AND CHARGED HIM WITH ATTEMPTED MURDER.

The Right to Monitor

THE GENERAL ATMOSPHERE OF FEAR DURING THE 1996-97 CRISIS RESTRICTED THE WORK OF DOMESTIC HUMAN RIGHTS ORGANIZATIONS, BUT THERE WERE NO DIRECT ATTEMPTS BY THE GOVERNMENT TO HINDER THEIR WORK. BEFORE AND DURING THE CRISIS, HOWEVER, CRITICAL HUMAN RIGHTS GROUPS CAME UNDER CONSTANT ATTACK IN THE STATE-RUN MEDIA FOR BEING "COMMUNISTS" OR "ENEMIES OF THE STATE." THE JUNE 28 ELECTIONS WERE MONITORED FREELY BY LOCAL AND FOREIGN ORGANIZATIONS, BOTH GOVERNMENTAL AND NONGOVERNMENTAL.

SINCE THE ELECTIONS, HUMAN RIGHTS WATCH/HELSINKI IS NOT AWARE OF ANY GOVERNMENT ATTEMPTS TO RESTRICT LOCAL OR INTERNATIONAL HUMAN RIGHTS GROUPS. HOWEVER, ON JUNE 30, A HUMAN RIGHTS WATCH REPRESENTATIVE WAS STRUCK ONCE DURING A PRESS CONFERENCE OF THE DEMOCRATIC PARTY BY AN UNIDENTIFIED PERSON BELIEVED TO BE A SUPPORTER OF THE DP. IN EARLY JULY, A MEMBER OF THE BRITISH HELSINKI HUMAN RIGHTS GROUP, AN ORGANIZATION THAT HAS SUPPORTED BERISHA AND THE DP, WAS REPORTEDLY SHOT AT BY AN UNKNOWN ASSAILANT AS HE SAT IN A CAFE WITH TRITAN SHEHU, THE FORMER FOREIGN MINISTER AND DP SECRETARY GENERAL.

The Role of the International Community

Europe

THE INTERNATIONAL COMMUNITY BEARS SOME RESPONSIBILITY FOR THE CRISIS IN ALBANIA. EAGER FOR AN ALLY IN THE REGION DURING THE WAR IN BOSNIA, THE UNITED STATES AND WEST EUROPEAN GOVERNMENTS, ESPECIALLY ITALY, PROVIDED HIGH LEVELS OF POLITICAL AND ECONOMIC SUPPORT TO BERISHA'S GOVERNMENT FROM 1991-96 DESPITE THE HUMAN RIGHTS ABUSES AND CORRUPTION THAT WERE TAKING PLACE. THE EUROPEAN UNION PROVIDED MORE AID PER CAPITA TO ALBANIA (U.S. \$560 MILLION SINCE 1990) THAN TO ANY OTHER EAST EUROPEAN COUNTRY, EVEN THOUGH THE E.U.'S TRADE AND COOPERATION AGREEMENT WITH ALBANIA WAS CONDITIONED ON "RESPECT FOR DEMOCRATIC PRINCIPLES AND HUMAN RIGHTS." THE COUNCIL OF EUROPE, ESPECIALLY THE HEAD OF THE PARLIAMENTARY ASSEMBLY, LENI FISCHER, FAILED TO CRITICIZE THE GOVERNMENT—AND EVEN PRAISED BERISHA—DESPITE THE ONGOING VIOLATIONS. SUCH UNQUALIFIED SUPPORT, WITHOUT REGARD FOR THE ALBANIAN GOVERNMENT'S HUMAN RIGHTS RECORD, HELPED BERISHA DISMANTLE ALL VIABLE POLITICAL FORCES IN THE COUNTRY, SOME OF WHICH WERE MORE MODERATE AND DEMOCRATIC MINDED.

THE EUROPEAN COMMUNITY REVERSED ITS ONE-SIDED POSITION ONCE THE CRISIS BEGAN TO HAVE INTERNATIONAL RAMIFICATIONS. AN OSCE MISSION, HEADED BY FORMER AUSTRIAN CHANCELLOR FRANZ VRANITZKY, WAS INSTRUMENTAL IN BROKERING THE CREATION OF THE RECONCILIATION GOVERNMENT AND ORGANIZING THE JUNE ELECTIONS. THE MULTI-NATIONAL MILITARY FORCE ESCORTED FOREIGN ELECTION MONITORS DURING THE ELECTIONS AND HELPED STABILIZE THE COUNTRY. HOWEVER, ON MARCH 28, APPROXIMATELY EIGHTY ALBANIANS DROWNED IN THE STRAITS OF OTRANTO WHEN AN ITALIAN MILITARY SHIP

COLLIDED WITH AN ALBANIAN FERRY PACKED WITH REFUGEES HEADING TO ITALY. AT YEAR'S END, THE CIRCUMSTANCES OF THE ACCIDENT REMAINED UNCLEAR.

AFTER THE ELECTIONS, THE EUROPEAN COMMUNITY PLEDGED ITS SUPPORT FOR THE NEW GOVERNMENT, AS LONG AS IT UNDERTAKES THE NECESSARY ECONOMIC AND POLITICAL REFORM, SUCH AS CLEANING UP THE PYRAMID SCHEMES AND INITIATING LEGAL REFORM. AT A DONORS' CONFERENCE IN BRUSSELS, THE INTERNATIONAL COMMUNITY, INCLUDING THE WORLD BANK AND INTERNATIONAL MONETARY FUND, PLEDGED U.S. \$600 MILLION IN SUPPORT WITHOUT ARTICULATING CLEAR HUMAN RIGHTS CONDITIONS.

United States

FROM 1991-1996, THE UNITED STATES WAS ONE OF BERISHA'S MOST FERVENT SUPPORTERS; IT PROVIDED ALBANIA WITH U.S. \$236 MILLION IN AID, MAKING THE U.S. THE SECOND LARGEST BILATERAL DONOR (FOLLOWING ITALY). IN RETURN, BERISHA OPENED ALBANIA'S PORTS AND AIRSTRIPS FOR NATO USE AND ALLOWED C.I.A. SPY PLANES TO BE BASED IN THE COUNTRY. DESPITE THIS, THE U.S. WAS THE FIRST COUNTRY PUBLICLY TO EXPRESS DISSATISFACTION WITH BERISHA'S AUTHORITARIANISM, ALTHOUGH IT DID SO LONG AFTER AMPLE EVIDENCE OF SERIOUS HUMAN RIGHTS VIOLATIONS HAD MOUNTED. MORE THAN OTHER COUNTRIES, THE U.S. CRITICIZED THE FRAUDULENT PARLIAMENTARY ELECTIONS THAT TOOK PLACE IN MAY 1996, AS WELL AS OTHER HUMAN RIGHTS VIOLATIONS.

IN 1997, THE U.S. PLAYED A CENTRAL ROLE IN SUPPORTING THE RECONCILIATION GOVERNMENT, FACILITATING THE ELECTIONS AND ENCOURAGING BERISHA TO ACCEPT THE RESULTS. ACCORDING TO THE DEPARTMENT OF STATE, FUTURE AID WILL BE CONDITIONED ON HUMAN RIGHTS, ALTHOUGH NO DETAILED PLAN WAS DEVISED. IN OCTOBER, PRIME MINISTER NANO MET SECRETARY OF STATE ALBRIGHT IN WASHINGTON.

ARMENIA

Human Rights Developments

IN 1997, THE GOVERNMENT OF ARMENIA SHOWED TENTATIVE SIGNS OF EASING SOME OF THE RESTRICTIONS ON POLITICAL ACTIVITY AND FREEDOM OF THE PRESS IMPOSED IN THE WAKE OF THE SEVERE CRACKDOWN ON THE OPPOSITION THAT FOLLOWED THE SEPTEMBER 22, 1996, PRESIDENTIAL ELECTIONS. BUT DESPITE THESE LIMITED MEASURES, THE RESULTS WERE OFTEN UNEVEN AND DID NOT LEAD TO SUBSTANTIAL IMPROVEMENTS IN HUMAN RIGHTS CONDITIONS.

NOTABLY, THE GOVERNMENT KEPT IN PLACE THE DECEMBER 1994 BAN ON THE ARMENIAN REVOLUTIONARY FEDERATION, OR *DASHNAKTSUTYUN*, A PROMINENT OPPOSITION PARTY. AT THAT TIME, THE GOVERNMENT BANNED THE DASHNAK PARTY AND PARTY-AFFILIATED NEWSPAPERS AFTER ACCUSING SEVERAL INDIVIDUALS OF MEMBERSHIP IN DRO, A SECRET TERRORIST ORGANIZATION WITHIN THE PARTY WHOSE ALLEGED GOAL WAS OVERTHROW OF THE GOVERNMENT.

DURING THE YEAR THE GOVERNMENT CARRIED OUT NEGOTIATIONS WITH DASHNAK PARTY LEADERS AIMED AT REINSTATING THE PARTY. HOWEVER, THE DISCUSSIONS YIELDED NO TANGIBLE RESULTS AND THE GOVERNMENT CITED WHAT MOST OBSERVERS NOTE ARE EASILY SURMOUNTABLE TECHNICAL DIFFICULTIES FOR CONTINUING THE BAN, ORIGINALLY SLATED TO LAST SIX MONTHS. THE GOVERNMENT DID ALLOW PARTY MEMBERS ACCESS TO PREVIOUSLY CONFISCATED EQUIPMENT THEREBY ALLOWING FOR PUBLICATION OF A DASHNAK-AFFILIATED NEWSPAPER, *HOYOTS ASHKHAR*. HOWEVER, THE AUTHORITIES DID NOT OFFICIALLY LIFT THE BAN ON OTHER DASHNAK-AFFILIATED NEWSPAPERS.

IN 1997, THERE WERE THREE SEPARATE SETS OF TRIALS IN WHICH THE GOVERNMENT PROSECUTED MEMBERS OF THE OPPOSITION ALLEGED TO HAVE PARTICIPATED IN THREE ATTEMPTED COUPS, INCLUDING THOSE ACCUSED OF MEMBERSHIP IN DRO. THREE OF ELEVEN DEFENDANTS FOUND GUILTY OF INVOLVEMENT IN ACTIVITIES ASSOCIATED WITH DRO WERE GIVEN DEATH SENTENCES IN DECEMBER 1996. IN JULY A SUPREME COURT APPEALS COUNCIL REDUCED THE DEATH SENTENCE TO FIFTEEN YEARS OF IMPRISONMENT FOR ONE OF THE DEFENDANTS, ARSEN GRIGORIAN, CONVICTED OF MURDER AND OF DRUG TRAFFICKING. THE APPEALS COUNCIL DENIED THE CLEMENCY PETITIONS OF TWO OTHER DEFENDANTS IN THE CASE WHO WERE SIMILARLY CONVICTED OF MURDER AND DRUG TRAFFICKING.

PRESIDENT TER-PETROSSIAN INDICATED THAT EXECUTIONS WILL NOT BE CARRIED OUT IN ARMENIA DURING HIS TERM, AND NO OFFICIAL EXECUTIONS WERE REPORTED. HOWEVER, THE PRESIDENT HAS NOT COMMUTED THE SENTENCES OF THOSE CURRENTLY UNDER THE DEATH SENTENCE. IN APRIL, THE NATIONAL ASSEMBLY FAVORABLY REPORTED A BILL ON THE FIRST READING THAT WOULD ABOLISH THE DEATH PENALTY. A SECOND READING OF THE BILL WAS EXPECTED LATER IN THE YEAR.

THE GOVERNMENT CONTINUED PROSECUTING THIRTY-ONE DEFENDANTS IN A SECOND DASHNAK-RELATED SET OF TRIALS. THE DEFENDANTS STAND ACCUSED OF INVOLVEMENT IN A JULY 1995 COUP ATTEMPT THAT THE GOVERNMENT ALLEGES WAS INTENDED TO DISRUPT BY-ELECTIONS. THE TRIAL OF THE LEAD DEFENDANT, DASHNAK PARTY CHIEF VAHAN HOVANNISYAN, CHARGED WITH ORGANIZING ACTIVITIES AIMED AT THE OVERTHROW OF THE GOVERNMENT AND TERRORISM, DRAGGED ON THROUGH 1997. THROUGHOUT THE PROCEEDINGS HOVANNISYAN ALLEGED, WITH GOOD REASON, THAT DELIBERATE DELAYS AND POSTPONEMENTS IN THE TRIAL WERE INTENDED TO HINDER THE DEFENSE, THAT WITNESSES HAD BEEN PRESSURED INTO PROVIDING FALSE EVIDENCE THEY LATER RECALLED, AND THAT ON SEVERAL OCCASIONS HE WAS REFUSED ACCESS TO HIS ATTORNEY. EARLIER IN THE YEAR HOVANNISYAN AND OTHER DEFENDANTS ON TRIAL COMPLAINED OF PRESSURE AND BEATINGS OF SOME OF THEIR FAMILY MEMBERS BY INTERIOR MINISTRY PERSONNEL.

IN FEBRUARY PROSECUTION BEGAN OF INDIVIDUALS CHARGED WITH INVOLVEMENT IN DISTURBANCES IN THE WAKE OF THE SEPTEMBER 1996 PRESIDENTIAL ELECTIONS, WHEN DEMONSTRATORS ENTERED THE NATIONAL ASSEMBLY BUILDING AND BEAT PARLIAMENTARY SPEAKER BABKEN ARAKTSYAN AND DEPUTY SPEAKER ARA SAHAKYAN. IN A POSITIVE DEVELOPMENT, ARMENIA'S NEW PROSECUTOR GENERAL, GENRIK HACHATRYAN, WAS REPORTED TO HAVE ACKNOWLEDGED IN MAY THAT LEGAL PROCEEDINGS IN THE DASHNAK-RELATED TRIAL OF THIRTY-ONE WERE UNJUSTIFIABLY DRAGGED OUT. ONE OF THE SEPTEMBER 1996 DEFENDANTS, MANIK SAGSYAN, CONVICTED OF ENGAGING IN AN ACT OF TERRORISM AND ORGANIZING MASS DISTURBANCES, STATED THAT SHE WAS TORTURED DURING THE INVESTIGATORY PHASE OF HER DETENTION. HER FIVE-YEAR PRISON SENTENCE WAS REDUCED TO THREE YEARS OF PROBATION ON THE GROUNDS THAT SHE LACKED A PRIOR RECORD AND WAS RESPONSIBLE FOR THE CARE OF HER MOTHER AND SON. AS OF THIS WRITING THE PROSECUTOR'S OFFICE HAS NOT INVESTIGATED SAGSYAN'S TORTURE CHARGES.

OTHER DEFENDANTS, INCLUDING VAGE VARSANYAN, WHO SERVED AS A MEMBER OF THE YEREVAN ELECTORAL COMMISSION REPRESENTING THE OPPOSITION NATIONAL DEMOCRATIC UNION; ONIK UNANYAN; AND SERYEZA MELKONYAN, WERE CONVICTED AFTER HAVING CHARGES AGAINST THEM REDUCED FROM ORGANIZING MASS DISTURBANCES TO A LESSER CHARGE OF DISTURBING PUBLIC ORDER, AND RECEIVED SUSPENDED SENTENCES IN JUNE. THE DEFENDANTS ALLEGED THAT THEY WERE SEVERELY BEATEN SUBSEQUENT TO THEIR SEPTEMBER ARRESTS AND LATER IN COURT WITHDREW THEIR INITIAL TESTIMONY AFTER STATING THAT IT HAD BEEN GAINED UNDER DURESS.

KIM BALAYAN, A MEMBER OF THE DASHNAK PARTY LEADERSHIP AND A FORMER MEMBER OF PARLIAMENT, WAS CONVICTED OF ORGANIZING MASS DISTURBANCES AND WAS GIVEN A SUSPENDED SENTENCE OF TWO YEARS OF IMPRISONMENT IN JUNE. BALAYAN CLAIMED THAT HE WAS SINGLED OUT FOR PROSECUTION DUE TO PAST ANIMOSITIES WITH ARMENIA'S PROSECUTOR GENERAL RELATED TO BALAYAN'S FORMER POSITION AS CHAIRMAN OF THE NATIONAL ASSEMBLY'S JUSTICE COMMISSION.

IN ADDITION TO OUTRIGHT BANS ON DASHNAK-AFFILIATED NEWSPAPERS IMPOSED IN DECEMBER 1994, THE GOVERNMENT CONTINUED TO EXERCISE CONTROL OVER THE MEDIA THROUGH ITS MONOPOLY OWNERSHIP OF PRINTING EQUIPMENT AND THE NEWSPAPER DISTRIBUTION SYSTEM, *HAYMAMUL*. THE GOVERNMENT ALSO MAINTAINED A CAPRICIOUS AND ARBITRARY SYSTEM FOR LICENSING TELEVISION STATIONS THAT LIMITS THE MEDIA'S ABILITY TO BROADCAST INFORMATION CRITICAL OF THE GOVERNMENT.

MOREOVER, LOCAL REPORTERS STATED THAT SECURITY FORCES CONFISCATED BROADCAST JOURNALISTS' EQUIPMENT AND USED ARBITRARY DETENTION AND THREATS DURING QUESTIONING TO DISCOURAGE THE BROADCAST OR PUBLICATION OF INFORMATION IT DEEMED EMBARRASSING OR CRITICAL OF THE GOVERNMENT OR OF OFFICIALS. THE RESULT HAS BEEN TO ENCOURAGE JOURNALISTS TO ENGAGE IN SELF-CENSORSHIP, ESPECIALLY ON TOPICS RELATED TO GOVERNMENT CORRUPTION AND NATIONAL SECURITY ISSUES. THREE REPORTERS FROM NOYAN TAPAN NEWS SERVICE WERE REPORTED TO HAVE BEEN DETAINED FOR SEVEN HOURS AND PRESSURED DURING QUESTIONING BY INTERIOR MINISTRY PERSONNEL IN JUNE AFTER PRINTING ARTICLES ON NAGORNO KARABAKH DEEMED TO INFRINGE ON NATIONAL SECURITY. ON MARCH 7, UNIDENTIFIED ATTACKERS BROKE INTO THE OFFICES OF YEREVAN ORER NEWSPAPER, DEMANDING THAT THE EDITOR, MIKAEL HAIRAPETYAN, ERASE THE NEWSPAPER FROM THE COMPUTER'S MEMORY. HAIRAPETYAN'S ATTACKERS BEAT HIM WHEN HE DID NOT COMPLY, AND HE STATED THAT THEIR DEMANDS THAT HE CEASE TO PUBLISH

THE NEWSPAPER LED HIM TO BELIEVE THAT THE INCIDENT WAS POLITICALLY MOTIVATED.

The Right To Monitor

HUMAN RIGHTS WATCH IS NOT AWARE OF INSTANCES OF RESTRICTIONS ON THE MONITORING OF ABUSES. HOWEVER, THE RANSACKING OF A LIBRARY IN AUGUST MAINTAINED BY THE CONSTITUTIONAL AND HUMAN RIGHTS CENTER IN VANADZOR, A PARTNER ORGANIZATION OF THE ARMENIAN HELSINKI ASSOCIATION, RAISED CONCERNS.

The Role of the International Community

Council of Europe

THE COUNCIL OF EUROPE CONTINUES TO EVALUATE ARMENIA'S APPLICATION FOR MEMBERSHIP. LAWYERS ADVISING THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE (PACE) RIGHTFULLY CONCLUDED IN A MAY 1997 REPORT THAT ARMENIA'S JUDICIAL SYSTEM IS CURRENTLY INCOMPATIBLE WITH COUNCIL STANDARDS FOR HUMAN RIGHTS PROTECTION. THE REPORT NOTED THAT ALTHOUGH PROVISIONS TO PROTECT BASIC HUMAN RIGHTS ARE SPELLED OUT IN ARMENIAN LAW, THE COURT SYSTEM LACKS THE NECESSARY INDEPENDENCE FROM THE EXECUTIVE AND LEGISLATIVE BRANCH TO GUARANTEE THEM IN PRACTICE.

THE REPORT CHARACTERIZED ARMENIA'S POLITICAL SYSTEM AS IN CRISIS AND NOTED THAT THE CRISIS HAD TO BE RESOLVED IN SUCH A WAY AS TO ENSURE PLURALISM AND GIVE MEANING TO THE INSTITUTIONS OF PARLIAMENTARY DEMOCRACY ALREADY ESTABLISHED. FURTHER REPORTS BY MEMBERS OF PACE COMMITTEES OVERSEEING THE APPLICATION PROCESS, INCLUDING THE SUBCOMMITTEE ON HUMAN RIGHTS, ARE EXPECTED FOLLOWING VISITS SCHEDULED FOR OCTOBER AND NOVEMBER.

United States

THE STATE DEPARTMENT'S *COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1996* PRESENTED AN ACCURATE PORTRAIT OF ARMENIA'S HUMAN RIGHTS SITUATION IN 1996. THE REPORT CHARACTERIZED THE SEPTEMBER 1996 PRESIDENTIAL ELECTIONS AS FLAWED AND ADDED THAT THE CONSTITUTIONAL COURT'S HANDLING OF A CASE BROUGHT BY OPPOSITION PARTIES PROTESTING THE RESULTS DID NOT ASSUAGE DOUBTS ABOUT THE CREDIBILITY OF THE OFFICIAL ELECTION RESULTS. IT ALSO DREW ATTENTION TO VIOLENCE BY SECURITY FORCES IMMEDIATELY AFTER THE ELECTIONS AND TO THE BEATING OF DETAINEES DURING ARREST AND INTERROGATION.

THE STATE DEPARTMENT'S REPORT IS COMPREHENSIVE IN ITS TREATMENT OF HUMAN RIGHTS ABUSES, AND U.S. EMBASSY STAFF IN YEREVAN ARE WELL INFORMED ABOUT VIOLATIONS THROUGH REGULAR MEETINGS WITH INDIVIDUALS AND OPPOSITION GROUPS. MOREOVER, U.S. AMBASSADOR PETER TOMSEN IDENTIFIED ASSISTANCE WITH DEVELOPMENT OF DEMOCRATIC INSTITUTIONS AS AN IMPORTANT U.S. POLICY PRIORITY IN ARMENIA AND HAS FAVORED INCREASED U.S. SPENDING FOR SUCH PROJECTS.

ARMENIA RECEIVED AN EARMARK OF U.S.\$95 MILLION IN THE FISCAL YEAR 1997 FOREIGN OPERATIONS APPROPRIATIONS BILL, AND IT MAY RECEIVE FUNDING AT SIMILAR LEVELS IN FY 1998, MAKING IT ONE OF THE HIGHEST PER CAPITA RECIPIENTS OF U.S. FOREIGN ASSISTANCE IN THE WORLD. GIVEN THE GOVERNMENT'S HEAVY RELIANCE ON FUNDS PROVIDED BY THE U.S. AND THE INTERNATIONAL COMMUNITY, THE U.S. FAILED TO USE ITS INFLUENCE ON THE GOVERNMENT TO THE FULLEST EXTENT POSSIBLE TO FURTHER LIFT RESTRICTIONS ON POLITICAL ACTIVITY AND TO HALT ABUSES BY INTERIOR AND SECURITY MINISTRY PERSONNEL. FURTHER, THE U.S. EMBASSY FAILED TO MAKE PUBLIC STATEMENTS ON BREACHES OF DUE PROCESS ASSOCIATED WITH ONGOING TRIALS DURING THE YEAR.

AZERBAIJAN

Human Rights Developments

AZERBAIJAN'S HUMAN RIGHTS RECORD IN 1997 CONTINUED TO BE DISMAL BUT HAD NO PERCEPTIBLE IMPACT ON THE

UNPRECEDENTED LEVEL OF INVOLVEMENT BY THE INTERNATIONAL COMMUNITY AND INTERNATIONAL BUSINESS IN THE COUNTRY. INTERNATIONAL INVESTMENT ACTIVITY IN THE PETROLEUM SECTOR WAS FEVERISH: TWO NEW CONSORTIA WERE FORMED FOR CASPIAN SEA OIL, PRESIDENT HEYDAR ALIYEV SIGNED AGREEMENTS WITH U.S. OIL COMPANIES TOTALING U.S.\$10 BILLION, AND DRILLING BEGAN IN SOME FIELDS. THE INTERNATIONAL COMMUNITY LARGELY GLOSSED OVER AZERBAIJAN'S POOR HUMAN RIGHTS RECORD IN ORDER TO PROTECT OIL INTERESTS.

IN 1997 (JANUARY 9 AND 16, MARCH 19) THE SUPREME COURT OF AZERBAIJAN CONVICTED FIFTY-SIX INDIVIDUALS IMPLICATED IN THE MARCH 1995 UPRISING BY THE SPECIAL TASK FORCE POLICE (OPON) IN BAKU. IN THE JANUARY 9 TRIAL, SEVERAL INDIVIDUALS WHO HAD GIVEN TESTIMONY AGAINST THE LEAD DEFENDANT LATER RETRACTED IT IN COURT, CLAIMING POLICE HAD EXTRACTED IT USING TORTURE. IN DECEMBER 1996, THE COURT FOR THE SECOND TIME HAD REFUSED TO ORDER FORENSIC EVIDENCE IN THE CASES OF DEFENDANTS CONVICTED ON JANUARY 16—EVIDENCE THAT MIGHT HAVE SUPPORTED THEIR SEEMINGLY CREDIBLE CLAIMS OF THE TORTURE ENDURED DURING THE INVESTIGATION.

THE SUPREME COURT CONVICTED ALL TWENTY-ONE DEFENDANTS IN THE SO-CALLED CASE OF THE GENERALS, IN WHICH FOUR GENERALS AND ONE CIVILIAN WERE CHARGED WITH PLANNING COUPS IN APRIL AND AUGUST 1995. IN DECEMBER 1996 NINETEEN OF THE DEFENDANTS WROTE TO AMNESTY INTERNATIONAL CLAIMING THEY WERE TORTURED.

THE TREASON TRIAL OF FIVE MEMBERS OF THE ISLAMIC PARTY OF AZERBAIJAN, FOR ALLEGEDLY SPYING FOR IRAN, ENDED IN LENGTHY PRISON SENTENCES FOR FOUR. IN 1996, POLICE RELEASED TWO OTHER SUSPECTS IN ARRESTED IN THE SAME CASE TO THE CUSTODY OF THEIR FAMILIES: ONE DIED AS A RESULT OF INJURIES HE HAD SUSTAINED DURING POLICE TORTURE.

AGAINST THIS BACKDROP, THE CHAIR OF THE PARLIAMENTARY HUMAN RIGHTS COMMISSION IN JANUARY ACKNOWLEDGED THAT PRISON CONDITIONS IN AZERBAIJAN WERE POOR, BUT CLAIMED THAT THERE WERE NO POLITICAL PRISONERS IN AZERBAIJAN. REGARDING TORTURE OF OPOK DEFENDANTS, HE ACKNOWLEDGED THAT "SOMETIMES THERE WERE MISTAKES," BUT HE DISCOUNTED EVEN THIS BY SUGGESTING THAT, SINCE THE OPOK MEMBERS WERE FOUND GUILTY, THEY HAD BROUGHT THE ILL-TREATMENT UPON THEMSELVES.

POLITICAL ARRESTS ON ALLEGED COUP AND TREASON CHARGES CONTINUED IN LATE 1996 AND IN 1997. ON NOVEMBER 25, 1996, POLICE ARRESTED RASIM AGAYEV, PRESS SECRETARY TO FORMER PRESIDENT AYAZ MUTALIBOV, ON CHARGES OF HIGH TREASON IN CONNECTION WITH YET ANOTHER ALLEGED COUP ATTEMPT. ON MARCH 18, POLICE CONFISCATED MR. AGAYEV'S ACADEMIC WORKS, CLAIMING THEY CONTAINED COUP PLANS. ON JANUARY 13, POLICE ARRESTED AKHAD MAMEDOV, ASSISTANT TO THE CHAIR OF THE OPPOSITION PARTY MUSAVAT, ALLEGEDLY BECAUSE HIS TELEPHONE NUMBER WAS IN THE PHONE BOOK OF A MAN CHARGED WITH ESPIONAGE. TWO MUSAVAT OFFICIALS REMAINED UNDER POLICE INVESTIGATION FOR THEIR ROLE IN ATTEMPTING TO PREVENT THE JUNE 1993 COUP THAT EVENTUALLY BROUGHT PRESIDENT ALIYEV TO POWER.

IN A POSITIVE MOVE, ON JANUARY 29, THE PROCURACY RELEASED FORMER PRIME MINISTER PANAH HUSEINOV AFTER NINE MONTHS IN DETENTION, ALTHOUGH IT DID NOT DROP THE CORRUPTION CHARGES AGAINST HIM.

MEDIA CENSORSHIP CONTINUED IN 1997, DESPITE GOVERNMENT CLAIMS TO THE CONTRARY, ESPECIALLY ON SUCH "SENSITIVE" ISSUES AS CRITICISM OF PRESIDENT ALIYEV'S POLICY ON NAGORNO KARABAKH, ON OIL, AND ON HUMAN RIGHTS, INCLUDING CRITICAL THOUGHT ABOUT AZERBAIJAN'S ENTRY TO THE COUNCIL OF EUROPE. IN JANUARY, THE OPPOSITION DAILY AZADLYG (INDEPENDENCE) REPORTED THAT IN 1996, 105 ISSUES WERE CENSORED IN SOME WAY, INCLUDING TWENTY-SEVEN ARTICLES AND THREE CARICATURES THAT WERE COMPLETELY BANNED AND SEVENTY-SIX ARTICLES THAT WERE PARTIALLY BANNED. A BAKU DISTRICT COURT FINED AN AZADLYG JOURNALIST FOR INSULTING THE HONOR AND DIGNITY OF THE MILLI MAJLIS (PARLIAMENT) FOR COMMENTING THAT ONE MEMBER, A FORMER TEACHER, TREATED THE PARLIAMENT LIKE A SCHOOL AUDITORIUM, AND ITS DEPUTIES LIKE SCHOOL CHILDREN. THE GANJA LOCAL GOVERNMENT CONFISCATED ALL 2,400 COPIES OF A BOOK ABOUT THE 19TH CENTURY RUSSIAN OCCUPATION OF GANJA.

A BAKU POLICE STATION CHIEF BEAT JOURNALIST TAPDYG FARKHADOGLU ON NOVEMBER 17 AFTER HIS INTERVIEW WITH AN OPPOSITION LEADER. THE GOVERNMENT CLOSED ITS INVESTIGATION OF THE BEATING ON JANUARY 28, ALLEGEDLY BECAUSE THE SUSPECT COULD NOT BE LOCATED, AND REOPENED IT UNDER PRESSURE IN APRIL, WITH NO RESULTS.

THE GOVERNMENT SOUGHT TO MAINTAIN A VIRTUAL INFORMATION BLOCKADE ON THE NAKHCHIVAN AUTONOMOUS REPUBLIC, ACCESSIBLE TO THE REST OF AZERBAIJAN ONLY BY AIR. IN A MOVE TO ISOLATE FORMER PRESIDENT ABULFAZ ELCHIBEY, WHO RESIDES IN THE NAKHCHIVAN VILLAGE OF KELEKI, AND TO PREVENT HIS RETURN TO BAKU, POLICE REPEATEDLY PREVENTED HIM

FROM MEETING WITH JOURNALISTS AND OPPOSITION LEADERS. ON MAY 4, NAKHCHIVAN POLICE QUESTIONED AN *AZADLYG* JOURNALIST, HELD HIM FOR ELEVEN DAYS (FOR ALLEGEDLY RESISTING POLICE OFFICERS), AND FINED HIM 22,000 MANAT. IN JULY, POLICE AT THE NAKHCHIVAN AIRPORT QUESTIONED IRENE LASOTA, EDITOR OF THE U.S. PUBLICATION *UNCAPTIVE MINDS*, AND ATTEMPTED TO CONFISCATE MATERIALS FROM HER INTERVIEW WITH MR. ELCHIBEY; ON SEPTEMBER 6 TWO POLITICIANS AND TWO JOURNALISTS ATTEMPTED TO VISIT MR. ELCHIBEY, BUT WERE TURNED BACK TO BAKU AT THE NAKHCHIVAN AIRPORT; SIMILAR INCIDENTS OCCURRED SEPTEMBER 11 AND OCTOBER 6. ON OCTOBER 30, HOWEVER, MR. ELCHIBEY RETURNED TO BAKU ON A PLANE PROVIDED BY THE AZERBAIJANI GOVERNMENT.

POLICE HARASSED OPPOSITION POLITICAL PARTIES MOSTLY BY PREVENTING LOCAL PARTY CONFERENCES AND OTHER GATHERINGS. THIS HARASSMENT IS SIGNIFICANT IN ITS OWN RIGHT, AND ALSO GIVEN THE LIKELIHOOD OF PRESIDENTIAL ELECTIONS IN 1998. IN JANUARY, SALYAN DISTRICT POLICE PREVENTED THE PARTY OF CIVIC SOLIDARITY FROM STAGING A MEETING BETWEEN ACTIVISTS AND RESIDENTS. POLICE DISPERSED MEMBERS OF THE AZERBAIJANI POPULAR FRONT PARTY (APFP) AS THEY ATTEMPTED TO HOLD A CONFERENCE ON JUNE 3 AND FORBODE THE APFP FROM MEETING IN LERIK DISTRICT. ON JUNE 28 POLICE IN THE QEBELE DISTRICT BROKE UP A MUSAVAT CONFERENCE. IN FEBRUARY, A COURT RULED ILLEGAL THE MINISTRY OF JUSTICE'S PERSISTENT REFUSAL TO REGISTER THE DEMOCRATIC PARTY OF AZERBAIJAN, YET AS OF THIS WRITING THE PARTY REMAINED UNREGISTERED.

The Right to Monitor

VERBAL ATTACKS BY MEMBERS OF PARLIAMENT AND IN THE STATE-RUN PRESS AGAINST THE HUMAN RIGHTS MOVEMENT IN 1997 TARGETED INDIVIDUAL ACTIVISTS RATHER THAN ORGANIZATIONS. TWO DEPUTIES TO THE MILLI MAJLIS UNLEASHED A VERITABLE WITCH HUNT IN THE STATE-OWNED MEDIA AGAINST ARZU ABDULLAYEVA, HEAD OF THE AZERBAIJANI NATIONAL COMMITTEE OF THE HELSINKI CITIZENS ASSEMBLY, LEYLA YUNUSOVA, CHAIR OF THE INSTITUTE FOR PEACE AND DEMOCRACY (A HUMAN RIGHTS ADVOCACY GROUP) AND CO-CHAIR OF THE VAHDAT POLITICAL PARTY, AND LALA GASIYEVA, OF THE LIBERAL PARTY. THE UNFOUNDED SMEAR CAMPAIGN AGAINST MS. ABDULLAYEVA CRITICIZED HER DEFENSE OF THE RIGHTS OF ETHNIC ARMENIANS IN AZERBAIJAN AND BRANDED HER AN ARMENIAN SPY; THE CAMPAIGN PAINTED MS. YUNUSOVA, WHO HAS SPOKEN OUT FREQUENTLY AGAINST GOVERNMENT ABUSE, AS A SPY FOR THE RUSSIAN MILITARY.

THE MINISTRY OF JUSTICE ARRANGED FOR AT LEAST TWO VISITS BY NON-GOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS TO POST-CONVICTION LABOR CAMPS, BUT CONTINUED TO REFUSE ACCESS TO PRE-TRIAL FACILITIES.

The Role of the International Community

Europe

AS PART OF ITS PROCEDURE FOR CONSIDERING AZERBAIJAN'S MEMBERSHIP APPLICATION, THE COUNCIL OF EUROPE SENT A TEAM OF ATTORNEYS TO BAKU TO EVALUATE THE DEGREE TO WHICH THE COUNTRY'S LEGAL SYSTEM MET COUNCIL STANDARDS; AS OF THIS WRITING THE REPORT HAS NOT BEEN MADE PUBLIC. DURING THEIR VISIT THE TEAM SPOKE FRANKLY TO THE PRESS ABOUT AZERBAIJAN'S HUMAN RIGHTS PROBLEMS.

IN NOVEMBER, THE OSCE'S OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (ODIHR), ORGANIZED A CONFERENCE FOR GOVERNMENT OFFICIALS ON THE ROLE OF THE JUDICIARY IN THE RULE OF LAW. AMBASSADOR AUDREY GLOVER, HEAD OF ODIHR, LIMITED HER PUBLIC REMARKS ON THE HUMAN RIGHTS SITUATION IN AZERBAIJAN. IN A MEETING WITH JOURNALISTS SHE STATED, "AZERBAIJAN IS IN FIRST STAGE OF TRANSITION FROM TOTALITARIANISM TO DEMOCRACY AND WE WANT TO HELP IT ALONG THIS PATH," A LOST OPPORTUNITY FOR THE OSCE TO ACKNOWLEDGE THE COUNTRY'S POOR RECORD.

United States

PRESIDENT ALIYEV MADE THE FIRST STATE VISIT EVER TO THE U.S. BY AN AZERBAIJANI HEAD OF STATE, A CLEAR SIGN OF THE CLINTON ADMINISTRATION'S DESIRE TO PROMOTE U.S. OIL INTERESTS. HUMAN RIGHTS CONCERNS WERE ECLIPSED BY THE OVERWHELMING BUSINESS AND POLITICAL CONCESSIONS PRESIDENT ALIYEV GAINED DURING THE VISIT, INCLUDING \$10 BILLION IN

contracts with U.S. oil companies; administration pledges to overhaul or circumvent Section 907 of the Freedom Support Act, legislation that bans direct U.S. assistance to the Azerbaijani government; and a joint statement with the Department of Defense indicating the Pentagon's desire to deepen its relationship with the Azerbaijani military through education and training. Both President Clinton and Secretary of State Madeline Albright raised human rights issues; however since no information about such conversations was made public, President Aliyev was able to claim later that the Clinton administration approved of Azerbaijan's progress on rule of law.

Draft foreign trade legislation would circumvent Section 907 by authorizing operations by the Overseas Private Investment Corporation and the Trade Development Agency. As of this writing legislation had not been adopted.

REPUBLIC OF BELARUS

Human Rights Developments

The Belarusian government stepped up its campaign to crush civil society and opposition activities in 1997 and ignored international pressure to restore respect for human rights and the rule of law. In the first half of the year, the government sought to silence opposition by sanctioning police violence to break up opposition demonstrations; detaining and fining opposition leaders, demonstrators, and passers-by; harassing journalists; and threatening newspapers and nongovernmental organizations with closure. In the second half of the year, the government's campaign targeted several journalists and political opponents of the president with politically motivated criminal charges.

The new constitution, adopted in a highly controversial referendum in November 1996, subordinated the legislature and judiciary to the executive, thereby significantly broadening President Lukashenka's powers. President Lukashenka disbanded the Supreme Soviet (the old parliament) and hand-picked a new parliament (the National Assembly) from deputies who had remained loyal to him. He also altered the Constitutional Court making more than half of its members presidential appointees.

The referendum, the union treaty with Russia, and Lukashenka's repressive policies triggered a series of street protests by the Belarusian opposition in the first months of 1997. Seeking to end what he called an "orgy of street democracy," on March 5 President Lukashenka issued a decree restricting demonstrations that, among other things, forbade the use of unregistered flags, as well as posters and other objects deemed to insult the honor and dignity of officials of the state. The decree also established a system of exorbitantly high penalties for violations of the decree, especially by participants and organizers of demonstrations. As of this writing, the National Assembly was working on a draft law on demonstrations containing the same provisions as the presidential decree.

Police regularly broke up demonstrations, arbitrarily arresting both participants and bystanders and using excessive violence that seemed aimed more at spreading terror than at restoring or protecting public order. Police also beat up and detained numerous journalists during demonstrations in early 1997. On March 14, police prevented a demonstration altogether, arresting scores of bystanders, including elderly women and children as young as fourteen years old, who later faced trial on fabricated charges. Almost all court hearings in cases related to demonstrations were blatantly unfair. Judges refused to allow testimony by defense witnesses and based their decisions on testimony from police officers. Hundreds of people were sentenced to between three and fifteen days of administrative detention and fines from U.S.\$100 to U.S.\$800. (The average monthly salary in Belarus is less than \$100.)

The Belarusian government used arbitrary rent increases and audits to intimidate nongovernmental organizations (NGOs), and in particular targeted Children of Chernobyl, a humanitarian NGO that helps victims of

the 1996 CHERNOBYL disaster. In late 1996, the government raised the organization's rent twenty-fold and conducted an audit in March. A preliminary report of the audit, issued in May, contained highly speculative accusations against the founder of the organization, Gennady Grushevoy. On the basis of the report, a Minsk prosecutor announced on public television that criminal proceedings had been instituted against Grushevoy, who was in Germany at the time of writing as he feared immediate arrest upon return to Belarus.

In an apparent attempt to deprive Belarus' nascent civil society of one of its main sources of financial assistance, the Belarusian authorities ordered an audit of the Belarusian Soros Foundation and subsequently imposed a U.S.\$3 million fine for alleged currency exchange violations. After unsuccessfully attempting to find a compromise with the Belarusian government, the Soros Foundation closed its office in Belarus on September 3.

President Lukashenka eroded the independence of lawyers in a decree obliging all lawyers to become member of lawyers' collegia, which are tightly controlled by the Ministry of Justice. The decree also established that lawyers could receive a required license only after passing an exam with a qualification commission, which is headed by the Minister of Justice. In an act of political harassment, the ministry stripped Mechislav Grib, a deputy of the disbanded Supreme Soviet, of his license on July 7, claiming it had a right to do so because a court had convicted him for organizing an opposition rally in violation of the March 5 decree.

The crackdown on the independent media intensified in 1997. Having banned public discussion from the pages of the state-owned press, the Belarusian government moved its campaign of harassment to the independent print media. The authorities audited several independent newspapers in late 1996 and handed down punitive and disproportionate fines on grounds of questionable validity. The State Committee on the Press issued warnings and threatened to close various newspapers for their publication of articles that allegedly violated the press law but fell well within the limits of freedom of speech. In August, the Minsk prosecutor's office opened criminal investigations against *Izvestiya* (a leading Russian newspaper) correspondent Alexander Starikov and the newspaper *Svoboda* for an article the correspondent wrote in that newspaper, which called for mass protests against Lukashenka's government. The Belarusian government considered the article to be libelous and to call for the violent overthrow of the government.

On several occasions, the Belarusian government used legislation to attack freedom of the press. On March 19 it issued a decree banning the import and export of information deemed to threaten "the national security, rights and freedoms of individuals, health and morale of the population, and environmental protection." On June 25, the lower house of the National Assembly approved draft amendments to the press law that would codify the decree into law. The law would also empower the State Committee on the Press to close media outlets, should they violate the press law, and to ban publications deemed libelous of the Belarusian president and other state officials. Finally, foreign media could distribute their products only with the approval of the State Committee on the Press and could only set up representative offices with approval of both the committee and the Ministry of Foreign Affairs.

In an apparent attempt to block the wide circulation of information critical of his government, President Lukashenka specifically attacked Russian television transmissions, which can be received in most of Belarus. The authorities several times forbade Russian television journalists to transmit video materials of opposition rallies and, on March 24, 1997, stripped Alexander Stupnikov, correspondent for Russian independent television, of his accreditation and expelled him from the country for alleged systematic distortion of information about events in Belarus. On July 7, Pavel Sheremet, Russian Public Television (ORT) Minsk bureau chief, was stripped of his accreditation for similar reasons.

On July 26, several days after they filmed a program intending to demonstrate the transparency of the Belarusian-Lithuanian border, Belarusian police arrested Pavel Sheremet and two of his crew members on charges of having "unlawfully crossed the border." President Lukashenka—making far-fetched claims that new, high technology border security equipment was being tested in the area—charged that Sheremet was working not for ORT but for a foreign intelligence agency. Belarusian police arrested yet another ORT crew on August 16. Like

SHEREMET'S CREW, THE JOURNALISTS HAD ALSO INTENDED TO FILM THE BORDER BUT WERE ARRESTED A SHORT DISTANCE FROM THEIR DESTINATION. THEY WERE CHARGED WITH "ATTEMPTED BORDER VIOLATIONS" AND HELD IN DETENTION. AFTER PRESSURE FROM RUSSIA, BELARUSIAN AUTHORITIES RELEASED ALL THE JOURNALISTS RELATIVELY QUICKLY, WITH THE NOTABLE EXCEPTION OF SHEREMET, WHO WAS FINALLY RELEASED ON OCTOBER 9, HAVING SPENT SEVENTY-FOUR DAYS IN CUSTODY. ORT CORRESPONDENT ANATOLIY ADAMCHUCK (OF THE SECOND CREW) AND SHEREMET'S CAMERAMAN, DMITRI ZAVADSKY, WERE PRESSURED INTO WRITING LETTERS TO PRESIDENT LUKASHENKA REQUESTING THEIR RELEASE. AFTER HIS RELEASE, ZAVADSKY CLAIMED THAT THE LETTER CIRCULATED BY THE BELARUSIAN AUTHORITIES, WHICH CONTAINED HIS CONFESSION AND APOLOGIES, SIGNIFICANTLY DIFFERED FROM WHAT HE INDEED HAD WRITTEN. ON AUGUST 20, THE BELARUSIAN GOVERNMENT ANNOUNCED THAT ORT'S ACCREDITATION HAD BEEN ANNULLED AND ACCUSED ORT OF ORGANIZING "A POLITICAL PROVOCATION AGAINST THE COUNTRY'S LEADERSHIP." AS OF THIS WRITING, THE TRIALS OF THE JOURNALISTS HAD YET TO BEGIN.

MEMBERS OF THE DISBANDED SUPREME SOVIET AND OF POLITICAL PARTIES, AMONG THE MAIN ORGANIZERS OF PROTEST RALLIES, CAME UNDER CONSTANT GOVERNMENT ATTACK. NUMEROUS DEPUTIES WERE DETAINED AND BEATEN DURING DEMONSTRATIONS, AND SENTENCED TO ADMINISTRATIVE DETENTION AND FINES, AND ONE OF THEM WAS BEATEN UP BY UNKNOWN MEN IN HIS HOME. THE PROSECUTOR'S OFFICE LAUNCHED CRIMINAL INVESTIGATIONS AGAINST AT LEAST THREE DEPUTIES. ONE OF THEM, VLADIMIR KUDINOV WAS CHARGED WITH GIVING A BRIBE OF U.S.\$500 AND SENTENCED TO SEVEN YEARS OF IMPRISONMENT IN AUGUST, A CASE THAT BELARUSIAN HUMAN RIGHTS ACTIVISTS CLAIM WAS POLITICAL RATHER THAN CRIMINAL. ON AUGUST 29, DEPUTY VIKTOR GONCHAR, HEAD OF THE SUPREME SOVIET COMMITTEE THAT INVESTIGATED UNLAWFUL ACTIONS BY THE BELARUSIAN PRESIDENT, WAS FORCIBLY TAKEN TO THE PROSECUTOR'S OFFICE IN MINSK AND CHARGED WITH LIBELING PRESIDENT LUKASHENKA. HE WAS RELEASED AFTER QUESTIONING. SIMILARLY, POLITICAL MOTIVES SEEMED APPARENT IN CRIMINAL PROCEEDINGS AGAINST FORMER CENTRAL BANK DIRECTOR TAMARA VINNIKOVA, WHO WAS ARRESTED IN EARLY 1997 ON ECONOMIC CHARGES.

The Right to Monitor

IN 1997 THE GOVERNMENT TARGETED THE BELARUSIAN HELSINKI COMMITTEE (BHC). SEVERAL BHC MEMBERS WERE ARRESTED DURING DEMONSTRATIONS IN MARCH, APRIL AND JUNE. ONE OF THEM WAS ACQUITTED IN COURT WHILE THE OTHERS RECEIVED WARNINGS, FINES OR SENTENCES OF ADMINISTRATIVE DETENTION. POLICE BEAT UP TWO MONITORS OF THE ORGANIZATION DURING DEMONSTRATIONS ON MARCH 14 AND APRIL 2. THE BHC CAME UNDER RENEWED ATTACK ON OCTOBER 20, WHEN TWENTY-ONE-YEAR-OLD NADEZHDA ZHUKOVA, A TRIAL AND DEMONSTRATION OBSERVER, WAS ASSAULTED AND THREATENED WITH REPRISALS AFTER LEAVING THE LENINSKY DISTRICT COURT BY THREE MEN WHO IDENTIFIED THEMSELVES AS "YOUNG BELARUSIAN PATRIOTS," WHICH RAISED SUSPICION THAT THEY WERE MEMBERS OF THE PRO-PRESIDENTIAL BELARUSIAN PATRIOTIC YOUTH MOVEMENT THAT OPENLY ADVOCATES VIOLENCE. FURTHER EVIDENCE SUGGESTED POLICE COLLUSION IN THE ASSAULT. IN A CLEAR CASE OF HARASSMENT, ON OCTOBER 23, TATIANA PROTKO, THE HEAD OF THE BHC, WHILE INTERVIEWING A DISMISSED COLLECTIVE FARM MANAGER IN MOHILEV REGION, WAS ARRESTED ON CHARGES OF OBSTRUCTING THE WORK OF LOCAL OFFICIALS WHO HAD ARRIVED TO "MEASURE" THE FARM MANAGER'S HOME. THE CHARGE WAS LATER CHANGED TO "ILLEGAL PERSONAL ASSUMPTION OF GOVERNMENT AUTHORITY." HOWEVER, AT HER TRIAL THE FOLLOWING MORNING, THE CASE AGAINST HER WAS DISMISSED.

GOVERNMENT POLICIES AIMED AT MARGINALIZING THE INDEPENDENT PRESS SERIOUSLY LIMITED THE CIRCULATION OF INFORMATION ON THE HUMAN RIGHTS SITUATION IN BELARUS. HUMAN RIGHTS WATCH WAS NOT AWARE OF RESTRICTIONS PLACED ON MONITORING BY INTERNATIONAL HUMAN RIGHTS GROUPS.

The Role of the International Community

THE INTERNATIONAL COMMUNITY RESPONDED SWIFTLY TO THE SHARP DECLINE IN THE HUMAN RIGHTS SITUATION IN BELARUS. IN OCTOBER, BELARUS REPORTED TO THE U.N. HUMAN RIGHTS COMMITTEE (HRC) ON ITS IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. AS OF THIS WRITING, THE HRC HAS YET TO ISSUE ITS FINAL RECOMMENDATIONS, BUT IN ITS PRELIMINARY CONCLUDING OBSERVATIONS THE COMMITTEE NOTED THAT BELARUSIAN CITIZENS SEEM TO BE UNDER "POLICE PRESSURE REMINISCENT OF THE ERA OF THE FORMER SOVIET UNION" AND URGED THE BELARUSIAN GOVERNMENT TO LIFT ITS

RESTRICTIONS ON A VARIETY OF CIVIL AND POLITICAL RIGHTS.

European Union

THE EUROPEAN UNION (E.U.) REACTED TO THE NOVEMBER 1996 REFERENDUM BY SENDING A FACT-FINDING MISSION TO BELARUS TO INVESTIGATE THE CIRCUMSTANCES OF THE REFERENDUM IN JANUARY. BASED ON THE CONCLUSIONS OF THIS MISSION, THE E.U. COUNCIL OF MINISTERS CONDITIONED ECONOMIC COOPERATION PROGRAMS WITH BELARUS ON CONCRETE STEPS TO ESTABLISH THE RULE OF LAW. WITH THIS AIM, A WORKING GROUP—INVOLVING E.U. MEDIATORS AND REPRESENTATIVES OF THE BELARUSIAN GOVERNMENT AND THE OPPOSITION—WAS CREATED TO DISCUSS A NEW CONSTITUTION THAT WOULD GUARANTEE A TRUE SEPARATION OF POWERS AND HUMAN RIGHTS. ON SEPTEMBER 15, THE E.U. COUNCIL OF MINISTERS SUSPENDED THE DIALOGUE INDEFINITELY, STATING THAT PRESIDENT LUKASHENKA HAD NOT ACTED IN GOOD FAITH AND HAD OBSTRUCTED THE DIALOGUE.

Council of Europe and the Organization for Security and Cooperation in Europe

THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE SUSPENDED BELARUS' SPECIAL GUEST STATUS IN LATE JANUARY 1997 IN REACTION TO THE NOVEMBER 1996 REFERENDUM. THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) SENT A FACT-FINDING MISSION TO BELARUS FROM APRIL 15 TO 19 WHICH CONCLUDED THAT "THERE IS EVERY INDICATION THAT THE [BELARUSIAN] AUTHORITIES ARE CONSTRUCTING A SYSTEM OF TOTALITARIAN GOVERNMENT." THE OSCE DELEGATION RECOMMENDED THAT A PERMANENT OSCE REPRESENTATION BE ESTABLISHED IN MINSK TO MONITOR THE HUMAN RIGHTS SITUATION AND ADVISE THE BELARUSIAN GOVERNMENT ON PROMOTING DEMOCRACY. ALTHOUGH THE BELARUSIAN GOVERNMENT AGREED TO THE PRESENCE OF SUCH AN OSCE REPRESENTATION, IT OBSTRUCTED THE ESTABLISHMENT OF THE OFFICE BY SUSPENDING NEGOTIATIONS ON JULY 19, 1997. ONLY ON SEPTEMBER 19, AFTER THE E.U. HAD SUSPENDED ITS DIALOGUE WITH THE BELARUSIAN GOVERNMENT, DID BELARUS AGREE TO RESUME NEGOTIATIONS.

INEVITABLY, THE INTER-PARLIAMENTARY UNION, HAVING SUSPENDED BELARUS IN APRIL FOR ESTABLISHING THE NATIONAL ASSEMBLY "THROUGH A PROCESS WHOSE LEGALITY IS QUESTIONED," PROMPTLY REINSTATED THE COUNTRY JUST BEFORE THE SEPTEMBER INTER-PARLIAMENTARY CONFERENCE IN CAIRO. BELARUS AUTHORITIES EXPLOITED THIS MOVE IN THEIR ATTEMPTS TO REINSTATE BELARUS AS A SPECIAL OBSERVER IN THE COUNCIL OF EUROPE.

United States

FOLLOWING THE NOVEMBER 1996 REFERENDUM, THE UNITED STATES REASSESSED ITS POLICY TOWARD BELARUS. CONSIDERING THAT BELARUS' POOR HUMAN RIGHTS RECORD HAD REDUCED THE FRAMEWORK FOR CONSTRUCTIVE RELATIONS, THE CLINTON ADMINISTRATION ADOPTED A POLICY OF SELECTIVE ENGAGEMENT, LIMITING GOVERNMENT CONTACTS TO A MINIMUM WHILE CONTINUING TO WORK WITH DEMOCRATIC INSTITUTIONS, SUCH AS THE INDEPENDENT MEDIA AND NGOs.

RELATIONS WERE STRAINED FURTHER WHEN, FIRST, PETER BYRNE, EXECUTIVE DIRECTOR OF THE BELARUSIAN SOROS FOUNDATION, WAS REFUSED ENTRY INTO BELARUS ON MARCH 16, AND A WEEK LATER SERGE ALEKSANDROV, THE U.S. EMBASSY'S FIRST SECRETARY, WAS EXPELLED FROM THE COUNTRY FOR HIS ALLEGED PARTICIPATION IN AN OPPOSITION DEMONSTRATION. THE CLINTON ADMINISTRATION PROTESTED THE EXPULSION, EXPELLED A BELARUSIAN DIPLOMAT AND REQUESTED THAT THE NEW BELARUSIAN AMBASSADOR TO THE U.S. DELAY HIS POSTING.

Relevant Human Rights Watch report:

REPUBLIC OF BELARUS: CRUSHING CIVIL SOCIETY, 9/97

BOSNIA AND HERCEGOVINA

Human Rights Developments

A FRAGILE PEACE, ESTABLISHED BY THE U.S.-BROKERED DAYTON PEACE AGREEMENT (DPA), HELD BOSNIA AND HERCEGOVINA

THROUGHOUT 1997. PERSONS INDICTED FOR WAR CRIMES CONTINUED TO EXERT POLITICAL AND ECONOMIC CONTROL IN THE REGION AND USED THEIR POWER TO OBSTRUCT THE IMPLEMENTATION OF THE CIVILIAN COMPONENTS OF THE DPA. THEIR ONGOING INFLUENCE CONTRIBUTED TO AN OVERALL POOR HUMAN RIGHTS SITUATION THROUGHOUT THE COUNTRY. DURING 1997, FEW DISPLACED PERSONS WERE ABLE TO RETURN TO THEIR PREWAR HOMES, ETHNICALLY-MOTIVATED EXPULSIONS AND EVICTIONS REMAINED COMMON, AND FREEDOM OF MOVEMENT REMAINED LIMITED. POLICE ON BOTH SIDES OF THE INTER-ENTITY BOUNDARY LINE (IEBL) SERVED AS INSTRUMENTS OF THE DOMINANT POLITICAL PARTIES AND WERE RESPONSIBLE FOR SOME OF THE WORST ABUSES. ETHNIC MINORITIES, THE INDEPENDENT MEDIA, AND MEMBERS OF POLITICAL OPPOSITION PARTIES WERE PARTICULARLY VULNERABLE TO HARASSMENT AND ILL-TREATMENT. THE ABSENCE OF A FUNCTIONING, INDEPENDENT JUDICIARY MEANT THAT SUCH GROUPS WERE ESPECIALLY UNLIKELY TO ENJOY EQUAL PROTECTION UNDER THE LAW OR ACCESS TO REMEDIES FOR ABUSES SUFFERED AT THE HANDS OF THE STATE. MEDIA WAS OFTEN TIMES ANOTHER MEANS FOR HARD-LINE NATIONALISTS TO INCITE VIOLENCE, INCLUDING AGAINST INTERNATIONAL MONITORS, AND TO ENCOURAGE THE OBSTRUCTION OF THE DPA. GRAVE CONCERNS WERE RAISED ABOUT THE INTEGRITY OF THE SEPTEMBER 1997 MUNICIPAL ELECTIONS WHICH WERE CARRIED OUT UNDER THE AUSPICES OF OSCE. AN OVERALL ATMOSPHERE OF IMPUNITY PREVAILED.

TO VARYING DEGREES, ALL THREE DOMINANT ETHNICALLY-BASED POLITICAL PARTIES CONTINUED TO RESIST INTEGRATION. THE PROCESS OF ESTABLISHING COMMON INSTITUTIONS FOLLOWING THE SEPTEMBER 1996 NATIONAL ELECTIONS PROGRESSED SLOWLY. THE BOSNIAN SERB AUTHORITIES, IN PARTICULAR, BOYCOTTED MEETINGS OF JOINT INSTITUTIONS. SIMILARLY, DESPITE CLAIMS BY THE BOSNIAN CROAT AUTHORITIES THAT THEY HAD DISSOLVED THE SELF-PROCLAIMED "CROAT REPUBLIC OF HERCEG-BOSNA," THE POLITICAL GOAL OF A SEPARATE CROAT ENTITY WAS PERPETUATED BY THE FORMATION OF THE "CROAT COMMUNITY OF HERCEG-BOSNA."

War criminals

WHILE THE PRIMARY RESPONSIBILITY FOR THE ARREST AND EXTRADITION OF WAR CRIMINALS LIES WITH THE REGIONAL GOVERNMENTS, FEW WERE WILLING TO FULFILL THEIR OBLIGATION. THIS WAS PARTICULARLY TRUE OF THE LOCAL AUTHORITIES IN THE REPUBLIKA SRPSKA (RS) WHO RESOLUTELY REFUSED TO TURN OVER TO THE INTERNATIONAL CRIMINAL COURT FOR THE FORMER YUGOSLAVIA ANY OF THE THIRTY-EIGHT INDICTED PERSONS STILL BELIEVED TO BE IN RS TERRITORY. RS PRESIDENT BILJANA PLAVSIC INFORMED U.N. SECRETARY GENERAL KOFI ANNAN BY LETTER IN JANUARY THAT THE REPUBLIKA SRPSKA WOULD NOT HAND OVER RADOVAN KARADZIC AND RATKO MLADIC (THE FORMER COMMANDER OF THE BOSNIAN SERB ARMY) TO THE ICTY, A DECISION SUPPORTED BY REPUBLIKA SRPSKA PRIME MINISTER GOJKO KLICKOVIC ONLY A FEW DAYS LATER. DURING MOST OF 1997, THE BOSNIAN CROAT AUTHORITIES REFUSED TO COOPERATE WITH THE ICTY. HOWEVER, UNDER INTENSE PRESSURE FROM THE INTERNATIONAL COMMUNITY, ON OCTOBER 6, TEN BOSNIAN CROAT INDICTEES WERE HANDED OVER AND TRANSFERRED TO THE HAGUE. NEVERTHELESS, AS OF THIS WRITING, THE BOSNIAN CROAT AUTHORITIES CONTINUED TO HARBOR FOUR OTHER INDICTED PERSONS.

THERE APPEARED TO BE A SHIFT IN THE INTERNATIONAL COMMUNITY'S POLICY REGARDING ARRESTS DURING JUNE AND JULY, WHEN TROOPS OF THE UNITED NATIONS TRANSITIONAL AUTHORITY IN EASTERN SLAVONIA (UNTAES) DETAINED SLAVKO DOKMANOVIC, THE FORMER SERB MAYOR OF VUKOVAR, AND HANDED HIM OVER TO THE HAGUE. THIS ARREST WAS FOLLOWED BY AN ARREST EFFORT BY BRITISH SFOR (STABILIZATION FORCE, SUCCESSOR TO IFOR) TROOPS ON JULY 10 OF TWO PERSONS INDICTED BY THE ICTY IN AND NEAR PRIJEDOR, IN THE NORTHWESTERN PART OF THE REPUBLIKA SRPSKA. MILAN KOVACEVIC, THE TOWN'S HOSPITAL DIRECTOR AND FORMERLY A MUNICIPAL OFFICIAL, WAS DETAINED BY BRITISH TROOPS. SIMO DRLJACA, THE TOWN'S FORMER CHIEF OF POLICE AND ONGOING DE FACTO LEADER OF THE TOWN, WAS KILLED DURING A SHOOT-OUT WITH BRITISH SOLDIERS WHEN HE RESISTED ARREST. WHILE THE ARREST OF KOVACEVIC AND THE ATTEMPTED ARREST OF DRLJACA SEEMED TO INDICATE A CHANGED POLICY CONCERNING THE APPREHENSION OF PERSONS INDICTED BY THE ICTY, NO FURTHER ARRESTS WERE MADE BY SFOR.

ALTHOUGH FULLY AUTHORIZED BY THE DAYTON AGREEMENT AND VARIOUS SECURITY COUNCIL RESOLUTIONS TO ARREST PERSONS INDICTED BY THE ICTY, SFOR CHOSE TO INTERPRET ITS MANDATE NARROWLY, INSISTING THAT IT WAS NOT OBLIGED TO SEARCH FOR AND APPREHEND PERSONS INDICTED BY THE TRIBUNAL AND THAT IT COULD ONLY DETAIN INDICTED PERSONS WHO WERE ENCOUNTERED DURING THE COURSE OF NORMAL DUTIES—AND EVEN THEN, ONLY IF "FEASIBLE." U.S. PRESIDENT CLINTON REINFORCED THIS POSITION IN FEBRUARY BY STATING THAT U.S. TROOPS IN BOSNIA AND HERCEGOVINA SHOULD NOT BE USED FOR POLICE FUNCTIONS SUCH AS THE APPREHENSION OF INDICTEES.

Thus, persons indicted for war crimes continued to exert economic and political control in the country, using their influence to obstruct the DPA. Bosnian Serb indictee Radovan Karadzic remained the de facto political leader of the Srpska Demokratska Stranka party, evidenced by the fact that his picture appeared on SDS posters during the municipal elections in September. Karadzic—in collaboration with Momcilo Krajisnik, the Serb member of the joint Presidency of Bosnia and Herzegovina, RS Prime Minister Gojko Kljickovic, and former RS Minister of the Interior Dragan Kijac—obstructed and undermined all efforts toward peace and democracy in the entity of RS.

Further complicating the political landscape, in early summer, a power struggle broke out between two factions in the leading Bosnian Serb party, the Serbian Democratic Party (Srpska Demokratska Stranka, SDS). Despite the international community's support for RS President Biljana Plavsic in her confrontation with Karadzic, he continued to wield considerable power and violate OSCE election rules and regulations and a July 1996 agreement brokered by U.S. envoy Richard Holbrooke to stay out of public life.

Ethnically motivated violence and evictions

Although a clear goal of the Dayton agreement was to reestablish a multi-ethnic, united Bosnia and Herzegovina, little progress was made toward that end. Due largely to obstruction by local authorities (the overwhelming majority of whom are members of the nationalist parties), few were able to return to their prewar homes during 1997. Of the more than two million Bosnians who were displaced by the war, only approximately 250,000 had returned to the country by November; but very few to their pre-war homes in areas that are now controlled by another ethnic group. What is more, during the two years since Dayton, another 80,000 individuals were displaced due to transfers of territory between the two entities.

As in the previous year, during the first months of 1997, evictions of Bosniaks from Bosnian Croat-controlled west Mostar continued. In a particularly violent incident in February, a group of Bosnian Croats, including both uniformed and plain clothes police, attacked Bosniaks from east Mostar who were attempting to visit a graveyard in west Mostar during the Muslim holiday of Bajram. The Bosnian Croats fired as the Bosniaks fled the scene; one person was killed and over twenty persons were seriously injured. In the once Serb majority town of Drvar (now controlled by Croats), in May, twenty-five Bosnian Serb houses were destroyed by arson when Serb displaced persons attempted to return. Displaced Bosniaks were prevented—both by physical and bureaucratic means—from returning to pre-war homes in Stolic, Capljina, and other parts of the Croat-controlled Herzegovina. Houses of would-be returnees were burned and dynamited, despite months of effort by the international community to institute orderly returns to the area.

In one of the most serious cases of ethnically motivated evictions and violence, in early August, more than 400 Bosniaks who had just returned to villages surrounding Bosnian Croat-controlled Jajce were again expelled from their homes by a crowd of Bosnian Croats. International monitors in the region reported that local police used the media to incite protests and violence prior to and during the expulsions and that off-duty local police officers were spotted among the crowds. During the events, a dozen Bosniak houses were set on fire, and a Bosniak returnee was murdered. International observers, including SFOR troops and International Police Task Force (IPTF) monitors, failed to anticipate or respond to the expulsions. During the second half of August, on the basis of an agreement brokered by the international community, 474 families were finally reinstated to their houses. The events in Jajce had repercussions in Bosniak-controlled Bugojno, where Bosnian Croats were expelled and Bosnian Croat houses were severely damaged in late August. In Bosniak-controlled Travnik, a crowd of local Bosniaks prevented a group of Bosnian Croats from visiting their houses. In a separate incident in September, two Bosnian Croat returnees, a father and son, were murdered in Travnik.

Freedom of Movement

WHILE THERE WAS LIMITED PROGRESS IN FREEDOM OF MOVEMENT ACROSS INTER-ENTITY LINES DURING 1997, WIDESPREAD OBSTRUCTION OF THIS RIGHT CONTINUED ON ALL SIDES, ESPECIALLY IN THE SERB AND CROAT CONTROLLED AREAS. IN MARCH, A BUS WITH BOSNIAKS TRAVELING THROUGH THE REPUBLIKA SRPSKA FROM SARAJEVO TO THE BOSNIAK ENCLAVE OF GORAZDE WAS STOPPED, THE PASSENGERS ROBBED AND BEATEN, AND A HAND GRENADE THROWN INTO THE BUS. FORTUNATELY, IT DID NOT EXPLODE. ON THE SAME ROAD, A SWEDISH JOURNALIST WAS SHOT BY ARMED CIVILIANS DURING ELECTION WEEKEND IN SEPTEMBER. DISPLACED PERSONS ATTEMPTING TO VISIT THEIR PREWAR HOUSES WERE STOPPED BY LOCAL CROWDS IN STOLAC, TRAVNIK, GAJEVI, BRCKO, AND ELSEWHERE. DURING THE JAJCE EVENTS DESCRIBED ABOVE, BOSNIAN CROAT CROWDS SET UP ROAD BLOCKS IN PREPARATION FOR THE VIOLENT EXPULSION OF RECENTLY RETURNED BOSNIAKS. IN STOLAC, THE BOSNIAN CROAT AUTHORITIES SET UP A PERMANENT CHECKPOINT NEAR THE INTER-ENTITY BOUNDARY LINE (IEBL) AND CONTINUED TO COLLECT MONEY FROM TRAVELLERS DESPITE PROTESTS TO SFOR AND IPTF BY INTERNATIONAL MONITORS REGARDING THE ILLEGALITY OF THE CHECKPOINT. REPUBLIKA SRPSKA AUTHORITIES CONTINUED TO REQUIRE "VISAS" FOR TRAVEL OF NON-RESIDENTS THROUGH THE RS, CHARGING FEES OF VARIOUS AMOUNTS. ON THE POSITIVE SIDE, UNHCR'S BUS SERVICE CONTINUED TO SERVE AN IMPORTANT ROLE IN ENCOURAGING INTER-ENTITY TRAVEL.

Media

THE MEDIA IN BOSNIA AND HERCEGOVINA CONTINUED TO BE TIGHTLY CONTROLLED BY THE THREE NATIONALIST POLITICAL PARTIES, AND THE WORK OF INDEPENDENT MEDIA WAS OFTEN OBSTRUCTED DURING 1997. ON FEBRUARY 2, A GROUP OF THUGS ATTEMPTED TO EVICT STAFF FROM THE OFFICES OF THE INDEPENDENT MONTHLY *DANI* ("DAYS") IN SARAJEVO, THROWING TEAR GAS INTO THE BUILDING AND PHYSICALLY ATTACKING THE DEPUTY EDITOR-IN-CHIEF. IN JUNE, THE POLICE IN SARAJEVO TRIED TO BLOCK THE SALES OF *POLIKITA*, AN INDEPENDENT BOSNIAN SERB BIMONTHLY MAGAZINE, ARGUING THAT THE MAGAZINE WAS "VULGAR AND INSENSITIVE." THE MAGAZINE'S EDITORS, HOWEVER, CLAIMED THAT THEY WERE ATTACKED BECAUSE OF THEIR CRITICISM OF ALIJA IZETBEGOVIC, THE BOSNIAN PRESIDENT. IN SEPTEMBER, THE OFFICES OF THE BOSNIAN SERB ALTERNATIVE NEWSPAPER "ALTERNATIVA" IN DOBOJ WERE DESTROYED BY A BOMB. "ALTERNATIVA" HAD BEEN THE TARGET OF SIMILAR ATTACKS IN THE PAST. BOSNIAN SERB HARDLINE TELEVISION TRANSMISSIONS CONTINUED TO BROADCAST DISCRIMINATORY AND INFLAMMATORY STATEMENTS AGAINST NON-SERBS, NATO TROOPS, AND THE INTERNATIONAL COMMUNITY, IGNORING REPEATED PROTESTS BY INTERNATIONAL MONITORS.

Politically-Backed Violence

INDIVIDUALS LINKED TO WAR CRIMES SUSPECTS—OFTEN ACCOMPANIED BY LOCAL OFFICIALS OR OPERATING WITH THEIR FACIT APPROVAL—ENGAGED IN ATTACKS AGAINST ETHNIC GROUPS AND MEMBERS OF THE POLITICAL OPPOSITION, HUMAN RIGHTS ACTIVISTS, AND THE INDEPENDENT MEDIA. THEY ALSO USED THE MEDIA TO THREATEN OR INCITE VIOLENCE AGAINST INTERNATIONAL REPRESENTATIVES. IN BRCKO IN AUGUST, AN ANGRY MOB OF ARMED CIVILIANS THREW STONES AT SFOR AND IPTF, SLIGHTLY INJURING THREE IPTF MONITORS. THE CROWD ALSO HEAVILY DAMAGED AND LOOTED ONE IPTF STATION, OVERTURNED ABOUT THIRTY VEHICLES, AND VANDALIZED SIXTY-FIVE TO SEVENTY OTHER VEHICLES. AS A RESULT, EIGHTY-SIX IPTF MONITORS WERE EVACUATED FROM BRCKO, AND SFOR WAS FORCED TO PULL OUT AT GUNPOINT. ROBERT FARRAND, SUPERVISOR OF IPTF IN BRCKO, STATED THAT THE ATTACKS WERE "PART OF A DELIBERATE, ORCHESTRATED PLAN TO DISCREDIT THE EFFORTS OF THE INTERNATIONAL COMMUNITY...[AND] WERE CLEARLY ORCHESTRATED AND PLANNED FROM THE OUTSET."

MEMBERS OF OPPOSITION PARTIES IN AREAS CONTROLLED BY ANY ONE OF THE THREE ETHNIC GROUPS EXPERIENCED HARASSMENT AND DISCRIMINATION. IN BIHAC, SUPPORTERS OF FIKRET ABDIC'S DNZ PARTY WERE DISMISSED FROM OFFICIAL AND PROFESSIONAL POSTS BECAUSE OF THEIR POLITICAL AFFILIATION. IN A NUMBER OF TOWNS ACROSS THE RS UNDER THE CONTROL OF THE HARDLINE KARADZIC SUPPORTERS, NON-SDS MEMBERS WERE REMOVED FROM THEIR POSITIONS AS DIRECTORS OF COMMERCIAL ENTERPRISES. IN WEST MOSTAR, THE VOICES OF OPPOSITION MEMBERS WERE LARGELY SILENCED BECAUSE OF THREATS AND HARASSMENT BY ORGANIZED CRIME AND SUPPORTERS OF THE HDZ.

THERE WERE WIDESPREAD REPORTS OF DUE PROCESS AND OTHER PROCEDURAL VIOLATIONS DURING ARREST AND DETENTION IN 1997. IN AUGUST, THE IPTF DISCOVERED TWO BOSNIAN SERBS HELD IN SECRET DETENTION, WHEN THEY PAID AN UNANNOUNCED VISIT TO THE PRISON IN THE BOSNIAK MAJORITY TOWN OF ZENICA. IN PREVIOUS SCHEDULED VISITS, THESE PRISONERS HAD BEEN

HIDDEN FROM THE IPTF BY ZENICA PRISON AUTHORITIES, IN BLATANT VIOLATION OF THE DAYTON AGREEMENT AND INTERNATIONAL HUMAN RIGHTS STANDARDS.

IN THE STRANKA DEMOKRATSKE AKCIJE STRONGHOLD OF BIHAC, TWELVE PERSONS (BOTH BOSNIACS AND BOSNIAN SERBS) WERE ARRESTED IN 1996 AND DETAINED ON CHARGES OF WAR CRIMES. THEY CONTINUED TO BE HELD WELL INTO 1997. THESE ARRESTS WERE IN VIOLATION OF THE ROME AGREEMENT OF FEBRUARY 1996 (ALSO KNOWN AS "RULES OF THE ROAD"), WHICH ESTABLISHED THAT EVIDENCE FOR WAR CRIMES CHARGES WOULD BE SUBMITTED TO THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY) FOR REVIEW BEFORE ANY ARRESTS ON CHARGES OF WAR CRIMES COULD BE MADE. THE TWELVE WERE ARRESTED WITHOUT PRIOR AUTHORIZATION BY THE ICTY, AND THEIR CASES WERE NOT SUBMITTED TO THE ICTY UNTIL TEN MONTHS AFTER THE SIGNING OF THE ROME AGREEMENT. IPTF CONFIRMED THAT A NUMBER OF THE DETAINEES WERE BEATEN OR TORTURED WHILE IN POLICE CUSTODY AND WERE FORCED TO SIGN CONFESSIONS.

THE JUDICIARY FREQUENTLY FUNCTIONED AS A TOOL OF POLITICAL INTERESTS, FAILING TO PROVIDE AN INDEPENDENT AND IMPARTIAL FORUM FOR REVIEW OF COMPLAINTS. IN ONE CASE, SEVEN BOSNIACS, WHO BECAME KNOWN AS THE ZVORNIK SEVEN, WERE TRIED BY THE COURT IN ZVORNIK (REPUBLIKA SRPSKA) ON CHARGES OF MURDER AND WEAPONS POSSESSION. THE ZVORNIK JUDICIAL AUTHORITIES REFUSED TO ALLOW THE DEFENDANTS' CHOSEN LAWYERS FROM THE FEDERATION TO TRY THE CASE IN THE RS. AFTER COURT PROCEEDINGS, IN WHICH THE COURT-APPOINTED DEFENSE LAWYERS WERE GIVEN ONLY FIVE MINUTES TO SPEAK, THREE OF THE ACCUSED WERE SENTENCED TO TWENTY-ONE YEARS OF IMPRISONMENT AND THE OTHERS TO ONE YEAR OF IMPRISONMENT EACH. THE CASE DREW CONSIDERABLE ATTENTION DUE TO CONFIRMED REPORTS OF POLICE ILL-TREATMENT AND VIOLATIONS OF DUE PROCESS. IN MOSTAR, THREE CROAT POLICE OFFICERS ARRESTED IN CONNECTION WITH THE MURDER OF ONE AND WOUNDING OF SEVERAL BOSNIACS VISITING THE WEST MOSTAR CEMETERY IN FEBRUARY WERE FOUND GUILTY, YET ALL THREE RECEIVED SUSPENDED SENTENCES OF FROM SIX MONTHS TO ONE YEAR OF IMPRISONMENT IN A TRIAL DEEMED A "FARCE" BY INTERNATIONAL OBSERVERS.

Elections

AS IN THE 1996 NATIONAL ELECTIONS, THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) IGNORED THE ABSENCE OF ADEQUATE CONDITIONS FOR MUNICIPAL ELECTIONS (INCLUDING FREEDOM OF MOVEMENT AND ACCESS TO THE MEDIA FOR OPPOSITION PARTIES AND CANDIDATES). THE INTEGRITY OF THE SEPTEMBER MUNICIPAL ELECTIONS WAS FURTHER SEVERELY COMPROMISED BY THE OSCE, WHICH STRUCK DEALS WITH BOSNIAN CROAT AND BOSNIAN SERB OFFICIALS IN ORDER TO GUARANTEE A NON-VIOLENT ELECTION. FOR EXAMPLE, THE OSCE AGREED TO CANCEL THE VOTING IN THE CENTRAL JOINT-ADMINISTRATION DISTRICT OF MOSTAR AFTER THE HRVATSKA DEMOKRATSKA ZAJEDNICA (CROAT DEMOCRATIC UNION, HDZ) THREATENED TO BOYCOTT THE ELECTIONS. IN BRCKO, THE OSCE AUTHORIZED THE LAST-MINUTE ADMISSION OF SOME 2,660 INDIVIDUALS WHOSE NAMES, FOR UNEXPLAINED REASONS, DID NOT APPEAR ON THE VOTER REGISTRATION LIST. THE ORGANIZATION ALSO ALLOWED BRCKO'S TENDERED BALLOTS TO BE COUNTED IN BRCKO INSTEAD OF IN A CENTRAL LOCATION NEAR SARAJEVO, WHERE ALL OTHER BALLOTS FROM THE REST OF THE COUNTRY WERE TO BE COUNTED. IN ANOTHER OUTRAGEOUS DECISION, AMBASSADOR ROBERT FROWICK AGREED TO THE SDS DEMAND THAT NO INDIVIDUALS ON THE SEALED INDICTMENT LIST BE ARRESTED OVER ELECTION WEEKEND.

IN CLEAR VIOLATION OF THE OSCE'S ELECTIONS REGULATIONS, SDS ELECTION POSTERS WITH PICTURES OF WAR CRIMES SUSPECT RADOVAN KARADZIC APPEARED IN THE RS CAPITAL OF PALE AND IN VILLAGES IN THE EASTERN AREAS OF REPUBLIKA SRPSKA. THE ELECTION APPEALS SUB COMMISSION (EASC), AN INDEPENDENT ORGAN OF THE OSCE MISSION WITH FINAL JUDICIAL AUTHORITY, RULED THAT THESE POSTERS VIOLATED THE ELECTORAL RULE PROHIBITING THE PARTICIPATION OF POLITICAL PARTIES IN THE MUNICIPAL ELECTIONS IF THEY MAINTAIN INDICTED PERSONS IN A PARTY POSITION OR FUNCTION. ON THE BASIS OF THIS RULING, THE EASC DECERTIFIED THE SDS FROM THE BALLOT IN PALE. HOWEVER, AMBASSADOR FROWICK, IN AN UNPRECEDENTED STEP, OVERRULED THE EASC'S DECISION TO DECERTIFY THE SDS, CITING SECURITY REASONS. IN RESPONSE TO FROWICK'S DECISION REGARDING PALE, TWO EASC JUDGES RESIGNED IN PROTEST. AMBASSADOR FROWICK ALSO REINSTITATED SDS CANDIDATES IN BOSANSKI BROD AND PRIJEDOR WHO HAD BEEN STRICKEN BY THE EASC BECAUSE OF THEIR INVOLVEMENT IN ELECTION FRAUD. TO COMPOUND THE ERROR, HE DISPARAGED THE EASC BY STATING THAT IT WAS NOT A LEGAL BODY. THESE DEALS STRUCK BY THE OSCE AND THE LACK OF TRANSPARENCY OF FROWICK'S DECISION-MAKING PROCESS, COMBINED WITH THE FACT THAT THE CONDITIONS FOR ELECTIONS FELL FAR SHORT OF INTERNATIONAL STANDARDS, SERIOUSLY UNDERMINED THE

integrity of the election process. Doubts were raised about the integrity of the results and of the certification process. In towns such as Zepce, Drvar, and Srebrenica, the pre-war ethnic majority, which had been "ethnically cleansed" during the war and unable to return to their homes, won the majority in the municipal governments. As of this writing it remained unclear how the results of the elections would be implemented.

The Right To Monitor

Under the Dayton agreement, nongovernmental human rights organizations must be granted "full and effective access" for investigating and monitoring human rights conditions. The OSCE and other intergovernmental and regional human rights missions must be provided with the opportunity to establish local offices to monitor human rights developments. In general, international human rights organizations were able to carry out their activities without interference during 1997. However, the authorities in both entities harassed local human rights activists; some even received death threats. The Federation Human Rights Ombudsmen persevered in their courageous work against ongoing human rights abuses in the Federation, but they and a newly active local human rights organization in the RS were in dire need of international support and protection.

The Role of the International Community

More than 30,000 SFOR troops remain in Bosnia and Herzegovina (down from approximately 60,000 IFOR—soldiers initially stationed in the country after the signing of the DPA). Yet despite the huge international commitment of troops and other personnel, as well as the billions of U.S. dollars invested in the peace process over the past two years, the US and Western Europe wavered in their commitment to the human rights provisions of the DPA. Intent upon defining the peace effort in Bosnia as a success, the Americans and Europeans often appeared unwilling to take the difficult steps—in particular the apprehension of indicted persons such as Radovan Karadzic and Ratko Mladic—that would have increased the prospects for long-term peace and respect for human rights in the region. As in previous years, the stated human rights objectives of the international organizations such as the OSCE were severely compromised by the influence of powerful member states such as the United States. Simultaneously, European institutions often remained too willing to take a back seat to the United States. Washington and Paris—two important contributors to SFOR in Bosnia—pointed to each other to justify the decision not to apprehend war criminals.

United Nations and NATO

In December 1996, the Implementation Force (IFOR) was replaced by SFOR; the number of soldiers deployed decreased from more than 60,000 to around 33,000. The current mandate of SFOR is scheduled to expire in June 1998. SFOR played a major role in the municipal elections process, taking control of radio transmitters in order to block the broadcasting of incitement to violence by local authorities. SFOR also conducted crucial de-mining activities, contributed to reconstruction efforts, and gave limited back-up support to the IPITF in the performance of its tasks. In December 1996, the international community finally decided to treat paramilitary forces as military forces, and thus SFOR began confiscating the weapons of Bosnian Serb police since the RS authorities refused to sign a mandatory restructuring agreement with IPITF. However, except in isolated cases, SFOR generally refused to protect returnees or to prevent ethnically motivated expulsions. SFOR continued to interpret its mandate in the narrowest possible terms—especially as it related to protecting victims of abuse and arresting indicted persons—thereby missing valuable opportunities to make a much larger contribution to the peace process in Bosnia and Herzegovina.

The International Police Task Force

Under Annex 11 of the Dayton agreement, the U.N. International Police Task Force (IPITF) has responsibility for

MONITORING AND INSPECTING THE ACTIVITIES OF THE LOCAL POLICE, IN ADDITION TO ADVISING AND TRAINING LOCAL POLICE FORCES IN THE EXECUTION OF THEIR TASKS. IPTF WAS ALSO ASSIGNED THE DIFFICULT TASK OF RESTRUCTURING THE POLICE, WHICH INCLUDES THE SCREENING OF ALL POLICE FOR PAST INVOLVEMENT IN HUMAN RIGHTS VIOLATIONS. IN THE TERRITORY OF THE FEDERATION, IPTF STARTED RESTRUCTURING THE LOCAL POLICE FORCES DURING 1997 AND COMPLETED THE PRELIMINARY SCREENING IN SEVERAL CANTONS INCLUDING GORAZDE, NERETVA, SARAJEVO, AND CENTRAL BOSNIA. ALTHOUGH NO EXACT FIGURES ARE KNOWN, AS OF THIS WRITING ONLY APPROXIMATELY TWENTY POLICE OFFICERS HAD BEEN REMOVED FROM THE POLICE FORCES BECAUSE OF THEIR SUSPECTED INVOLVEMENT IN HUMAN RIGHTS ABUSES OR NON-COMPLIANCE WITH THE DPA (THIS FIGURE DOES NOT INCLUDE POLICE OFFICERS FIRED BY THE AUTHORITIES PRIOR TO THE SCREENING, OR OFFICERS STILL UNDER INVESTIGATION). IN SEPTEMBER 1997, A SECURITY COUNCIL RESOLUTION GRANTED IPTF A WIDER MANDATE TO INVESTIGATE HUMAN RIGHTS VIOLATIONS.

THE AUTHORITIES OF THE REPUBLIKA SRPSKA, HOWEVER, HAD RESISTED THE RESTRUCTURING PROCESS THROUGHOUT 1996 AND MOST OF 1997. HOWEVER, ON SEPTEMBER 26, THE AUTHORITIES IN BOTH PALE AND BANJA LUKA AGREED IN PRINCIPLE TO THE RESTRUCTURING PLANS. THE ACTIVITIES OF THE IPTF WERE ALSO HAMPERED BY THE REFUSAL OF THE RS AUTHORITIES TO HAND OVER A COMPLETE LIST OF PERSONS EMPLOYED IN THE POLICE FORCES.

The International Criminal Tribunal for the Former Yugoslavia

IN 1997, THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA DELIVERED ITS FIRST VERDICT. ON MAY 7, DUSAN TADIĆ, A BOSNIAN SERB FROM THE AREA AROUND PRIJEDOR, WAS FOUND GUILTY ON ELEVEN COUNTS OF PERSECUTION OF PERSONS BASED UPON THEIR ETHNICITY AND BEATINGS OF BOSNIACS INTERNED IN CONCENTRATION CAMPS IN 1992. TADIĆ WAS ACQUITTED ON NINE COUNTS OF MURDER. IN JULY, TADIĆ WAS SENTENCED TO TWENTY YEARS OF IMPRISONMENT. THE TRIAL OF TIHOMIR BLASKIĆ, A ONE TIME COMMANDER IN THE BOSNIAN CROAT ARMY (LATER PROMOTED TO A GENERAL IN THE CROATIAN ARMY), BEGAN ON JUNE 23. BLASKIĆ WAS INDICTED ON TWENTY COUNTS INVOLVING ATROCITIES AGAINST BOSNIACS IN THE LASVA VALLEY DURING THE BOSNIAC-CROAT WAR IN 1993. THE ARRESTS OF SLAVKO DOKMANOVIĆ IN EASTERN SLAVONIJA AND OF MILAN KOVAČEVIĆ IN PRIJEDOR, AS WELL AS THE ATTEMPTED ARREST OF SIMO DRLJACA IN PRIJEDOR, REVEALED THAT THE OFFICIAL ICTY LIST OF INDICTEES WAS SUPPLEMENTED BY A SEALED LIST OF INDICTMENTS.

THE WORK OF THE ICTY CONTINUED TO BE SERIOUSLY HAMPERED BY THE FAILURE OF THE BOSNIAN SERB, AND TO A LESSER EXTENT BOSNIAN CROAT AUTHORITIES AND SFOR TO ARREST INDICTEES. MOST OF THE PERSONS INDICTED BY THE ICTY WERE STILL AT LARGE DURING 1997, AND LOCAL AUTHORITIES WHO ARE PRIMARILY RESPONSIBLE FOR ARRESTING THE INDICTEES, SHOWED LITTLE INTEREST IN COOPERATING WITH THE TRIBUNAL. CROATIA HAD LONG REFUSED TO COMPLY WITH A SUBPOENA FROM THE ICTY FOR DOCUMENTS RELEVANT TO INVESTIGATIONS INTO WAR CRIMES COMMITTED BY BOSNIAN CROATS IN BOSNIA AND HERCEGOVINA. HOWEVER, ON OCTOBER 6, TEN BOSNIAN CROAT INDICTEES SURRENDERED TO THE ICTY AFTER BEING PROMISED SPEEDY TRIALS.

European Union

THE EUROPEAN UNION USED PRIMARILY FINANCIAL INCENTIVES TO INFLUENCE THE POLITICAL SITUATION. HOWEVER, IT ALSO GAVE INSUFFICIENT CARE TO MONITORING THE DISTRIBUTION OF FINANCIAL AID, LEADING TO SERIOUS CONCERNS THAT THE ASSISTANCE WAS ENDING UP FINANCING THE SEPARATIST NATIONALIST STRUCTURES. PERHAPS OUT OF A LACK OF WILLINGNESS TO CONDUCT INVESTIGATIONS INTO FUNDING RECIPIENTS IN THE RS, ON JULY 10, 1997, THE EUROPEAN UNION TOOK A RADICAL STEP IN ANNOUNCING THAT IT WOULD SUSPEND ALL NON-HUMANITARIAN AID TO THE REPUBLIKA SRPSKA.

THE UNITED KINGDOM'S DECISION TO ORDER BRITISH TROOPS TO ARREST MILAN KOVAČEVIĆ AND SIMO DRLJACA IN PRIJEDOR REPRESENTED A WELCOME CHANGE IN EUROPEAN POLICY, BUT WAS UNFORTUNATELY NOT FOLLOWED BY FURTHER ARRESTS. IN THE MEANTIME, GERMANY AND SWITZERLAND BEGAN TO DEMAND THAT BOSNIAN REFUGEES RETURN TO BOSNIA, ALTHOUGH THE VAST MAJORITY COULD NOT RETURN TO THEIR PRE-WAR HOMES.

United States

THROUGHOUT THE YEAR, THE UNITED STATES STRESSED THE IMPORTANCE OF ACCOUNTABILITY FOR WARTIME ATROCITIES, YET FAILED TO ORDER U.S. TROOPS TO ARREST ANY INDICTED PERSONS. IN FACT, FOLLOWING THE ARREST INITIATIVE BY BRITISH SFOR TROOPS IN PRIJEDOR IN JULY, THE U.S. GOVERNMENT WORKED BEHIND THE SCENES TO PREVENT FURTHER ARRESTS.

THE U.S. ATTEMPT POLITICALLY TO ISOLATE OR "SIDELINE" RADOVAN KARADZIC WAS A DRAMATIC FAILURE, YET THE U.S. CONTINUED TO PURSUE THIS POLICY THROUGHOUT THE YEAR. U.S. POLICY CONTINUED TO BE DICTATED BY THE FEAR OF RETALIATION AGAINST AMERICAN SFOR TROOPS AND THE ANTICIPATED POLITICAL COSTS OF CASUALTIES THAT MIGHT RESULT FROM AN APPREHENSION ATTEMPT. INSTEAD OF ARRESTING KARADZIC, THE U.S. OPTED TO PROVIDE MILITARY AND FINANCIAL SUPPORT TO RS PRESIDENT PLAVSIC TO BOLSTER HER IN HER POWER STRUGGLE WITH KARADZIC; YET PLAVSIC FAILED TO DEMONSTRATE IN ANY CONCRETE WAY HER STATED SUPPORT FOR IMPLEMENTATION OF THE DPA.

MEANWHILE, THE UNITED STATES CONTINUED ITS "EQUIP AND TRAIN" PROGRAM FOR THE BOSNIAN ARMY. ON JANUARY 2, SFOR TROOPS CONFISCATED A LARGE AMOUNT OF TANK AMMUNITION THAT WAS DONATED TO THE BOSNIAN ARMY BY THE U.S. BECAUSE THE AMMUNITION HAD NOT BEEN REGISTERED ACCORDING TO THE REQUIREMENTS OF DAYTON.

THE U.S. GOVERNMENT ALSO PAID LIPSERVICE TO THE NEED FOR ECONOMIC AID TO BE LINKED TO THE PARTIES' COMPLIANCE WITH THE DPA. HOWEVER, IT FAILED TO SET CLEAR CONDITIONS FOR SUCH AID AND, MOST IMPORTANTLY, FAILED TO ESTABLISH GUIDELINES TO AVOID ENRICHING AND STRENGTHENING EXISTING NATIONALIST POWER STRUCTURES THAT CONTINUE TO OBSTRUCT THE MOST CRUCIAL PROVISIONS OF THE DAYTON AGREEMENT.

Relevant Human Rights Watch Reports:

BOSNIA AND HERZEGOVINA—POLITICS OF REVENGE: THE MISUSE OF AUTHORITY IN BIHAC, CAZIN, AND VELIKA KLADUSA, 9/97

BOSNIA AND HERZEGOVINA—THE UNINDICTED: REAPING THE REWARDS OF "ETHNIC CLEANSING," 1/97

BOSNIA AND HERZEGOVINA: THE CONTINUING INFLUENCE OF BOSNIA'S WARLORDS, 12/96

BULGARIA

Human Rights Developments

BULGARIA EXPERIENCED SIGNIFICANT POLITICAL AND ECONOMIC UPHEAVAL IN 1997. IN FEBRUARY, THE SOCIALIST GOVERNMENT AGREED TO EARLY ELECTIONS AFTER MORE THAN A MONTH OF STRIKES AND MASS DEMONSTRATIONS AGAINST CORRUPTION AND ECONOMIC MISMANAGEMENT. ELECTIONS ON APRIL 19 INSTALLED A COALITION GOVERNMENT LED BY THE UNION OF DEMOCRATIC FORCES. WHILE THE NEW GOVERNMENT PLEDGED GREATER RESPECT FOR HUMAN RIGHTS, SERIOUS VIOLATIONS CONTINUED: POLICE BRUTALITY, VIOLENCE AND DISCRIMINATION AGAINST MINORITIES, ESPECIALLY ROMA GYPSY, AND GOVERNMENT INTERFERENCE IN RELIGION AND THE MEDIA WERE OF PARTICULAR CONCERN.

POLICE BRUTALITY CONTINUED TO BE A MAJOR HUMAN RIGHTS PROBLEM DURING 1997. SEVERAL INDIVIDUALS DIED IN SUSPICIOUS CIRCUMSTANCES INVOLVING THE POLICE, AND NUMEROUS CASES OF EXCESSIVE USE OF FORCE WERE REPORTED. COMPLAINT PROCEDURES WERE INADEQUATE, WITH POLICE UNDERTAKING INITIAL INVESTIGATIONS THEMSELVES, AND MANY INVESTIGATIONS PENDING FOR EXTENDED PERIODS. MOREOVER, PERSONS BRINGING COMPLAINTS WERE OFTEN SUBSEQUENTLY CHARGED WITH CRIMINAL OFFENSES.

THREE PERSONS DIED DURING OR IMMEDIATELY AFTER LEAVING POLICE CUSTODY DURING 1997. A DETAINEE DIED IN POLICE CUSTODY IN POPOVO ON JANUARY 7, AND THE SUBSEQUENT MILITARY INVESTIGATION HAD YET TO REPORT ITS FINDINGS AT THE TIME OF THIS WRITING. A CRIMINAL SUSPECT, GEORGI BIANDOV, DIED IN HOSPITAL UNDER SUSPICIOUS CIRCUMSTANCES ON MARCH 26 FOLLOWING HIS ARREST AND POSSIBLE MISTREATMENT AT THE HANDS OF POLICE IN BURGHS. ON JUNE 5, PETAR KARANDZHIA WAS SHOT IN THE HEAD WHILE ALLEGEDLY ATTEMPTING TO ESCAPE FROM A DETENTION FACILITY IN SOFIA. A SUBSEQUENT INVESTIGATION BY THE MILITARY PROSECUTOR'S OFFICE EXONERATED THE OFFICERS INVOLVED IN THE KILLING, DESPITE THE LACK OF EVIDENCE THAT KARANDZHIA'S ACTIONS THREATENED THE LIFE OR SECURITY OF ANYONE PRESENT AT THE TIME.

THE AMENDMENT TO THE PENAL CODE ADOPTED ON AUGUST 12 GUARANTEEING TRIAL WITHIN ONE YEAR OF INCARCERATION (TWO FOR SERIOUS CASES) WAS A POSITIVE DEVELOPMENT. REGRETTABLY, THE PARLIAMENT DECIDED IN SEPTEMBER THAT THE LAW

would only apply to those sentenced after August 12, offering no hope to prisoners already in custody, some of whom have gone without trial for more than three years. Bulgaria's moratorium on executions remained in effect in 1997, although death sentences were issued by the courts as recently as September.

One of most blatant abuses of police power occurred during a peaceful anti-government protest on January 11. A large police contingent clubbed and kicked demonstrators, including several opposition members of parliament. The action resulted in approximately 300 injuries; eleven people were hospitalized. The incident was not an isolated one: on February 4, Roma demonstrated in Pazardjik and threw stones at several food stores. Special police responded with indiscriminate violence, beating approximately sixty Roma, some inside their homes. In June, a special police unit raided a nightclub in Sofia, beating or harassing many of its patrons, resulting in fifty-one formal complaints by victims.

Violence and discrimination against Roma in Bulgaria was not limited to police action. Attacks on Roma by other Bulgarians were common. On April 6, five Roma were reportedly beaten in front of the mayor's office in Sredno Selo by a crowd of between one hundred and one hundred and twenty people after the theft of some cattle from a neighboring village. The most serious incident took place on July 20 in Sliven. Nedka Tsoneva, a forty-one-year-old Roma woman and her twelve-year-old son were assaulted by four teenage boys. The son watched as the boys beat the woman to the ground and repeatedly kicked her. Mrs. Tsoneva fell into a coma during the attack and died the following day. The boys reportedly cursed "the Gypsies" as they beat Mrs. Tsoneva, and the oldest is alleged to have told investigators that he killed the woman "because he hated Gypsies."

The Bulgarian president told the Council of Ministers in Strasbourg on April 22 that there was no Macedonian minority in Bulgaria. Expressions of Macedonian culture were frequently suppressed: on May 5, police arrested fifteen ethnic Macedonians to prevent a cultural celebration. On October 9, however, the Bulgarian president signed the Council of Europe Framework Convention on the Protection of National Minorities, signaling a new commitment to uphold minority rights.

The gay community was also the target of official discrimination. On March 5, police raided the Flamingo gay bar in Sofia, beating up and harassing several people, some of whom were taken to the police station and handcuffed for as long as twenty hours. On August 29, police raided a gay bar in Sofia and assaulted and harassed its patrons.

State intervention in religious matters continued in 1997, despite the change in government. The government refused to register Fikri Sali as chief mufti of the Muslims in Bulgaria, despite a Supreme Court order to do so. Religious minorities also fared badly: non-Orthodox Christian groups including the Jehovah's Witnesses and Word of Life were refused official recognition, and along with Mormons, were the subject of public attacks and official discrimination.

A member of a Protestant evangelical group had custody of her child taken away from her by a court, reportedly on religious grounds. A campaign organized in April against evangelization by several recognized Protestant churches included the patriarch, who called the evangelicals "traitors of faith and nation" and the chief prosecutor, who warned of possible revocation of the churches' official legal recognition by the state. In August 1997, municipal authorities in Haskovo prohibited a meeting by Baha'is and evicted them from property they occupied in the town.

Five journalists covering the demonstration on January 11 were beaten by police, marking the start of a bad year for press freedoms. Major issues included violence against journalists and the use of courts to suppress reporting. The effect of Bulgaria's strict libel laws became clear in March when a court handed Yovka Atanasova, a journalist with *Starozagorsky Novini* (Stara Zagora), three consecutive sentences totaling eight months and a 710,000 lev fine (about U.S.\$410) for a series of articles about secret service informants who have become prominent business and political figures.

The Right to Monitor

HUMAN RIGHTS WATCH RECEIVED NO REPORTS OF INTERFERENCE WITH THE RIGHT TO MONITOR.

The Role of the International Community

ALTHOUGH THE NEW GOVERNMENT MADE CONTRADICTORY STATEMENTS REGARDING ITS COMMITMENT TO HUMAN RIGHTS AND IN MANY CASES FAILED TO CHANGE EXISTING POLICY, THE RESPONSE OF THE INTERNATIONAL COMMUNITY TO BULGARIA'S APPLICATIONS TO NATO AND THE EUROPEAN UNION, APPEARED TO HAVE LITTLE TO DO WITH THE COUNTRY'S HUMAN RIGHTS RECORD.

IN APRIL, HOWEVER, THE U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION MET TO DISCUSS BULGARIA'S PROGRESS IN MEETING ITS OBLIGATIONS UNDER THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (CERD). ALTHOUGH IT NOTED THE CURRENT DIFFICULTIES FACED BY BULGARIA, THE COMMITTEE EXPRESSED CONCERN OVER BULGARIA'S FAILURE ADEQUATELY TO ADDRESS CONTINUED DISCRIMINATION AGAINST RACIAL AND ETHNIC MINORITIES IN THE COUNTRY, ESPECIALLY THOSE OF ROMA ORIGIN.

IN JULY, THE EUROPEAN COMMISSION ISSUED ITS OPINION ON BULGARIA'S FITNESS TO BEGIN E.U. MEMBERSHIP TALKS. THE REPORT CONCLUDED THAT BULGARIA IS NOT READY FOR MEMBERSHIP, PRIMARILY FOR ECONOMIC REASONS. THE REPORT POINTED TO "TOO FREQUENT ABUSES BY THE POLICE AND SECRET SERVICES" AND PROBLEMS WITH THE INTEGRATION OF ROMA AS CONCERNS, BUT CONCLUDED THAT "BULGARIA IS ON THE WAY TO SATISFYING THE POLITICAL CRITERIA" FOR MEMBERSHIP.

ALTHOUGH BULGARIA'S APPLICATION FOR MEMBERSHIP IN NATO FAILED TO WIN ACCEPTANCE AT THE JULY 8 NATO SUMMIT IN MADRID, IT RECEIVED POSITIVE SUPPORT FROM THE UNITED STATES. ON A JULY 14 VISIT TO SOFIA, U.S. DEFENSE SECRETARY WILLIAM COHEN SAID THAT BULGARIA WOULD BE A "VERY STRONG CONTENDER" FOR MEMBERSHIP IN THE FUTURE IF IT REMAINED COMMITTED TO DEMOCRACY AND THE PROMOTION OF HUMAN RIGHTS. THIS POSITION CONTRASTS WITH THE GENERALLY ACCURATE ASSESSMENT OF HUMAN RIGHTS IN THE U.S. STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996*.

CROATIA

Human Rights Developments

INTERNATIONAL PRESSURE INDUCED A MODEST TURNAROUND IN CROATIA'S HUMAN RIGHTS RECORD IN 1997. THE CROATIAN GOVERNMENT'S DESIRE FOR FINANCIAL AID AND POLITICAL RECOGNITION LED IT TO TAKE SOME STEPS TOWARD THE POLITICAL AND SOCIAL INTEGRATION OF EASTERN SLAVONIA, BARANJA, AND WESTERN SRMIUM WITH THE REST OF CROATIA. HOWEVER, SERBS CONTINUED TO FACE DISCRIMINATION AND ILL-TREATMENT BY REPRESENTATIVES OF THE STATE, LEAVING MANY ANXIOUS ABOUT THEIR FUTURE PROSPECTS IN THE COUNTRY. AS IN PREVIOUS YEARS, THE GOVERNMENT OF PRESIDENT FRANJO TUDJMAN CRACKED DOWN ON ALL POLITICAL DISSENT AND CRITICISM, PUTTING PRESSURE ON THE INDEPENDENT PRESS AND DOMESTIC POLITICAL OPPONENTS. CROATIA ALSO FAILED TO USE ITS CONSIDERABLE INFLUENCE OVER BOSNIAN CROAT COMMUNITIES TO ENCOURAGE THE PROTECTION OF HUMAN AND MINORITY RIGHTS IN REGIONS UNDER THEIR CONTROL. IN OCTOBER, HOWEVER, CROATIA DID APPEAR TO REVERSE ITS LONG-STANDING POLICY OF OPPOSING THE WORK OF THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY) BY HELPING TO BROKER THE SURRENDER AND EXTRADITION OF TEN BOSNIAN CROATS INDICTED FOR WAR CRIMES BY THE TRIBUNAL.

EASTERN SLAVONIA, BARANJA, AND WESTERN SRMIUM (HEREAFTER REFERRED TO AS "EASTERN SLAVONIA") REMAINED UNDER THE JURISDICTION OF THE U.N. TRANSITIONAL AUTHORITY FOR EASTERN SLAVONIA (UNTAES) THROUGHOUT 1997, WITH TURNOVER NOW SCHEDULED FOR JANUARY 15, 1998. MASSIVE PROTESTS AND VIOLENCE IN LATE 1996 AND EARLY 1997—including the BOMBING OF A CATHOLIC CHURCH AND CROATIAN GOVERNMENT OFFICES—REFLECTED THE ANXIETY OF SERB RESIDENTS OF EASTERN SLAVONIA OVER THE AREA'S IMMINENT REVERSION TO CROATIAN RULE. MANY SERBS, HOWEVER, HAVE PLEDGED TO REMAIN IN THE REGION AFTER THE TURNOVER DATE.

OFFICIAL DISCRIMINATION AGAINST SERBS IN EASTERN SLAVONIA TOOK A VARIETY OF FORMS IN 1997, WITH SERBS FACING OBSTACLES TO OBTAINING CITIZENSHIP PAPERS AND RECEIVING PENSIONS. A 1996 AMNESTY LAW WAS SHROUDED IN CONFUSION AND THUS ACCORDED NO SECURITY TO THOUSANDS OF CROATIAN SERB COMBATANTS. IN EARLY 1997, THE CROATIAN GOVERNMENT

circulated a list of thousands of Serbs suspected of committing war crimes, although the list was reduced first to 150 following international pressure, and later down to twenty-five. Police, nevertheless, arrested hundreds of Serb "suspects" on war crimes and other criminal charges. Croatia's constitutional court upheld a law allowing Croat refugees and displaced persons "temporarily" to occupy "abandoned" Serb property, though it did repeal articles prohibiting the exchange and sale of homes.

After repeated urging by the U.N. and assurances from Croatian government and social leaders, some Croatian Serbs did briefly appear to reconsider the possibility of reintegration. Though a successful referendum was held in early April on the creation of Eastern Slavonia as a politically autonomous region, Serb groups nonetheless decided to participate in national elections and a new moderate Serb political party, the SDSS (Independent Democratic Serb Party), won seats in Eastern Slavonia in the Croatian local elections held on April 13. On the other hand hundreds of Croatian Serbs were unable to vote when their names were mysteriously struck from voter registration lists, and thousands more were disenfranchised as a result of the dragged-out procedure of obtaining citizenship.

Through the first half of 1997, the Croatian government hampered attempts by non-Croats to return to Croatia, however, by the fall the government was allowing limited return. In May, around one hundred Serb refugees were expelled after an attempt to return to homes near Sisak. President Tudjman announced in the same month that it was "unreasonable" to expect that all of the 200,000 Serbs exiled from Croatia would be able to return and later claimed that such return would inevitably lead to renewed conflict—that Croatia's first priority must be to bring "home" all ethnic Croat refugees. Local newspapers have quoted officials as saying that the equivalent of only 5 percent of the prewar Serb population would be allowed to stay in Croatia. By October, however, international pressure had prodded the government into allowing 5,000–7,000 Serbs to return to their homes in the Krajina and Western Slavonia.

The government continued to exert strong control over the media, harass opposition politicians, and severely limit freedom of expression, despite repeated promises to open public dialogue to opposition views. In December 1996, the Croatian Journalists' Society declared that pressure on Croatian journalists had actually increased since Croatia joined the Council of Europe. Both the April 13 local elections and the June 15 presidential election suffered seriously from media bias toward the ruling HDZ (Hrvatska Demokratska Zajednica). An American study found that Tudjman was given 300 times the airtime as that of his nearest opponent, and the Organization for Security and Cooperation in Europe declared the presidential elections flawed on the basis of unequal access to the media.

In May, two journalists from the independent *Feral Tribune*, charged under an internationally-criticized law forbidding defamation of top government officials, again faced trial after an appeals court overturned their September 1996 acquittal. The *Feral Tribune* was also subjected to a U.S.\$7,000 fine for printing a "pornographic" cover. Independent Radio 101, another frequent target of state harassment, was threatened with non-renewal of its broadcasting license; although the government bowed to pressure from the European Union and public protests in November 1996 and did ultimately extend the license.

Democracy suffered further setbacks in Croatia throughout 1997. President Tudjman was re-elected in a presidential election described by the OSCE as seriously flawed. In addition to the impact of media bias described above, the presidential election was also compromised by an eleventh-hour assault on candidate Vlado Gotovac, who was beaten so badly by a Croatian army captain that he was forced to spend the days leading up to the election in the hospital. Gotovac's subsequent request that the election be postponed was rejected by the government.

President Tudjman and the ruling HDZ party continued to suppress opposition in 1997, after having Interior Minister Ivan Jarnjak removed in December 1996 for failing to quell anti-government protests. Following its wide success in the April elections, the HDZ succeeded in placing enough members on the Zagreb city council to elect a mayor from the HDZ, ending an eighteen-month standoff during which time Zagreb was essentially without a mayor, as President Tudjman had vetoed the installation of one opposition-party mayor after another.

INTOLERANCE TO OPPOSITION REACHED ABSURD HEIGHTS IN MAY, WHEN CROATIAN OPPOSITION POLITICIAN STIPE MESIC WAS ACCUSED OF TREASON FOR ALLEGEDLY PROVIDING TEN PAGES OF TESTIMONY TO THE ICTY ON CONVERSATIONS BETWEEN PRESIDENT TUDJMAN AND THEN-PRESIDENT OF SERBIA SLOBODAN MILOSEVIC ON THE PARTITION OF BOSNIA AND HERZEGOVINA PRIOR TO THE WAR. SUCH CONVERSATIONS WERE WIDELY BELIEVED TO HAVE TAKEN PLACE. MESIC, THE LAST PRESIDENT OF FEDERAL YUGOSLAVIA, HAS NEVER TESTIFIED BEFORE THE TRIBUNAL. IVAN ZVONIMIR CIOK, PRESIDENT OF THE CROATIAN HELSINKI COMMITTEE, IS CURRENTLY UNDER INVESTIGATION FOR DISCUSSING THE SAME CONVERSATIONS IN AN AUGUST INTERVIEW WITH THE FERAL TRIBUNE. THE NEWSPAPER WAS THE SUBJECT OF BOMB THREATS FOLLOWING PUBLICATION OF THE INTERVIEW.

CROATIA FAILED TO SECURE COMPLIANCE OF ETHNIC CROATS IN BOSNIA IN ACCORDANCE WITH ITS PROMISE UNDER THE DAYTON PEACE ACCORDS TO "GUARANTEE" THEIR COMPLIANCE WITH THE AGREEMENT. INSTEAD, CROATIAN OFFICIALS FREQUENTLY APPEARED TO SUPPORT DIVISIONIST TACTICS BY BOSNIAN CROATS. IN MAY, DEFENSE MINISTER GOSKO SUSAK INDICATED HIS SUPPORT FOR THE ILLEGAL NATIONALIST ATTEMPT TO CREATE A CROATIAN STATE WITHIN THE BOSNIAN FEDERATION AND ATTENDED A "STATE" MEETING IN WHICH "HERCEG-BOSNA" ADOPTED A COAT-OF-ARMS, FLAG, AND NATIONAL STATUTE. SUSAK ALSO GAVE A FUNERAL ORATION FOR BOSNIAN CROAT LEADER MATE BOBAN, HEAD OF THE HDZ DURING THE HEIGHT OF WARTIME ABUSES AGAINST CIVILIANS, IN WHICH HE PRAISED BOBAN FOR CREATING "THE FRAMEWORK OF STATEHOOD," AND SWORE THAT CROATS MUST NOT "BETRAY WHAT HE BEGAN."

PROVIDING A CLEAR INDICATION OF THE CROATIAN GOVERNMENT'S INFLUENCE OVER THE BOSNIAN CROATS, A THREATENED BOYCOTT OF THE SEPTEMBER BOSNIAN MUNICIPAL ELECTIONS BY BOSNIAN CROATS LED OSCE CHIEF AMBASSADOR ROBERT FROWICK TO ASK FOR TUDJMAN'S ASSISTANCE IN CONVINCING THE CROATS TO ACCEPT THE ELECTION. TUDJMAN'S INTERVENTION IN THIS CASE RESULTED IN THE IMMEDIATE SUSPENSION OF THE BOYCOTT. BY CONTRAST, CROATIA FAILED TO INTERVENE IN WEST MOSTAR, WHERE BOSNIAN CROATS, THROUGH MASS EVICTIONS, BOMBINGS, AND KILLINGS, SUCCESSFULLY "CLEANSED" THEIR TOWN OF ITS SMALL MINORITY OF BOSNIAKS.

UNTIL OCTOBER, THE CROATIAN GOVERNMENT VOICED FREQUENT AND HEATED OPPOSITION TO THE WORK OF THE ICTY—in violation of its numerous promises to support the Dayton agreement. IN DECEMBER 1996, PRESIDENT TUDJMAN DECORATED INDICTEE GENERAL TIHOMIR BLASKIC *in absentia* FOR RETAKING THE KNIN REGION IN 1995—THE VERY OPERATION THAT WAS THE SUBJECT OF BLASKIC'S INDICTMENT BY THE TRIBUNAL. CROATIA HAS PERSISTENTLY REFUSED TO SUPPLY OFFICIAL TRANSCRIPTS, MEMOS, AND RECORDINGS SOLICITED BY THE ICTY AS EVIDENCE IN THE BLASKIC CASE. DEFENSE MINISTER SUSAK CALLED THE ICTY'S DEMANDS INAPPROPRIATE, SAYING THAT TURNING OVER THESE DOCUMENTS WOULD "JEOPARDIZE NATIONAL SECURITY," AND ALSO REPEATEDLY REFUSED THE ICTY'S REQUEST THAT HE COME TO PROVIDE TESTIMONY BEFORE THE COURT. JUSTICE MINISTER MIROSLAV SEPAROVIC ECHOED THESE STATEMENTS IN MAY, CHARGING THAT THE ICTY "VIOLATED CROATIAN SOVEREIGNTY" BY CONDUCTING INVESTIGATIONS IN CROATIA WITHOUT THE GOVERNMENT'S APPROVAL. THEN, IN A SURPRISING ABOUT-FACE, CROATIAN AUTHORITIES PLAYED A MAJOR ROLE IN THE OCTOBER SURRENDER OF TEN BOSNIAN CROAT INDICTEES TO THE ICTY. IT REMAINS TO BE SEEN, HOWEVER, WHETHER CROATIA SIMILARLY WILL REFUSE TO PROVIDE IMPORTANT DOCUMENTATION IN THESE CASES, WHICH WOULD SIGNIFICANTLY HANDICAP THEIR PROSECUTION.

The Right to Monitor

HUMAN RIGHTS MONITORING BY DOMESTIC AND INTERNATIONAL ORGANIZATIONS GENERALLY PROCEEDED UNHINDERED, THOUGH THE THREAT OF LAWSUITS UNDER CROATIA'S EXCESSIVELY RESTRICTIVE GOVERNMENT DEFAMATION LAWS AND HARASSMENT BY EXTREMIST GROUPS INEVITABLY RESULTED IN A CERTAIN DEGREE OF SELF-CENSORSHIP AMONG DOMESTIC MONITORS.

THE OPEN SOCIETY INSTITUTE (OSI), A DEMOCRACY-BUILDING INITIATIVE OF THE U.S.-BASED SOROS FOUNDATION, WAS SINGLED OUT FOR PARTICULAR ATTENTION FROM THE CROATIAN AUTHORITIES THIS YEAR. IN DECEMBER 1996, CROATIAN CUSTOMS CONFISCATED U.S.\$65,000 FROM OSI ON THE GROUNDS THAT IT WAS NOT PROPERLY DECLARED, AND THEN DETAINED THREE STAFF MEMBERS ON RELATED CHARGES. THE ORGANIZATION WAS LATER ACCUSED OF TAX EVASION AND FORCED TO PAY \$500,000 IN ORDER TO BE ABLE TO STAY IN THE COUNTRY.

The Role of the International Community

United Nations

THOUGH THE TRANSFER OF EASTERN SLAVONIA WAS SCHEDULED TO HAVE TAKEN PLACE ON JULY 15, THE SECURITY COUNCIL RESOLVED ON JULY 14 TO EXTEND UNTAES' MANDATE FOR AN ADDITIONAL SIX MONTHS, EXPRESSING "GRAVE CONCERN" OVER THE LACK OF NECESSARY CONDITIONS FOR REFUGEE RETURN TO EASTERN SLAVONIA, THE LACK OF IMPROVEMENT IN THE AREA OF CIVIL AND POLITICAL RIGHTS, AND THE GOVERNMENT'S FAILURE "TO COOPERATE FULLY" WITH THE ICTY. THE SECRETARY GENERAL ADDED IN HIS OCTOBER 2 STATUS REPORT THAT "CROATIA'S INSISTENCE AND PRESSURE FOR THE TERMINATION OF THE UNTAES MANDATE HAS INCREASED, BUT THE PROGRESS ACHIEVED TO DATE DOES NOT GIVE CONFIDENCE THAT THE PEACEFUL REINTEGRATION OF THE PEOPLE OF THE REGION IS AS YET SELF-SUSTAINABLE AND IRREVERSIBLE."

IT WAS GENERALLY BELIEVED THAT THE PRESENCE OF UNTAES WAS THE ONLY REASON SERBS HAVE FELT COMFORTABLE STAYING AS LONG AS THEY HAVE IN EASTERN SLAVONIA DURING 1997. CROATIA WAS ADAMANT THAT THE MANDATE OF UNTAES FINALLY END IN JANUARY 1998, THOUGH IT EXPRESSED A WILLINGNESS TO ACCEPT THE PRESENCE OF INTERNATIONAL MONITORS IN A REDUCED CAPACITY.

Organization for Security and Cooperation in Europe

ON JUNE 26, THE OSCE DECIDED TO BROADEN THE MANDATE OF ITS MISSION TO CROATIA, INCREASE THE NUMBER OF PERSONNEL ON THE GROUND TO 250 FROM FOURTEEN, AND EXTEND THE STAY OF ITS MISSION FROM JUNE 30, 1997, TO DECEMBER 31, 1998. EXPRESSING CONCERN OVER THE STATUS OF REFUGEE RETURN AND THE PROTECTION OF NATIONAL MINORITIES, IT DECLARED ITS INTENTION TO MONITOR LEGISLATION AND OFFICIAL ACTIONS PERTAINING TO THESE ISSUES, AS WELL AS TO CONTINUE TO MONITOR HUMAN RIGHTS AND ASSIST THE CROATIAN GOVERNMENT WITH THE DEVELOPMENT OF DEMOCRATIC INSTITUTIONS AND PROCESSES.

European Union

THE EUROPEAN COMMISSION DID NOT RECOMMEND THAT CROATIA BE INVITED TO BEGIN TALKS ON ACCESSION INTO THE E.U. CROATIA RECEIVED A "NO COMPLIANCE" RATING WITH REGARD TO THE E.U.'S CONDITIONS FOR CROATIA'S MEMBERSHIP, INCLUDING COOPERATION WITH THE ICTY, FACILITATION OF REFUGEE RETURN, ETHNIC REINTEGRATION, POLITICAL COOPERATION IN MOSTAR, AND NATIONAL RECONCILIATION. BOTH THE E.U. AS A BODY AND INDIVIDUAL EUROPEAN GOVERNMENTS EXPRESSED DEEP CONCERN OVER CROATIA'S INTRANSIGENCE IN THESE AREAS, AND THE E.U. THREATENED TO PLACE TRADE SANCTIONS ON CROATIA IN 1998 IF IMPROVEMENTS DID NOT OCCUR. THE EUROPEAN COMMISSION DID CONTINUE, HOWEVER, TO PROVIDE FINANCIAL SUPPORT FOR DEMINING EFFORTS AND RECONSTRUCTION OF INFRASTRUCTURE.

United States

THE U.S. REMAINED ONE OF THE MOST ACTIVE MONITORS OF THE CROATIAN GOVERNMENT'S ACTIVITIES, EXERTING SUBSTANTIAL PRESSURE ON CROATIA THROUGHOUT 1997 TO RESETTLE REFUGEES AND COOPERATE WITH THE ICTY AS PROMISED UNDER THE DAYTON AGREEMENT. A NUMBER OF VISITS FROM U.S. OFFICIALS BROUGHT RENEWED PLEDGES FROM OFFICIALS BUT APPEARED TO GENERATE FEW TANGIBLE RESULTS. FRUSTRATED WITH CROATIA'S LACK OF PROGRESS, IN JUNE, THE U.S. BLOCKED A \$30 MILLION WORLD BANK LOAN TO CROATIA THAT WAS TO BE THE SECOND INSTALLMENT IN A THREE-YEAR \$486 MILLION PACKAGE. IN SEPTEMBER, THE U.S. ALSO ISSUED A PAPER TO THE COUNCIL OF EUROPE CALLING FOR CROATIA'S SUSPENSION FROM THAT BODY ON THE BASIS OF ITS NONCOMPLIANCE WITH COMMITMENTS TO IMPROVE, AMONG OTHER THINGS, FREEDOM OF EXPRESSION, DISCRIMINATION AGAINST MINORITIES, AND RESETTLEMENT OF REFUGEES. THE U.S. WITHDREW THE SUSPENSION RECOMMENDATION AFTER THE TEN INDICTEES' TURNOVER, THOUGH ITS FUNDAMENTAL CRITICISM WAS UNCHANGED. CROATIA'S NOVEMBER 1996 ADMISSION TO THE COUNCIL OF EUROPE WAS CONDITIONED ON ITS AGREEMENT TO RESPECT THE RIGHTS OF MINORITIES AND TO PROMOTE RECONCILIATION AND RETURN.

Relevant Human Rights Watch Report:

Croatia: Human Rights in Eastern Slavonia During and After the Transition of Authority, 4/97

CZECH REPUBLIC

Human Rights Developments

ALTHOUGH THE CZECH GOVERNMENT MAINTAINED A GENERALLY ACCEPTABLE LEVEL OF HUMAN RIGHTS PROTECTION FOR MOST ETHNIC CZECHS DURING 1997, HUMAN RIGHTS ABUSES PERSISTED FOR MEMBERS OF THE SIZEABLE ROMA (GYPSY) MINORITY. DESPITE SOME POSITIVE STEPS, THE STATE DID NOT DO ENOUGH TO COMBAT THE SERIOUS PROBLEM OF RACIALLY MOTIVATED VIOLENCE AGAINST ROMA. MANY ROMA WHO CLAIMED THE CZECH REPUBLIC AS THEIR COUNTRY, AND WERE NATIONALS OF CZECHOSLOVAKIA PRIOR TO ITS BREAKUP IN 1993, COULD NOT ACQUIRE CZECH CITIZENSHIP BECAUSE OF A DISCRIMINATORY CITIZENSHIP LAW ENACTED THAT YEAR.

DENIED RIGHTS IN THEIR OWN COUNTRY, MANY ROMA FLED ABROAD, ENCOURAGED BY SOME LOCAL GOVERNMENT OFFICIALS TO DO SO. A TELEVISION PROGRAM BROADCAST IN AUGUST ON THE PRIVATE STATION TV NOVA SHOWED ROMANI FAMILIES FROM THE CZECH REPUBLIC LIVING WELL IN CANADA WITH CANADIAN GOVERNMENT SUPPORT. THE PROGRAM SPARKED AN EXODUS OF HUNDREDS OF ROMA FROM THE CZECH REPUBLIC TO CANADA, FORCING CANADA TO REIMPOSE A VISA REQUIREMENT FOR CZECH CITIZENS. A SIMILAR EXODUS OCCURRED TWO MONTHS LATER TO ENGLAND. THE MAYOR IN OSTRAVA, A TOWN WITH A LARGE ROMA POPULATION, OFFERED TO PAY ROMANI FAMILIES TWO-THIRDS OF THEIR TRAVEL COSTS. (PRIME MINISTER VACLAV KLAUS CONDEMNED HER STATEMENT.)

EMBARRASSED BY THE NEGATIVE WORLD ATTENTION, THE GOVERNMENT BEGAN TO ADDRESS THE PROBLEMS THAT THE ROMA COMMUNITY, HUMAN RIGHTS GROUPS, AND CERTAIN ORGANIZATIONS, LIKE UNHCR AND THE OSCE, HAD BEEN COMPLAINING ABOUT SINCE 1993. IN AUGUST, A REPORT FROM THE GOVERNMENT'S COUNCIL ON NATIONALITIES SAID THAT THE GOVERNMENT HAD FAILED TO BRIDGE THE EVER-GROWING GAP BETWEEN ROMA AND ETHNIC CZECHS. PRIME MINISTER KLAUS INITIALLY REJECTED THE REPORT BUT, ON OCTOBER 29, THE GOVERNMENT APPROVED A RESOLUTION "ON THE SITUATION OF THE ROMA COMMUNITY IN THE CZECH REPUBLIC," WHICH PROPOSED CONCRETE WAYS TO ADDRESS DISCRIMINATION IN HOUSING, EDUCATION, EMPLOYMENT, AND THE WORK OF THE POLICE.

A FUNDAMENTAL PROBLEM REMAINED THE ALARMING NUMBER OF RACIALLY MOTIVATED ATTACKS AGAINST ROMA, USUALLY BY "SKINHEADS" OR OTHER EXTREMIST GROUPS. AS IN PREVIOUS YEARS, CZECH POLICE WERE SOMETIMES HESITANT TO RESPOND TO ROMANI CALLS FOR HELP OR TO MAKE ARRESTS. COURTS DID NOT ALWAYS CONSIDER SUCH ATTACKS TO BE RACIALLY MOTIVATED, WHICH CARRIES A STIFFER PENALTY UNDER CZECH LAW.

DESPITE GOVERNMENT STATEMENTS TO THE CONTRARY, THERE WERE STILL MANY ROMA WHO WERE NOT ABLE TO OBTAIN CZECH CITIZENSHIP IN 1997, EVEN IF THEY WERE CITIZENS OF THE FORMER CZECHOSLOVAKIA AND BORN IN THE CZECH REPUBLIC OR HAD LIVED THERE MOST OF THEIR LIVES. THE PROBLEM STEMMED FROM A 1992 CITIZENSHIP LAW, ENACTED WHEN CZECHOSLOVAKIA SPLIT INTO TWO COUNTRIES. THE LAW APPEARED DISCRIMINATORY IN INTENT AND APPLICATION: ITS REQUIREMENTS CONCERNING PERMANENT RESIDENCE AND FIVE YEARS OF A CLEAN CRIMINAL RECORD WERE CLEARLY AIMED AT THE ROMA MINORITY AND SERVED TO DENY MANY THE POSSIBILITY OF OBTAINING CZECH CITIZENSHIP. IN ADDITION, SOME ROMANI APPLICANTS WHO MET ALL OF THE REQUIREMENTS WERE ARBITRARILY DENIED CITIZENSHIP BY LOCAL OFFICIALS.

AN AMENDMENT FROM 1996 ALLOWED THE INTERIOR MINISTRY TO WAIVE THE CLEAN CRIMINAL RECORD REQUIREMENT. BUT INSUFFICIENT EFFORTS WERE MADE IN 1997 TO INFORM ROMA ABOUT THE POSSIBLE WAIVER, AND SOME LOCAL OFFICIALS DELIBERATELY MISINFORMED ROMA ABOUT THE AMENDMENT. STILL, ACCORDING TO THE GOVERNMENT, 1,175 PEOPLE WERE GRANTED CITIZENSHIP UNDER THE AMENDMENT.

THE UNDETERMINED NUMBER OF CZECH ROMA STILL WITHOUT CZECH CITIZENSHIP, HOWEVER, WERE UNABLE TO VOTE OR RUN FOR OFFICE, AND MANY HAD DIFFICULTY RECEIVING PERMANENT RESIDENCE, WHICH IS NECESSARY TO RECEIVE SOCIAL BENEFITS FROM THE STATE. IN ADDITION, NON-CITIZENS MAY BE EXPELLED FROM THE COUNTRY IF THEY COMMIT A CRIME, WHICH HAPPENED TO AN UNDETERMINED NUMBER OF PEOPLE IN 1997. IN ONE HIGHLY PUBLICIZED CASE, A ROMANI MAN WAS SENTENCED TO EXPULSION FROM THE COUNTRY FOR STEALING FIVE DOLLARS' WORTH OF BEETS, ALTHOUGH THIS JUDGEMENT WAS LATER REVERSED.

THE CITIZENSHIP STATUS OF ORPHANS, MANY OF WHOM ARE ROMA, ALSO REMAINED A MAJOR CONCERN. A LARGE NUMBER OF THESE CHILDREN WERE CONSIDERED SLOVAK CITIZENS, EVEN IF THEY WERE BORN IN THE CZECH REPUBLIC AND HAD NO TIES TO SLOVAKIA. ONCE RELEASED FROM STATE INSTITUTIONS AT AGE EIGHTEEN, THEY HAVE AN UNDETERMINED LEGAL STATUS IN THE CZECH REPUBLIC AND FACE POSSIBLE DEPORTATION. ACCORDING TO THE CZECH HELSINKI COMMITTEE, THERE MAY BE AS MANY AS 1,400 SUCH CHILDREN IN CZECH INSTITUTIONS TODAY.

The Right to Monitor

THE OFFICES OF THE CZECH HELSINKI COMMITTEE WERE BROKEN INTO IN DECEMBER BY UNKNOWN INDIVIDUALS, WHO SEARCHED FILES AND DAMAGED THE OFFICE. THE POLICE OPENED AN INVESTIGATION INTO THE INCIDENT BUT, TO DATE, NO ONE HAS BEEN CHARGED. OTHERWISE, HUMAN RIGHTS WATCH WAS NOT AWARE OF ANY INTERFERENCES WITH THE RIGHT TO MONITOR IN 1997.

The Role of the International Community

BOTH THE EUROPEAN COMMISSION AND THE U.S. HELSINKI COMMISSION VOICED SERIOUS CONCERN OVER THE CONTINUED NEGATIVE IMPACT OF THE CITIZENSHIP LAW AND URGED THE CZECH REPUBLIC TO REPEAL THOSE SECTIONS THAT HAD A DISCRIMINATORY IMPACT ON ROMA. THERE WAS ALSO STRONG INTERNATIONAL CONDEMNATION OF ATTEMPTS BY LOCAL CZECH AUTHORITIES TO ENCOURAGE THE EMIGRATION OF ROMA TO CANADA. NONETHELESS, RELATIONS BETWEEN THE U.S. AND THE CZECH REPUBLIC REMAINED FRIENDLY, AND THE U.S. UNEQUIVOCALLY SUPPORTED THE CZECH REPUBLIC'S ADMISSION INTO NATO. THE E.U. WAS ALSO SUFFICIENTLY SATISFIED WITH THE CZECH REPUBLIC'S PERFORMANCE TO BEGIN NEGOTIATIONS ON MEMBERSHIP IN THE E.U.

FEDERAL REPUBLIC OF YUGOSLAVIA

Human Rights Developments

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (FRY), COMPRISED OF SERBIA AND MONTENEGRO, DEMONSTRATED A BLATANT DISREGARD FOR HUMAN RIGHTS THROUGHOUT 1997. IN NOVEMBER 1996, IT ANNULLED THE RESULTS OF LOCAL ELECTIONS WON LARGELY BY THE OPPOSITION IN SERBIA AND THEN BEAT THOSE WHO PROTESTED; ETHNIC MINORITIES SUFFERED DISCRIMINATION, IMPRISONMENT AND TORTURE BECAUSE THEY ARE NON-SERBS; THE INDEPENDENT MEDIA WAS HARASSED; AND, IN VIOLATION OF THE DAYTON AGREEMENT, THE GOVERNMENT REFUSED TO HAND PERSONS INDICTED FOR WAR CRIMES OVER TO THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA.

ON NOVEMBER 17, 1996, THE OPPOSITION COALITION ZAJEDNO FARED SURPRISINGLY WELL IN MUNICIPAL ELECTIONS, WINNING IN FOURTEEN OF SERBIA'S NINETEEN LARGEST CITIES. THE GOVERNMENT ANNULLED THE RESULTS, CITING "UNSPECIFIED IRREGULARITIES," WHICH SPARKED MASSIVE DEMONSTRATIONS IN BELGRADE AND OTHER SERBIAN CITIES. A DELEGATION FROM THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) CONFIRMED THE OPPOSITION'S VICTORY, AND THE PEACEFUL AND CREATIVE DEMONSTRATIONS CONTINUED FOR EIGHTY-EIGHT DAYS, DEMANDING RESPECT FOR THE ELECTION RESULTS, MEDIA FREEDOM AND POLITICAL PLURALISM IN SERBIA.

BEGINNING ON DECEMBER 26, THE GOVERNMENT USED VIOLENCE AND ARRESTS TO SILENCE THE DEMONSTRATORS. ALTHOUGH RANDOM INCIDENTS OF POLICE VIOLENCE ALSO TOOK PLACE AT OTHER TIMES, IT WAS ESPECIALLY AT THE END OF DECEMBER AND AGAIN IN THE BEGINNING OF FEBRUARY THAT HUNDREDS OF PEACEFUL DEMONSTRATORS WERE BEATEN BY THE POLICE OR SPECIAL RIOT FORCES, SOME OF THEM SERIOUSLY. CLEARLY IDENTIFIABLE JOURNALISTS WERE SOMETIMES TARGETED BY THE POLICE. FROM LATE DECEMBER TO FEBRUARY, AT LEAST FIFTY PEOPLE WERE ARRESTED AND CONVICTED ON CHARGES OF "DESTROYING STATE PROPERTY" OR "DISTURBING THE PEACE" IN TRIALS THAT DID NOT COMPORT WITH INTERNATIONAL STANDARDS.

AT THE SAME TIME, THE SERBIAN GOVERNMENT TOOK STEPS TO PREVENT THE PUBLIC FROM FINDING OUT ABOUT THE DEMONSTRATIONS. THE STATE-RUN TELEVISION AND RADIO—THE MAIN SOURCE OF INFORMATION FOR THOSE OUTSIDE OF

BELGRADE—EITHER IGNORED THE DEMONSTRATORS OR REFERRED TO THEM AS “HOODLUMS” AND “VANDALS.” ON DECEMBER 3, THE GOVERNMENT ORDERED SERBIA’S TWO MAIN INDEPENDENT RADIO STATIONS, RADIO B-92 AND RADIO INDEX, TO CLOSE BECAUSE THEY DID NOT POSSESS THE PROPER BROADCASTING LICENSE. THE STATIONS REOPENED AFTER SUBSTANTIAL INTERNATIONAL PRESSURE, BUT A NUMBER OF SMALLER INDEPENDENT STATIONS REMAINED CLOSED. AT THE SAME TIME, THE GOVERNMENT HARASSED THE INDEPENDENT PRINT MEDIA BY LIMITING PRINT RUNS AND RESTRICTING NEWSPRINT SUPPLIES.

THE RELENTLESS PUBLIC PROTEST AND SUBSTANTIAL INTERNATIONAL PRESSURE FINALLY FORCED THE GOVERNMENT TO RECOGNIZE THE OPPOSITION’S VICTORY ON FEBRUARY 22, 1997. AS OF NOVEMBER, HOWEVER, NO ONE HAD BEEN HELD ACCOUNTABLE FOR THE HUMAN RIGHTS ABUSES THAT OCCURRED DURING THE ELECTIONS OR THE ENSUING DEMONSTRATIONS, EVEN THOUGH MORE THAN SIXTY CRIMINAL CHARGES HAD BEEN FILED IN SERBIAN COURTS AGAINST BELGRADE POLICEMEN FOR USING EXCESSIVE FORCE.

THE STATE CONTINUED ITS HARASSMENT OF THE INDEPENDENT MEDIA THROUGHOUT 1997, ESPECIALLY IN THE PERIOD LEADING UP TO THE SEPTEMBER 21 ELECTIONS FOR A NEW SERBIAN PRESIDENT AND PARLIAMENT (FORMER PRESIDENT OF SERBIA, SLOBODAN MILOŠEVIĆ, WAS ELECTED PRESIDENT OF THE FRY IN AUGUST). IN A COORDINATED ACTION IN JULY INVOLVING THE YUGOSLAV MINISTRY FOR TRANSPORT AND TELECOMMUNICATIONS, THE CRIMINAL POLICE, THE FINANCIAL POLICE, AND VARIOUS STATE AGENCIES, THE GOVERNMENT TEMPORARILY SHUT DOWN MORE THAN SEVENTY-FIVE PRIVATE TELEVISION AND RADIO STATIONS THAT, IT CLAIMED, WERE OPERATING ILLEGALLY. MANY OF THE STATIONS DID NOT POSSESS THE PROPER BROADCAST LICENSE, DUE PRIMARILY TO THE GOVERNMENT’S UNWILLINGNESS TO GRANT LICENSES TO STATIONS THAT BROADCAST CRITICAL VIEWS OF THE STATE. THE GOVERNMENT CONSISTENTLY USED THE FRY’S COMPLEX AND CONTRADICTIONARY BROADCAST LAWS AND LICENSING PROCEDURES TO DENY LICENSES TO THE MEDIA OUTLETS IT CONSIDERED “DISLOYAL.”

AS THE ABOVE EVENTS DEMONSTRATE, ALL CITIZENS OF THE FRY SUFFERED HUMAN RIGHTS VIOLATIONS, REGARDLESS OF THEIR ETHNICITY, IF THEY CRITICIZED OR OPPOSED THE RULE OF SLOBODAN MILOŠEVIĆ. THROUGHOUT 1997, HOWEVER, MINORITY POPULATIONS (NON-ETHNIC SERBS AND MONTENEGRINS) CONTINUED TO BE ESPECIALLY SUSCEPTIBLE TO ABUSE. ETHNIC ALBANIANS, HUNGARIANS, MUSLIMS, TURKS, AND ROMA WERE SUBJECTED TO VARYING DEGREES OF PERSECUTION, AS IN PREVIOUS YEARS, RANGING FROM DISCRIMINATORY LEGISLATION TO ARBITRARY ARRESTS, TORTURE, AND DEATHS IN DETENTION.

THE MOST SEVERE ABUSE OCCURRED IN THE SOUTHWEST REGION OF KOSOVO, INHABITED BY 1.8 MILLION ETHNIC ALBANIANS, WHO COMPRISE 90 PERCENT OF THE LOCAL POPULATION. SERB AUTHORITIES CONTINUED TO USE POLITICAL TRIALS, POLICE VIOLENCE, AND TORTURE TO REPRESS ETHNIC ALBANIANS, SOMETIMES RESULTING IN DEATH.

IN JANUARY 1997, THE POLICE ARRESTED APPROXIMATELY ONE HUNDRED ETHNIC ALBANIANS ACCUSED OF WORKING WITH THE KOSOVO LIBERATION ARMY, AN UNDERGROUND ORGANIZATION THAT HAD TAKEN CREDIT FOR KILLING A NUMBER OF SERBIAN OFFICIALS AND POLICEMEN SINCE FEBRUARY 1996, AS WELL AS TWO ETHNIC ALBANIANS IT ACCUSED OF COLLABORATING WITH THE SERBIAN GOVERNMENT. ON JULY 11, THE DISTRICT COURT IN PRISTINA, KOSOVO, SENTENCED FIFTEEN OF THE DETAINEES TO COMBINED PRISON TERMS OF 264 YEARS FOR TERRORIST ACTIVITY. SERIOUS VIOLATIONS OF DUE PROCESS AND THE USE OF TORTURE TO EXTRACT CONFESSIONS PREVENTED THE DEFENDANTS FROM OBTAINING A FAIR TRIAL. IN OCTOBER, ANOTHER NINETEEN ALBANIANS WENT ON TRIAL, INCLUDING NAIT HASANI, WHO WAS HELD IN UNACKNOWLEDGED DETENTION FOR ONE MONTH AND REPORTEDLY TORTURED. JONUZ ZENELI, WHO WAS SCHEDULED FOR TRIAL, DIED IN A PRISON HOSPITAL ON OCTOBER 17, REPORTEDLY DUE TO ILL-TREATMENT AT THE HANDS OF THE POLICE.

THE SERBIAN AUTHORITIES ALSO CONTINUED TO DENY ALBANIANS IN KOSOVO THEIR RIGHT TO FREE ASSOCIATION AND SPEECH. ALBANIAN ORGANIZATIONS, FROM POLITICAL PARTIES TO SPORTS CLUBS, WERE OFTEN HARASSED BY THE POLICE AND SECURITY FORCES, AND ACTIVISTS WERE TAKEN IN FOR “INFORMATIVE TALKS,” WHICH SOMETIMES LED TO BEATINGS IN DETENTION. NO ALBANIAN-LANGUAGE TELEVISION OR RADIO WERE ALLOWED TO BROADCAST FROM KOSOVO, AND THE PRINT MEDIA FACED ECONOMIC RESTRICTIONS IMPOSED BY THE STATE, SUCH AS HIGH RENTS AND AN EXPENSIVE DISTRIBUTION SYSTEM, AS WELL AS ONGOING HARASSMENT IN THE FORM OF “INFORMATIVE TALKS” AND IDENTITY CHECKS.

ON SEPTEMBER 1, 1996, MILOŠEVIĆ SIGNED AN AGREEMENT WITH THE KOSOVAR ALBANIAN LEADER IBRAHIM RUGOVA TO REOPEN ALBANIAN-LANGUAGE SCHOOLS THAT HAD BEEN CLOSED IN 1990; BUT, BY THE START OF THE 1997 SCHOOL YEAR, THE AGREEMENT HAD NOT BEEN IMPLEMENTED. INSTEAD, STUDENTS AND TEACHERS WERE STILL DETAINED AND, ON OCCASION, BEATEN FOR TRYING TO STUDY OR TEACH IN THEIR NATIVE LANGUAGE. IN OCTOBER, ETHNIC ALBANIAN STUDENTS HELD TWO PEACEFUL DEMONSTRATIONS TO DEMAND THE IMPLEMENTATION OF THE EDUCATION AGREEMENT. ON OCTOBER 1, THE POLICE FORCIBLY DISPERSED THE CROWD

in Prishtina and beat many of the demonstrators.

In neighboring Sandžak, with a large Muslim Slav population, there was similar discrimination, if not as intense as in Kosovo. The wave of state-sanctioned violence that swept through Sandžak during the war in Bosnia abated, but there was continued intimidation, harassment, and violence by the police in 1997.

On July 10, special police forces overtook the city hall in Sandžak's capital, Novi Pazar, and ousted the local Muslim-led government headed by Sulejman Ugljanin, on the charge that it was about to declare the autonomy of Sandžak. The local government was replaced with members of the ruling Socialist Party of Serbia and its coalition partner Yugoslav United Left (headed by Milošević's wife, Mira), and criminal proceedings were opened against Ugljanin for threatening the FRY's territorial integrity, a charge often used against leaders of the FRY's ethnic minorities.

Open violence and repression against minority groups (Hungarians, Croats and Roma) in the northern region of Vojvodina were not as pronounced as in other parts of the FRY. But the perception and reality of a system uniformly and consistently biased against minorities continued to encourage their emigration from the country. The large influx of refugees — ethnic Serbs from Bosnia, and Croatia — into Vojvodina, especially since 1995, continued to have a deleterious impact on the local minorities, with cases of coerced land swaps and state-sponsored seizures of homes.

In late June, the municipal assembly of Zemun (near Belgrade), headed by the ultranationalist leader of the Radical Party, Vojislav Šešelj, ordered the eviction from their homes of some ethnic Croat families who had lived in Zemun for up to three generations. The Belgrade District Court overturned the eviction order on July 10, but the police did not implement the order to evict the new tenants.

On October 19, a group of skinheads in Belgrade clubbed a thirteen-year-old Roma boy, Dušan Jovanović, to death. Five suspects were arrested.

Domestic human rights organizations continued to criticize the government's inconsistent and discriminatory policy toward the estimated 600,000 refugees from the former Yugoslavia living in the FRY. The FRY's Law on Refugees, which does not comply with international standards, prohibited large numbers of refugees from obtaining refugee status, thereby limiting the amount of humanitarian aid they could receive and threatening them with possible repatriation. Some refugees were registered to vote in the September 1996 elections under conditions that strongly suggested coercion, intimidation, and fraud.

The Dayton Agreement, signed in 1995, obliged the Yugoslav government to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY), specifically by handing over persons indicted for war crimes. Despite this, a number of indicted individuals, such as Miroslav Radic and Slobodan Milošević, resided in the FRY in 1997. Veselin Šljivančanin, indicted for the murder of more than 200 hospital patients in the Croatian city of Vukovar in 1991, taught military tactics at the military academy in Belgrade. One of the most notorious indictees, Bosnian Serb Army Gen. Ratko Mladic, visited Belgrade in June for his son's wedding and was then seen vacationing on the coast of Montenegro. Although not yet indicted by the ICTY, the notorious war crimes suspect Zeljko "Arkan" Raznatović maintained a public persona in Belgrade.

The Right to Monitor

Domestic human rights groups like the Helsinki Committee for Human Rights in Serbia and the Humanitarian Law Center were regularly kept under police surveillance but were generally allowed to perform their duties in 1997. One incident involved the well-known human rights lawyer, Nikola Barović, who was assaulted by the bodyguard of Radical Party leader Vojislav Šešelj after Barović and Šešelj got into an argument during a televised interview. Human rights groups in minority-inhabited areas experienced more constant harassment. Activists for the Council for the Defense of Human Rights and Freedoms in Kosovo, for example, were often detained and, on occasion, beaten. International human rights groups, while also under state surveillance, were generally free to conduct their investigations without interference, although on one known occasion, an ethnic Albanian family was

interrogated by the police after they talked to a foreign human rights monitor.

The Role of the International Community

United Nations and Europe

Despite the plethora of violations in 1997, there was only one period of unambiguous condemnation and action by the international community against the government in the FRY. This occurred during the post-election demonstrations, albeit only after foreign governments realized that the demonstrations were gaining momentum and Milošević had resorted to threats of violent suppression and bans on the independent media. An OSCE delegation to Serbia, headed by Spain's former Prime Minister Felipe Gonzalez, confirmed that electoral fraud had occurred and presented recommendations to promote democracy and respect for human rights, known as the "Gonzalez Report." European governments appropriately condemned the arrest of demonstrators, police violence, and restrictions on the independent media.

As soon as Milošević recognized the election results, however, European governments resumed welcoming him and the abusive Yugoslav government back into the international community. In April 1997, the E.U. granted the FRY preferential trade status, although, according to the agreement, the status will "be reviewed" if there is no progress in a number of human rights related areas, such as improvements in Serbia's media laws, reform of the judicial system, and improvements in Kosovo. An E.U. delegation visited the FRY in October to determine whether the status would be extended. The E.U. and the U.N. did, however, condemn the ongoing violations and persecution of ethnic Albanians in Kosovo, especially the political trials in 1997 and the police violence against the peaceful student demonstrations in October.

An outer wall of sanctions remained in place throughout 1997, which kept the FRY out of international lending institutions like the World Bank and the International Monetary Fund, but this was mostly due to the unilateral resolve of the United States.

United States

In contrast to Europe, the U.S. government took a more principled stand regarding human rights abuses in the FRY. Unlike most European countries, the U.S. did not reestablish full diplomatic relations and was the main force keeping the outer wall of sanctions in place. Top government officials, including the president and secretary of state, repeatedly stressed their disapproval of human rights violations in Kosovo, although making clear that there was no support for an independent Kosovar state. In Serbia proper, the U.S. government maintained good relations with the political opposition. When Radio B-92 was closed in December 1996, the U.S. government offered temporary use of the Voice of America frequency.

Relevant Human Rights Watch Reports:

Serbia and Montenegro—Discouraging Democracy: Elections & Human Rights, 09/97

Clouds of War: Chemical Weapons in the Former Yugoslavia, 3/97

Serbia and Montenegro—Persecution Persists: Human Rights Violations in Kosovo, 12/96

GEORGIA

Human Rights Developments

As Georgia's human rights record has come under increasing scrutiny by the international community—notably by

the United Nations and the Council of Europe—the government took steps in 1997 to indicate that it is making human rights a priority. However, Georgia's rapidly improving image as a reforming post-Soviet country far outpaced its actual performance in human rights. In its most progressive move, the government instituted a de facto ban on capital punishment. However, most chronic problems persisted, principally torture and police abuse, refusal to prosecute war crimes committed during its civil wars in South Ossetia in 1991 and Abkhazia in 1992–94, and violations of the rights of refugees and the internally displaced. Most alarming, the government continued to obfuscate and discount many of these problems.

This year Georgia underwent its first reviews by the United Nations Committee Against Torture (October 1996) and the U.N. Human Rights Committee (March 1997). In its initial reports to these committees, the Georgian government was candid about the appalling conditions of its prisons and acknowledged the existence of serious problems like torture. However, it generally under-reported the true, horrifying scope of torture and police brutality, as documented by independent observers. For example, the Initial Report on Compliance with the International Covenant on Civil and Political Rights (November 21, 1995) stated that only two cases of torture had taken place during the four-year period Georgia had been party to the Convention; nongovernmental organizations, however, documented scores of cases during that same period.

Symptomatic of the government's unwillingness to disclose the scale of the problem was its selection of Deputy Prosecutor General Anzor Baluashvili as a delegate to defend Georgia's record before the Human Rights Committee. Extensive circumstantial evidence suggests that Mr. Baluashvili had prosecuted numerous criminal suspects who were coerced into admitting guilt through physical and psychological abuse, and that Mr. Baluashvili condoned, if not ordered, the brutal treatment. Although the government was aware of these allegations, it has refused to investigate them. Closing its eyes to brutality within its own ranks, on the one hand, and pledging to curb torture, on the other, greatly undermined the government's credibility during the review process.

This year Georgia took welcome steps toward the abolition of the death penalty, one of the principal preconditions to membership in the Council of Europe. On December 10, 1996, President Eduard Shevardnadze issued a moratorium on capital punishment pending the reduction from thirteen to seven of the number of capital offenses in the Georgian Criminal Code. (The amended code entered into force on February 1, 1997.) In July, President Shevardnadze instituted a de facto ban on executions by commuting the death sentences of the existing fifty-four death-row inmates to twenty years of imprisonment.

A presidential decree issued in June, inter alia, called for punishing violations of the rights of suspects and prisoners and the broad dissemination of pertinent international human rights standards to government agencies. Although the decree may in time result in improved protections, the government's failure to enforce the human rights protections already enshrined in Georgia's existing legal obligations suggests the decree may have only symbolic significance.

The cease-fires that ended the fighting in Georgia's South Ossetia and Abkhazia regions several years ago continued to hold in 1997, despite sporadic fighting in the Abkhazian border region of Gali, which abuts Georgia. Wide scale attacks on civilians were averted this year, overwhelmingly thanks to continued mediation by the Russian Federation and the U.N. and to the continued presence of Confederation of Independent States (Russian) peacekeeping troops and of U.N. military observers in the region. However, according to UNHCR figures from December 1996, some 272,400 internally displaced persons remained unable to return safely to Abkhazia, in violation of their rights.

The government squandered another year by not moving closer to prosecuting the massive war crimes that characterized the internal conflicts in South Ossetia and Abkhazia, including the murder of civilians, widespread looting, and "ethnic cleansing." Instead, the government called on an international court to take the responsibility. This strategy allows the government publicly to condemn war crimes without punishing violators, including combatants under its own command. Although landmines remained a crippling humanitarian problem that was at least partially responsible for the inability of displaced persons to return to Abkhazia, Georgia did not

SIGN ONTO THE INTERNATIONAL LANDMINE BAN TREATY IN OSLO, NORWAY, IN SEPTEMBER 1997.

SUCH FUNDAMENTAL CIVIL RIGHTS AS FREEDOM OF SPEECH AND OF ASSEMBLY WERE GENERALLY WELL PROTECTED IN GEORGIA. HOWEVER, SPECIAL FORCES REPORTEDLY BROKE UP A PEACEFUL MARCH BY THE POLITICAL OPPOSITION IN TBILISI ON MAY 26, BEATING PARTICIPANTS AND REPORTERS WITH TRUNCHEONS AND ARBITRARILY DETAINING SEVERAL DOZEN, ACCORDING TO IPRINDA NEWS AGENCY. IN JUNE, A PARLIAMENTARY INVESTIGATING COMMITTEE REVEALED THAT THE MINISTRY OF STATE SECURITY HAD ILLEGALLY TAPPED THE TELEPHONES OF NODAR GRIGOLASHVILI, THE EDITOR-IN-CHIEF OF THE NEWSPAPER *Sakartvelo* (GEORGIA). THE EXTENT OF UNSANCTIONED GOVERNMENT WIRETAPPING IN GEORGIA IS UNCLEAR, BUT THE WORK OF THE COMMITTEE IS ENCOURAGING, AND THE ATTENTION GENERATED BY ITS FINDINGS MAY HELP DETER FUTURE ABUSE.

The Right to Monitor

BY AND LARGE, DOMESTIC HUMAN RIGHTS ACTIVISTS ENJOYED BROAD FREEDOM TO WORK THIS YEAR. HOWEVER, IN AT LEAST ONE CASE OF HARASSMENT, ELENA TEVDORADZE, CHAIR OF THE PARLIAMENTARY SUBCOMMITTEE FOR PENITENTIARY REFORM, REPORTEDLY SUFFERED SEVERAL DEATH THREATS IN CONNECTION WITH HER WORK ON BEHALF OF PRISONERS, ACCORDING TO *DRONI* (TIME) OF SEPTEMBER 4-6. MANY ACTIVISTS REPORTED THAT THEIR WORK WAS STYMIED BY LACK OF GOVERNMENT COOPERATION IN ACCEPTING AND ACTING ON THEIR INFORMATION. INTERNATIONAL MONITORS GENERALLY RECEIVED GREATER GOVERNMENT ATTENTION THAN DID THEIR DOMESTIC COUNTERPARTS. IN MARCH, FOR EXAMPLE, RUSSIAN HUMAN RIGHTS ACTIVIST SERGEI KOVALEV AND HIS COLLEAGUES WERE GIVEN FULL ACCESS TO PRISONERS THEY WISHED TO MEET, AND MR. KOVALEV WAS ABLE TO CONVEY HIS FINDINGS AND RECOMMENDATIONS TO THE PRESIDENT IN PERSON.

The Role of the International Community

United Nations and the Organization for Security and Cooperation in Europe

AS DISCUSSED ABOVE, THE U.N. COMMITTEE AGAINST TORTURE AND HUMAN RIGHTS COMMITTEE WORKED ACTIVELY THIS YEAR TO EVALUATE GEORGIA'S HUMAN RIGHTS RECORD AND URGE IMPROVED COMPLIANCE WITH INTERNATIONAL STANDARDS. THE UNITED NATIONS CONTINUED TO MEDIATE A SETTLEMENT OF THE ABKHAZ CONFLICT AND TO SECURE THE SAFE RETURN OF REFUGEES AND DISPLACED PERSONS FROM THAT REGION; ON BOTH COUNTS, ITS EFFORTS WERE FRUITLESS. ITS MOST POSITIVE CONTRIBUTIONS TO THE HUMAN RIGHTS SITUATION THERE APPEARED TO BE EXTENDING THE MANDATE FOR THE OBSERVER MISSION IN GEORGIA (UNOMIG) AND THE POSTING OF A HUMAN RIGHTS REPRESENTATIVE BASED IN SUKHUMI, ABKHAZIA. UNDER THE TERMS OF A JOINT AGREEMENT, AN OSCE REPRESENTATIVE IS ALSO MONITORING THE SITUATION IN THE FIELD. TO DATE, HOWEVER, THERE WAS NO NOTICEABLE IMPROVEMENT IN REPORTING OR PROSECUTING HUMAN RIGHTS VIOLATIONS.

Council of Europe

SINCE JULY 14, 1996, WHEN GEORGIA APPLIED TO THE COUNCIL OF EUROPE TO UPGRADE ITS STATUS FROM SPECIAL GUEST TO FULL MEMBER, THE COUNCIL WORKED TO IDENTIFY GEORGIA'S HUMAN RIGHTS PROBLEMS AND CRAFT RECOMMENDATIONS FOR ACHIEVING ADEQUATE COMPLIANCE WITH THE COUNCIL'S STANDARDS. CREDIT FOR GEORGIA'S RAPID PROGRESS TOWARD A DE JURE MORATORIUM ON THE DEATH PENALTY THIS YEAR WAS DUE OVERWHELMINGLY TO THE COUNCIL'S MEMBERSHIP REVIEW PROCESS. IN LIGHT OF GEORGIA'S OVERALL HUMAN RIGHTS RECORD, ONE HOPES THE COUNCIL OF EUROPE WILL ISSUE RIGOROUS RECOMMENDATIONS FOR COMPLIANCE WITH EUROPEAN CONVENTION HUMAN RIGHTS STANDARDS AND, SHOULD GEORGIA ACCEDE TO THE COUNCIL, THAT IT WILL ENFORCE THEM STRICTLY.

GREECE

Human Rights Developments

Greece, a member of the European Union (E.U.) since 1981, continued to experience persistent human rights abuses, especially related to ethnic minorities and migrants. Other areas of concern included restrictions on freedom of expression and freedom of worship. The government of Prime Minister Costas Simitis, whose Pan-Hellenic Socialist Movement (PASOK) won parliamentary elections in September 1996, took some positive steps, including working to legalize the presence of an estimated 500,000 illegal Albanian migrants and to increase infrastructure investments in Turkish villages in Thrace. In February, Prime Minister Simitis openly acknowledged the problem of racism in Greece, a first for a Greek prime minister.

In 1997, Greece finally ratified the International Covenant on Civil and Political Rights and signed the Council of Europe's Framework Convention for the Protection of National Minorities. Nevertheless, the government of Greece continued to recognize only one minority, the "Muslim" minority protected under the 1923 Treaty of Lausanne. The government refused officially to acknowledge the existence of a Turkish minority, although today the vast majority of the "Muslim" minority identify themselves as Turks, regardless of their Turkish, Pomak, Roma or other origin. Other ethnic minorities legally denied recognition included Slavic-speaking Macedonians. Ethnic minorities that are not officially recognized often suffered restrictions on their freedom of expression and association.

The Greek government appeared to take a dual policy toward the Turkish minority in 1997: it continued to deny its identity—including forbidding the use of the word "Turkish" in official titles of organizations—while at the same time increasing funding for infrastructure in ethnic Turkish areas. The government also continued its policy of affirmative action for Turkish students applying to universities. But few ethnic Turks were employed by municipalities, and none in senior positions. Despite being guaranteed by the Lausanne Treaty, Turkish-language secondary schools remained few in number and of poor quality, there were inadequate numbers of translators for court proceedings, and repair of some mosques was problematic. What is more, although the Simitis government pledged to amend article 19 of the citizenship law, which is sometimes used arbitrarily to deprive non-ethnic Greeks of their citizenship, 7,000 non-ethnic Greek citizens lost their citizenship between 1981 and 1996. While the apparent intent of article 19 was to force those deprived of citizenship to migrate to Turkey, some stayed in Greece. Some estimate that as many as 1,000 stateless persons who were formerly Greek citizens still reside in the country. They have difficulty receiving social services like health care and education and are even denied the rights of the 1954 U.N. Convention Relating to the Status of Stateless Persons ratified by Greece in 1975.

Another area of concern is a 1990 law that gave the state the right to appoint the mufti: previously muftis were appointed following consultation with community leaders, although this contravened a 1920 law requiring that they be elected. Currently, there are two muftis in Yanthi and Komotini—one appointed and one elected. The elected mufti has been repeatedly prosecuted for "pretense of authority" for using the title of mufti.

In Florina, capital of the Florina district of northern Greece where most ethnic Macedonians live, four Greek Macedonians were put on trial in October 1997 for "inciting citizens to commit acts of violence." In September 1995, a mob led by the Florina mayor had attacked and ransacked the offices of the ethnic Macedonian Rainbow Party after the four men hung a sign in Greek and in Macedonian stating "Rainbow-Florina Committee." No charges were filed against those who attacked the offices. However, the party was prosecuted for using the Macedonian language on the sign in a clear violation of the right to free expression. At an October 1997 hearing, the trial was postponed until September 1998.

Ethnic Macedonians who fled Greece as a result of the 1946-49 civil war were more easily able to visit Greece during 1997 than in previous years: throughout 1996, such individuals—who number in the tens of thousands—were not allowed to enter Greece, even briefly to visit relatives or attend funerals. Ethnic Greek political refugees, on the other hand, were regularly allowed to return to the country. Greece's Roma (Gypsy) minority, estimated at some 350,000, continued to be the most marginalized societal group, subject to discrimination in employment and housing and to police abuse. In April, municipal authorities forcibly removed Roma living in the Ano Liosia area.

Reportedly, inhabitants lost personal possessions when bulldozers raised their settlements. Roma having valid residence permits were moved to a new settlement, surrounded by a wire fence and guarded by a armed watchman. Throughout 1997, Roma were expelled or threatened with expulsion in many other sites by the municipal authorities and sometimes the courts, while the often announced plan to find appropriate living quarters for them was never implemented.

While Greece's varied and lively press is largely free, there were violations of freedom of the press in 1997. Mr. Abdulhalim Dede, the director of a Turkish-language radio station, Radio Light (Radio Isik), and a newspaper, Voice of Thrace (Trakya'nin Sesi), had criminal charges brought against him on four occasions in 1997. On two occasions he was charged with "defamation" and "dissemination of false information;" in each of the remaining two cases, he was charged with "broadcasting without a license." Although most private radio stations in Greece operate without a license, Radio Isik was the only one charged. The director was convicted of aggravated defamation and sentenced to six months of imprisonment. In July, two journalists of the newspaper *Niki* were sentenced to thirty-three months for "defamation" of the justice minister.

Migrant workers in Greece—the majority of whom are illegal immigrants from Albania—continued to suffer police abuse and discrimination. Sentences meted out to ethnic Albanians were excessively harsh when compared with those given to Greeks: in February, for example, an Albanian illegal immigrant received six and one-half years for theft of a wallet and illegal entry; in March, a Greek citizen received three and one-half years for attempted manslaughter against four Albanian immigrants. Despite promises by the Greek government, migrant workers from Albania were still not able to obtain legal status in Greece.

The Greek constitution gives the Eastern Orthodox church the status of an official religion, relegating other religions to a disadvantaged status. In September 1996, the European Court criticized Greek legislation, noting "a clear tendency...to use these provisions to restrict activities of faiths outside the Orthodox Church." The constitution also prohibits proselytism, but does not define the term. In December 1996, the Greek Helsinki Monitor reported that the closing of the Church of Scientology also violated freedom of religion.

The Right to Monitor

In August and September, state security forces openly followed a joint Greek Helsinki Monitor/Human Rights Watch mission in Thrace. The delegation met with many people whose phones appeared to have been tapped. After complaining to authorities, however, the tapping ceased. In June, the Greek Helsinki Monitor reported that its mail had been tampered with, reportedly by state authorities.

The Role of the International Community

United States

Relations between Greece and the United States were good in 1997, although the State Department's *Country Report on Human Rights Practices for 1996* was frank about human rights violations by Greece. For FY 1997, Greece received U.S.\$3.23 million in loan subsidies and \$122.5 million in Foreign Military Financing (FMF) loans. The U.S. also appointed former Bosnia negotiator Richard Holbrooke to work toward a settlement on the divided island of Cyprus.

HUNGARY

Human Rights Developments

Hungary maintained a generally acceptable level of human rights protection for many of its citizens in 1997.

DESPITE HUNGARY'S ACCEPTANCE INTO NATO AND A DECISION BY THE EUROPEAN UNION TO BEGIN MEMBERSHIP TALKS, BOTH DECISIONS REFLECTING THE GENERAL PERCEPTION THAT HUNGARY HAD MADE SIGNIFICANT STRIDES TOWARD DEMOCRACY AND THE PROTECTION OF HUMAN RIGHTS, A NUMBER OF HUMAN RIGHTS VIOLATIONS CONTINUED TO PLAGUE THE COUNTRY DURING 1997. THE ROMA MINORITY CONTINUED TO FACE WIDESPREAD DISCRIMINATION, ESPECIALLY IN HOUSING, EDUCATION, AND EMPLOYMENT, AS WELL AS ILL-TREATMENT BY THE POLICE. IN ADDITION, REPORTS OF POLICE BRUTALITY AND VIOLATIONS OF DUE PROCESS CONTINUED TO SURFACE DURING THE YEAR. THE HUNGARIAN GOVERNMENT'S EFFORTS TO ADDRESS THESE VIOLATIONS WERE ONLY MINIMALLY EFFECTIVE.

IN 1997, THE ROMA (GYPSY) CONTINUED TO ENCOUNTER BOTH GOVERNMENTAL AND SOCIETAL DISCRIMINATION. MOST ROMA CONTINUED TO LIVE IN GHETTOIZED COMMUNITIES SEGREGATED FROM THE MAJORITY OF HUNGARIANS. THIS SITUATION REFLECTS THE CONSEQUENCES OF HOUSING AND SETTLEMENT POLICIES DURING THE COMMUNIST ERA, BUT IT IS ALSO THE RESULT OF ONGOING DISCRIMINATION IN HOUSING AND EMPLOYMENT. THE PARLIAMENTARY COMMISSIONER FOR NATIONAL AND ETHNIC MINORITY RIGHTS REPORTED THAT FROM JULY 1, 1995, UNTIL THE TIME OF THIS PRINTING, ABOUT 68 PERCENT OF ALL COMPLAINTS SUBMITTED TO THE OMBUDSMAN WERE COMPLAINTS FILED BY ROMA. MANY OF THESE COMPLAINTS FOCUSED ON HOUSING DISCRIMINATION BY THE LOCAL SELF-GOVERNMENTS.

ROMA ALSO CONTINUED TO FACE PERVERSIVE DISCRIMINATION IN EMPLOYMENT AND EDUCATION. IN SOME AREAS OF EASTERN HUNGARY, THE UNEMPLOYMENT RATE AMONG ROMA MEN REACHED 90 PERCENT. IN MANY SCHOOL DISTRICTS, ROMA CHILDREN CONTINUED TO ATTEND SEPARATE CLASSES. IN JUNE 1997, IN THE TOWN OF TISZAVASVÁRI, ROMA AND HUNGARIAN GRADUATING STUDENTS HELD SEPARATE GRADUATION PARTIES BECAUSE THE ROMA CHILDREN WERE CONSIDERED BY THE PARENTS TO BE LICE-INFESTED, MISBEHAVED, AND DIRTY. THE MINISTER OF CULTURE AND EDUCATION, BALINT MAGYAR, INITIATED AN INVESTIGATION, BUT AS OF THIS WRITING HAD ISSUED NO FINDINGS.

NUMEROUS RACIALLY MOTIVATED ATTACKS AGAINST ROMA WERE REPORTED IN 1997. ON APRIL 26, 1997, THIRTY ROMA TEENAGERS ACCOMPANIED BY THREE ADULTS WERE ATTACKED BY SKINHEADS DURING A TRIP TO KISMAROS. ONE YOUNG ROMA WAS HOSPITALIZED. THE INVESTIGATION BY THE VÁC POLICE TURNED UP NO SUSPECTS. IN ANOTHER INCIDENT IN SATORALJAÚSHELY, IN NORTHEASTERN HUNGARY, THE LOCAL AUTHORITIES DECIDED TO FORCE ROMA TO LEAVE THE TOWN. USING EUPHEMISMS SUCH AS "CERTAIN PEOPLE" WHO ARE "UNABLE TO LIVE IN TOWNS" TO DENOTE THE ROMA, THE LOCAL AUTHORITIES ANNOUNCED THAT THEY WOULD FORCE THESE PEOPLE TO LEAVE THE TOWN EVEN IF IT REQUIRED USING ILLEGAL MEANS. JENO KALTENBACH, THE OMBUDSMAN FOR MINORITY RIGHTS, INVESTIGATED THE MATTER AND, ON SEPTEMBER 26, 1997, ASKED THE LOCAL AUTHORITIES TO WITHDRAW THEIR DECISION. THE LOCAL AUTHORITIES UNANIMOUSLY REJECTED HIS REQUEST.

ROMA CONTINUED TO REPORT BEING EXCLUDED FROM SOME PUBLIC ESTABLISHMENTS. HOWEVER, IN A LANDMARK CASE, THE HUNGARIAN COURTS FOR THE FIRST TIME FOUND IN FAVOR OF A ROMA MAN WHO WAS DISCRIMINATED AGAINST IN A PUBLIC ESTABLISHMENT. MR. GYULA GOMA, A ROMA MAN, WHO HAD BEEN REFUSED SERVICE IN A BAR BECAUSE HE WAS A "GYPSY," SUED THE OWNERS OF THE ESTABLISHMENT. IN JANUARY 1997, HE WON BOTH A CRIMINAL AND CIVIL CASE AGAINST THE BAR. AT THE TIME OF THIS PRINTING, THE CIVIL CASE WAS ON APPEAL.

IN LATE JULY 1997, THE GOVERNMENT APPROVED A COMPREHENSIVE PLAN—DEVELOPED JOINTLY WITH ROMA ASSOCIATIONS—INTENDED TO IMPROVE WELFARE AND HEALTH CONDITIONS, PROVIDE WORK, AND INCREASE THE NUMBER OF YOUNG ROMA IN EDUCATION.

POLICE ABUSES REMAINED A SERIOUS PROBLEM THROUGHOUT HUNGARY. DESPITE THE GOVERNMENT'S PUBLIC CONDEMNATION OF POLICE BRUTALITY AND ITS PROMISES TO PROSECUTE SUCH ABUSES, REPORTS OF PHYSICAL VIOLENCE BY THE POLICE, OF INTERROGATION UNDER DURESS, AND OF ILLEGAL ARRESTS REMAINED HIGH. ALTHOUGH REGULATIONS APPLYING TO POLICE LOCKUPS COMPLY WITH EUROPEAN STANDARDS, THE REGULATIONS WERE OFTEN IGNORED. FOR EXAMPLE, DETAINEES WERE OFTEN DENIED ADEQUATE MEDICAL TREATMENT, SUSPECTS WERE OFTEN NOT ALLOWED TO USE THE PHONE TO CALL LAWYERS OR FAMILIES, AND SUSPECTS' CORRESPONDENCE WAS MONITORED.

HUMAN RIGHTS ORGANIZATIONS REPORTED THAT ROMA WERE PARTICULARLY LIKELY TO BE THE VICTIMS OF POLICE ABUSE. THERE WERE NUMEROUS CASES OF ROMA BEING SUBJECTED TO LONGER PERIODS OF DETENTION AND SENTENCED FOR LONGER PERIODS OF TIME THAN NON-ROMA. VICTIMS OF POLICE ABUSE WERE OFTEN UNABLE TO OBTAIN AN ADEQUATE REMEDY FOR SUCH ABUSE. ONLY 3 PERCENT OF CASES BROUGHT AGAINST THE POLICE LED TO A CONVICTION. IN THOSE FEW CASES IN WHICH THE

POLICE WERE CONVICTED, THE PENALTY WAS USUALLY A FINE, PROBATION, OR A SUSPENDED SENTENCE, AND THE POLICE OFFICER TYPICALLY REMAINED ON THE FORCE.

IN MAY, THE PARLIAMENT PASSED A LAW ON THE PROCESSING AND PROTECTION OF MEDICAL AND RELATED PERSONAL DATA. THIS BILL, WHICH ALLOWED THE POLICE TO EXAMINE INDIVIDUALS' MEDICAL RECORDS IN THE NAME OF CRIME PREVENTION, WAS CRITICIZED BY NGOs FOR VIOLATING THE RIGHT TO PRIVACY.

The Right to Monitor

HUMAN RIGHTS MONITORING WAS GENERALLY UNIMPEDED, ALTHOUGH SOME HUMAN RIGHTS ORGANIZATIONS REPORTED ATTEMPTED INTIMIDATION AND HARASSMENT BY THE POLICE. POLICE OCCASIONALLY USED THEIR AUTHORITY TO SEARCH PREMISES FOR ILLEGAL WORKERS AND TO ENTER INTO THE OFFICES OF HUMAN RIGHTS ORGANIZATIONS AND DISRUPT THEIR ACTIVITIES.

The Role of the International Community

Europe

IN RECOGNITION OF THE IMPORTANT STEPS HUNGARY HAS TAKEN TO BUILD A STRONG DEMOCRACY BASED ON THE RULE OF LAW AND PROTECTION OF HUMAN RIGHTS, IT WAS ADMITTED INTO NATO DURING THE FIRST ROUND OF EXPANSION. IN JULY, THE EUROPEAN COMMISSION ALSO RECOMMENDED STARTING E.U. MEMBERSHIP TALKS WITH HUNGARY. THE EUROPEAN COMMISSION, HOWEVER, ALSO POINTED OUT THAT IN ORDER FOR HUNGARY TO BECOME A FULL MEMBER OF THE E.U., IT HAD TO IMPROVE MINORITY RIGHTS FOR THE ROMA POPULATION, INCLUDING BETTER JUDICIAL RECOURSE FOR ABUSES.

IN DECEMBER 1996, THE HUNGARIAN PARLIAMENT RATIFIED ITS TREATY WITH ROMANIA TO PERMIT THE DEVELOPMENT OF FRIENDLY RELATIONS AND FULL RESPECT FOR THE MINORITIES OF EACH COUNTRY. THIS WAS FOLLOWED BY THE TWO COUNTRIES EXCHANGING CONSULATES, NUMEROUS VISITS OF HIGH RANKING OFFICIALS BETWEEN EACH COUNTRY, AND A GROWING ATMOSPHERE OF COOPERATION AND REDUCTION OF TENSIONS BETWEEN THE TWO COUNTRIES.

United States

RELATIONS BETWEEN HUNGARY AND THE UNITED STATES REMAINED GOOD IN 1997. THE HUNGARY CHAPTER OF THE U.S. STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996* WAS ACCURATE, AND THE UNITED STATES WAS A LEADING FORCE BEHIND HUNGARY'S ADMISSION INTO NATO.

KAZAKSTAN

Human Rights Developments

IN GENERAL, THE GOVERNMENT OF KAZAKSTAN CONTINUED TO OBSERVE THE RULE OF LAW AND MOST CIVIL AND POLITICAL RIGHTS IN 1997. THERE WERE STILL MAJOR AREAS OF CONCERN, HOWEVER, INCLUDING PRISON CONDITIONS, CONTINUING USE OF THE DEATH PENALTY, DIMINISHING POSSIBILITIES FOR FREE ASSEMBLY, RESULTING IN PART FROM THE IMPLEMENTATION OF A NEW CRIMINAL CODE, AND THE APPARENT REDUCTION IN MEDIA CHOICE THROUGH THE GOVERNMENT'S REDISTRIBUTION OF BROADCASTING RIGHTS WHICH EXCLUDED INDEPENDENT VOICES.

PARLIAMENT ADOPTED A NEW CRIMINAL CODE ON JULY 16, REPLACING THE SOVIET CODE IN USE IN KAZAKSTAN SINCE 1959. POSITIVE ASPECTS INCLUDE A REDUCTION IN THE APPLICATION OF THE DEATH PENALTY TO MURDER AND CRIMES SUCH AS TERRORISM, ELIMINATING ITS USE FOR CRIMES SUCH AS RECEIPT OF BRIBES AND AGGRAVATED RAPE. IT WILL NO LONGER BE APPLIED TO WOMEN (FORMERLY ONLY PREGNANT WOMEN WERE EXCLUDED) OR MEN OVER SIXTY-FIVE. ALSO—AND IMPORTANTLY, GIVEN THE IMPERFECT NATURE OF THE COUNTRY'S JUDICIAL SYSTEM—it extends to two years the time BETWEEN SENTENCING AND EXECUTION TO ALLOW FOR FINAL APPEALS. PREVIOUSLY THIS PERIOD WAS ON AVERAGE ONE YEAR, INCLUDING FINAL APPEAL AND A REQUEST FOR CLEMENCY. ON THE NEGATIVE SIDE, HOWEVER, THE NEW CODE CRIMINALIZES THE ACTIVITY OF

nongovernmental organizations (NGOs) that have not been granted formal registration by the government and the organization of unsanctioned public meetings and demonstrations.

Use of the death penalty continued in 1997, although no figures were available for the number of people executed. Government actors, especially President Nazarbaev's legal affairs advisor, Igor Rogov, displayed an openness to dialogue on the issue when they attended a seminar on the death penalty organized by the nongovernmental Kazakhstan-American Bureau for Human Rights and Rule of Law on January 22-23. They indicated a readiness to reduce application of the death sentence and, according to Mr. Rogov, eventually to abolish it. Yet it was shortly after this, in the last week of April, that the authorities, ignoring repeated pleas from Amnesty International and other groups, executed Oleg Gorozashvili. The execution went ahead despite doubts about his guilt, concerns about a serious miscarriage of justice, and an apparent commitment from state investigators to delay execution pending further examination of the case.

A perverse argument for retaining the death penalty, advanced by government officials at the January seminar, was that prison conditions were so atrocious that few prisoners would survive a long sentence anyway. In July the Interior Minister was quoted as saying 1,122 people had died in prison as of that date, 770 of them from tuberculosis. This was roughly the same level as in 1996, when 2,531 prisoners had died, according to government officials. The Interior Minister also said that Kazakhstan had 93,000 prisoners in July, a figure that included 15,000 released on parole. Officials said one in five prisoners had tuberculosis.

A variety of legal sanctions continued to be applied to individuals who were punished for their political activity rather than for any crime. In June the authorities in Almaty held the sixty-year-old leader of a pensioners' action group called Generation (Pokolenie), Nina Savostina, in custody for seven days and held the deputy head of the Workers' Movement, Yury Vinkov, for fifteen days for participating in a May 30 rally of pensioners. Mabel Ismailov, chairman of the Workers' Movement, was held in custody until late July on charges of organizing the demonstration. He was tried on September 17 and sentenced to one year of corrective labor; he will be allowed to serve the sentence at his own place of work with a portion of his salary deducted. The authorities' determination to prevent even such basic rights of assembly indicated an extremely alarming intention to stamp out political opposition.

Another source of opposition to government policies, the Independent Labor Movement, was also subjected to government harassment this year. The leader of the Independent Trade Union Federation, Leonid Solomin, was charged with financial irregularities on March 13 after a long-running investigation. Although the charges were dropped in September for lack of evidence, the accusations had isolated Mr. Solomin as a political figure and seriously hampered his work. Another prominent opposition figure, Petr Svoik, co-leader of the Azamat opposition movement, faced criminal charges relating to alleged improprieties during his time as head of the State Antimonopoly Commission. The case had not been tried as of this writing. Again, raising these accusations at a time when Azamat was gaining authority, and the subsequent prolonged, inconclusive investigation, point to an attempt to discredit and isolate a powerful political figure.

The year 1997 saw no recorded politically motivated convictions in the context of ethnic relations. The last case, a trial ending December 25, 1996, involved Nina Sidorova, chair of the Russian Center, who was given a two-year suspended prison sentence for contempt of court and resisting police authority. The charges had been brought against her in 1996, months after the alleged crimes and only when she attempted to register the Russian Center as a public association.

A reduction in the public's access to Russian-language media—the most important outside source of information in Kazakhstan—came when the authorities cancelled rebroadcasts of the Russian Federation national TV station RTR. The Russian station announced on January 27 that its programs had not been shown in Kazakhstan since December 5. Since 1995, rebroadcasts of its programs had been reduced to two and a half hours a day. The Kazakhstan authorities said the move was not political but rather the result of the Russian station's nonpayment of rebroadcasting fees, although some observers saw it as yet another step to diminish the presence of Russian-

LANGUAGE MEDIA AND ALTERNATIVE VIEWPOINTS GENERALLY.

THE DOMESTIC MEDIA UNDERWENT GREAT CHANGE AS EXISTING BROADCASTING FREQUENCIES WERE PUT UP FOR TENDER, FIRST IN ALMATY AND THE SURROUNDING REGION AND THEN IN THE REST OF THE COUNTRY. OPPONENTS OF THE SCHEME SAID IT WAS DESIGNED TO WEED OUT AND CLOSE STATIONS SEEN AS HOSTILE TO THE GOVERNMENT. THE GOVERNMENT CLAIMED IT WAS ACTING PURELY OUT OF COMMERCIAL INTEREST, BUT EVEN IF THIS WAS TRUE THE INORDINATELY HIGH INITIAL FEES OF UP TO THE EQUIVALENT OF U.S.\$111,000 EFFECTIVELY BARRED FREE EXPRESSION. AT LEAST THIRTY-ONE TV AND RADIO STATIONS WERE FORCED OFF THE AIR AFTER FAILING TO WIN BROADCASTING RIGHTS BETWEEN JANUARY AND MAY. AN EMPLOYEE OF ONE OF THEM, TV "M", WAS REPORTEDLY TOLD BY A MEMBER OF THE PRESIDENTIAL ADMINISTRATION THAT IT WAS BEING SHUT DOWN BECAUSE ITS OUTPUT WAS "TOO POLITICIZED."

The Right to Monitor

LOCAL AND INTERNATIONAL HUMAN RIGHTS GROUPS OPERATED UNHINDERED. THE GOVERNMENT SHOWED ITSELF GENERALLY RECEPTIVE TO THE HUMAN RIGHTS AGENDA. HOWEVER, DEPUTY HEAD OF THE PRESIDENTIAL HUMAN RIGHTS COMMISSION ZHUMABEK BUSURMANOV APPEARED ON KAZAKSTAN NATIONAL TELEVISION ON FEBRUARY 12 TO ATTACK LOCAL HUMAN RIGHTS NGOs. HE ACCUSED THEM OF WORKING WITH "CERTAIN INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS OF A DUBIOUS NATURE" AND DESCRIBED SOME OF THOSE WHOSE RIGHTS THEY DEFENDED—PRINCIPALLY ACTIVISTS IN THE RUSSIAN COMMUNITY—as "ODIOUS." HIS ATTACK REVEALED AN ATTITUDE TOWARD HUMAN RIGHTS AND NGOs THAT WAS UNCHANGED FROM SOVIET TIMES. IT IS UNCLEAR TO WHAT EXTENT HIS STATEMENT REFLECTS OFFICIAL VIEWS.

The Role of the International Community

European Union

ON MARCH 13 THE EUROPEAN PARLIAMENT GAVE ITS ASSENT TO RATIFICATION OF A PARTNERSHIP AND COOPERATION AGREEMENT (PCA) WITH KAZAKSTAN. ONE OF THE BASIC CONDITIONS THAT THE E.U. SETS OUT IN THE PCA IS THAT HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES BE OBSERVED IN THE PARTNER COUNTRY. RATIFICATION HAD BEEN DELAYED BECAUSE OF E.U. CONCERNS ABOUT THE SUSPENSION OF THE KAZAKSTAN PARLIAMENT IN 1995.

United States

THE UNITED STATES GOVERNMENT CONDUCTED A NUMBER OF HIGH LEVEL INTERVENTIONS IN WHICH IT RAISED CONCERNS ABOUT SPECIFIC INDIVIDUAL CASES. IN ADDITION, ITS *COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1996* PRESENTED AN UNBIASED VIEW OF HUMAN RIGHTS PROBLEMS IN KAZAKSTAN.

KYRGYZTAN

Human Rights Developments

IN 1997, THE KYRGYZ GOVERNMENT PUT UNRELENTING PRESSURE ON THE INDEPENDENT OR CRITICAL MEDIA AND ON OPPOSITION FIGURES. THIS STOOD IN STARK CONTRAST TO PRESIDENT ASKAR AKAEV'S REMARKS IN JULY TO THE U.S. GOVERNMENT PROCLAIMING RESPECT FOR DEMOCRACY AND FREEDOM OF SPEECH. IN A DISTURBING TREND, THE GOVERNMENT INCREASINGLY LEVELED CRIMINAL CHARGES AGAINST OPPOSITION FIGURES, NEWSPAPERS, JOURNALISTS, INTEREST GROUPS, AND DEMONSTRATORS FOR WHAT SHOULD BE CIVIL OFFENSES, ON GROUNDS OF QUESTIONABLE VALIDITY UNDER BOTH DOMESTIC AND INTERNATIONAL LAW. KYRGYZSTAN CONTINUED TO APPLY THE DEATH PENALTY, WIDENING ITS APPLICATION TO INCLUDE DRUG OFFENDERS.

ON JANUARY 9, TOPCHUBEK TURGUNALIEV, A LEADER OF THE OPPOSITION ERKIN KYRGYZSTAN PARTY, WAS SENTENCED TO TEN YEARS OF IMPRISONMENT FOR THE ALLEGED EMBEZZLEMENT OF \$10,000 IN 1994 FROM A BISHKEK UNIVERSITY. TURGUNALIEV'S FORMER COLLEAGUE AT THE UNIVERSITY, TIMUR STAMKULOV, WAS SENTENCED TO SIX YEARS IN A PRISON COLONY. TURGUNALIEV WAS SENTENCED DESPITE OVERWHELMING EVIDENCE THAT HE HAD BORROWED THE MONEY BY AGREEMENT, AND AFTER INVESTIGATORS HAD, ON SIX OCCASIONS, ARGUED THAT IT BE ADJUDICATED IN A CIVIL COURT. THAT THE PROCURACY SUCCEEDED IN HOLDING A

criminal trial can be explained only by the government's desire to silence Mr. Turgunaliyev's reinvigorated political dissent at the time of his arrest. Turgunaliyev's arrest, on December 17, 1996, followed his participation in a peaceful public protest that sought to highlight the plight of pensioners and his founding of "For Deliverance from Poverty," a new political movement that publicly challenged government economic policies. Turgunaliyev and Stamkulov's sentences were reduced on appeal on February 18 to four and three years respectively, which they were permitted to serve at home. However, in March, following participation in political rallies, Turgunaliyev was taken to a remote settlement colony in Leylek in southern Kyrgyzstan, a center with appalling conditions, no medical facilities, and poor nutrition for the convicts, where he fell extremely ill and was hospitalized.

On May 23, Zamira Sydykova, editor of the influential weekly *Res Publica*, and Aleksandr Alyanchikov, a journalist on the same newspaper, were convicted of libel under Article 128 (2) of the criminal code and sentenced to eighteen months of imprisonment. Their conviction on criminal charges related to articles published in *Res Publica* said to have contained defamatory remarks about the wealthy and influential chair of Kyrgyzstan's state-owned gold company. Together with two other *Res Publica* journalists, Marina Sivasheva and Bekdash Shamshiev, they were fined \$120 each and banned from doing journalistic work for an eighteen-month period. On June 10, Sydykova's sentence was reduced to eighteen months in a lower security prison, where conditions were appalling; Alyanchikov's sentence was suspended and later reduced. The Supreme Court released Sydykova on August 6, ostensibly due to time already served, but likely in response to international attention to her case. The charges against Sivasheva and Shamshiev were dropped.

An amnesty, announced by Akayev on August 11 for sick or disabled prisoners and those prosecuted for libel under the criminal code, failed to address the most egregious cases of prosecution for criminal libel. The amnesty did not reinstate those independent newspapers forcibly closed, such as *Kriminal*, shut down in February, and others in 1995 and 1996 for allegedly breaching the libel law.

On March 24, another *Res Publica* journalist, Yrysbek Omurzakov, was arrested on charges that stemmed from his January article criticizing government privatization policy and detailing state-owned factory workers' complaints about the proposed privatization of factory-owned housing. Charged with criminal libel, Omurzakov spent seventy-four days in pre-trial detention before being released by the municipal court on August 12. The trial resumed on September 18, with disturbing reports that the court claimed to have lost witness testimony essential to the defense, and that factory workers had been threatened with the loss of their factory-owned housing if they testified on Omurzakov's behalf. The court sentenced Omurzakov to six months in a prison colony on September 29.

The ruling was upheld, but Mr. Omurzakov was released on November 4 under the law on amnesty, which went into force in July 1997 and, in part, covers individuals charged with violating Articles 128 and 129 of the Kyrgyzstan Criminal Code. Two co-defendants Dzhybek Akmatova and Gulina Ibrahimova, also received six-month sentences, but were pardoned as "first-time offenders" under an August 11 amnesty.

Key opposition figure Kubanychbek Apas, who resides now in Moscow due to government harassment, returned to Bishkek in August to visit his wife and two young children. During Apas' stay, an interview with him was published in the weekly youth newspaper *Asaba*, in which he implicated the president in impropriety and corruption concerning gold-mining operations and condemned government treatment of journalists and excessive state control over the media. On September 12, the night after Apas returned to Moscow, KGB officers ransacked his wife's apartment, severely frightening his family. Apas believes the officers were looking for his opposition articles and publications and sought to curtail his political activities through the intimidation of his family.

Freedom to receive and impart information was dealt a serious blow when the government issued Resolution 320 of September 2, limiting the import of all forms of information that "... may damage the political [or] economic interests of the Republic, its national security, public order, health protection and public morals." The list of goods that may be prohibited include books, printed materials, films, film negatives, audio- and video materials, records, tapes, discs, and hand-written materials.

In 1997 the Uighur organization, Ittipak, which advocates establishing an independent Uighur homeland in the

NEIGHBORING WESTERN CHINESE PROVINCE OF XINJIANG, WAS ALLOWED TO FUNCTION UNHINDERED. THIS WAS A MARKED IMPROVEMENT OVER 1996.

THE YNTYMAK SOCIETY, AN ORGANIZATION THAT ADVANCES THE HOUSING CONCERNS OF MIGRANT WORKERS IN BISHKEK, CAME UNDER ATTACK BY THE GOVERNMENT FOLLOWING PEACEFUL DEMONSTRATIONS OUTSIDE THE GOVERNMENT BUILDING IN BISHKEK. ON JULY 7, TWELVE DEMONSTRATORS, INCLUDING HUMAN RIGHTS ACTIVIST TURSUNBEK AKHUNOV, WERE ARRESTED BY POLICE WHILE PICKETING THE BUILDING. CREDIBLE REPORTS CITE EXCESSIVE POLICE VIOLENCE AGAINST THE DEMONSTRATORS, CAUSING AT LEAST ONE WOMAN TO BE HOSPITALIZED. ALL TWELVE WERE BARRED FROM FUTURE DEMONSTRATIONS, AND THE BISHKEK POLICE PUBLIC ORDER DEPARTMENT WARNED THE SOCIETY THAT THEY WOULD ARREST ALL PARTICIPANTS OF ANY FURTHER RALLIES.

THIRTEEN MEMBERS OF YNTYMAK, INCLUDING THE GROUP'S LEADER, NURLAN ALYMKULOV, CURRENTLY FACE CRIMINAL CHARGES FOR "UNSANCTIONED OCCUPATION" OF LAND IN BISHKEK WHERE THEY BUILT THEIR HOMES. THE USE OF CRIMINAL LAW TO PROSECUTE AN ESSENTIALLY CIVIL MATTER APPEARS UNDULY PUNITIVE AND LINKED TO THE GROUP'S POLITICAL ACTIVITIES.

The Right to Monitor

THERE WERE NO REPORTED VIOLATIONS OF THE RIGHT TO MONITOR.

The Role of the International Community

European Union

THE E.U. MADE NO KNOWN INTERVENTIONS ON HUMAN RIGHTS ABUSES IN KYRGYZSTAN IN 1997. IT CONTINUED TO CHANNEL TO KYRGYZSTAN SUBSTANTIAL AMOUNTS OF AID IN THE FORM OF ITS TACIS AND ECHO PROGRAMS. IN ANTICIPATION OF THE RATIFICATION OF THE PARTNERSHIP AND COOPERATION AGREEMENT (PCA), INITIALED IN NOVEMBER 1995, THE EUROPEAN PARLIAMENT GAVE ITS ASSENT TO AN INTERIM AGREEMENT THAT BROUGHT INTO EFFECT THE TRADE PROVISIONS OF THE PCA, DESPITE THE FACT THAT THE PCA HINGES ON RESPECT FOR HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES.

United States

THE UNITED STATES EMBASSY IN BISHKEK CLOSELY MONITORED THE CASES OF JOURNALISTS FACING LIBEL CHARGES, AND, ALONG WITH THE CASE OF TURGUNALIEV, SENT OBSERVERS TO THEIR TRIALS. THE STATE DEPARTMENT MADE PUBLIC AND PRIVATE DEMARCHES, IN PARTICULAR DURING PRESIDENT AKAEV'S JULY VISIT TO THE U.S., CRITICIZING THE KYRGYZ GOVERNMENT FOR TREATING LIBEL CASES AGAINST JOURNALISTS AND OPPOSITION FIGURES AS CRIMINAL RATHER THAN CIVIL MATTERS. THE U.S. DISTRIBUTED ECONOMIC AND HUMANITARIAN AID, INCLUDING SUBSTANTIAL AMOUNTS UNDER THE FREEDOM SUPPORT ACT FUNDING PROGRAM AND FUNDS FOR DEMOCRATIC REFORM. THE STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996* PROVIDED A COMPREHENSIVE ANALYSIS OF THE HUMAN RIGHTS SITUATION IN KYRGYZSTAN.

MACEDONIA

Human Rights Developments

DURING 1997, THE GOVERNMENT IN MACEDONIA MADE SOME PROGRESS TOWARD CONSOLIDATING DEMOCRACY. BUT HUMAN RIGHTS VIOLATIONS PERSISTED, ESPECIALLY AGAINST NON-ETHNIC MACEDONIANS, PLACING THE GOVERNMENT'S COMMITMENT TO INTERNATIONAL LAW IN QUESTION AND SHAKING THE COUNTRY'S ALREADY FRAGILE ETHNIC BALANCE.

THE MOST SERIOUS ISSUE WAS THE DISCRIMINATORY TREATMENT OF ETHNIC ALBANIANS WHO, ACCORDING TO THE MACEDONIAN GOVERNMENT, MAKE UP 23 PERCENT OF THE POPULATION. ALBANIANS, LIKE ETHNIC TURKS AND ROMA, ARE GROSSLY UNDERREPRESENTED IN STATE STRUCTURES SUCH AS THE POLICE, EVEN IN AREAS WHERE THEY CONSTITUTE A CLEAR MAJORITY OF

the local population.

An unresolved point of contention was the right to higher education in languages other than Macedonian. An Albanian-language private university in Tetovo was allowed to operate during 1997, although the government refused to recognize its diplomas. Rector of the university, Fadil Sulejmani, was released from prison on February 1, after serving ten months of a twelve month sentence for resisting the police when the university first opened in 1995. A draft law on higher education under consideration in 1997 would prohibit higher education in any languages other than Macedonian.

Another controversy involved the public display of foreign flags in Macedonia, particularly the state flags from neighboring Albania and Turkey. In early 1997, newly-elected local governments run by ethnic Albanians in the western towns of Tetovo and Gostivar hoisted the Albanian and Turkish state flags outside their municipal halls. The Macedonian constitutional court prohibited the action, but its decision was ignored by the local governments, despite many warnings.

On July 8, parliament passed a law on the use of flags in Macedonia that allowed the flags of other states to be flown at any time on private property or during sporting events and alongside the Macedonian state flag on state buildings during national holidays. The next day the Ministry of Interior ordered the police to remove the Albanian flags from the Tetovo and Gostivar town halls. An estimated 10,000 ethnic Albanians attempted to hinder the police and violent clashes ensued. According to the government, the police came under attack, fired in the air and then used force where necessary to subdue the crowd and perform their duties. However, according to ethnic Albanian leaders, witnesses, and local human rights organizations, such as the Helsinki Committee for Human Rights of the Republic of Macedonia, the police used excessive force against individuals who were not offering any resistance, or had ceased to resist, resulting in the death of three ethnic Albanians, Shpend Hyseni, Nazmi Salihu, and Milaim Dauti. At least one hundred other people were treated for injuries in the local hospital, mostly for wounds on the head and shoulders. During and after the clash, the police searched homes in the area without a warrant, arresting approximately 300 people. Many of the detained were denied their constitutional rights, such as access to a lawyer or information on the reason for their arrest.

The mayor of Gostivar, Rifi Osmani, was arrested and charged with ignoring a court ruling, organizing armed guards and inciting national and racial hatred. After fifty-three days in pre-trial detention, he was sentenced to thirteen years, eight months in prison. The head of the Gostivar city council, the mayor of Tetovo, and the head of the Tetovo city council received sentences ranging from two and a half to three years in prison. According to the Greek Helsinki Monitor, which observed the Osmani trial, due process irregularities violated the defendant's right to a fair trial, most seriously the court's unwillingness to admit any witnesses on behalf of the defense. The thirteen-year, eight-month sentence for Osmani also struck many observers as exceedingly high. By contrast, earlier in the year, ethnic Macedonian students had used highly aggressive and xenophobic slogans during demonstrations against the expanded use of the Albanian language at the Pedagogical Faculty in Skopje, but they had not been charged with inciting racial hatred.

Other criminal proceedings in 1997, including those against ethnic Macedonians, were marked by irregularities and violations of due process. A new code of penal procedure came into effect on April 11 that brought Macedonian law up to European standards, but local human rights groups still reported cases in which a person's period of detention exceeded the twenty-four hours allowed by law, the police failed to inform a detainee of the reason for his or her arrest, or the police denied the defendant access to a lawyer.

Police abuse was a problem against all Macedonian citizens, regardless of their ethnicity, although non-ethnic Macedonians were especially susceptible to abuse. Most allegations were of ill-treatment during the time of arrest or in police stations. The Albanian Party of Democratic Prosperity complained that its members were harassed and, on occasion, detained and abused by the police.

As in previous years, the fairness of elections in Macedonia was questioned in late 1996 and 1997. According to local human rights organizations, there were incomplete voting lists in the local elections in November and

DECEMBER 1996. IN SOME POLLING STATIONS, THE NUMBER OF UNREGISTERED VOTERS WAS AS HIGH AS 20 PERCENT. THE STATE-FINANCED MEDIA, BOTH ELECTRONIC AND PRINT, WAS BIASED IN FAVOR OF THE RULING SOCIAL DEMOCRATIC UNION, WHICH WON THE ELECTIONS.

A PROPOSED LAW ON RELIGION ALSO CAME UNDER CRITICISM FOR DISTINGUISHING BETWEEN THE MAJOR "TRADITIONAL" RELIGIONS AND "NEW" RELIGIOUS GROUPS. IN 1997, THE MACEDONIAN GOVERNMENT CONTINUED TO DENY RECOGNITION OF THE SERBIAN ORTHODOX CHURCH IN MACEDONIA. TWO CLERGYMEN FROM THE SERBIAN ORTHODOX CHURCH IN SERBIA, BISHOP IRINEJ BULOVIĆ AND ARCHDEACON RADOVAN BIGOVIĆ, WERE REFUSED ENTRY INTO MACEDONIA TO ATTEND AN INTERNATIONAL CONFERENCE IN SKOPJE ON OCTOBER 26.

The Right to Monitor

HUMAN RIGHTS WATCH IS NOT AWARE OF ANY GOVERNMENT ATTEMPTS TO RESTRICT OR HINDER THE WORK OF HUMAN RIGHTS MONITORS IN MACEDONIA.

The Role of the International Community

United Nations and the Organization for Security and Cooperation in Europe

THE INTERNATIONAL COMMUNITY'S PRIORITY WAS TO MAINTAIN THE TERRITORIAL INTEGRITY AND POLITICAL STABILITY OF MACEDONIA.

TOWARD THIS END, A UNITED NATIONS PREVENTIVE DEPLOYMENT FORCE (UNPREDEP) AND THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) MISSION CONTINUED TO MONITOR AND REPORT ON THE INTERNAL AND EXTERNAL THREATS TO THE COUNTRY. WHILE PROVIDING A NECESSARY ELEMENT OF SECURITY, IN THE NAME OF STABILITY, BOTH ORGANIZATIONS VOICED LITTLE PUBLIC CRITICISM OF HUMAN RIGHTS VIOLATIONS COMMITTED BY THE MACEDONIAN GOVERNMENT. THE UNPREDEP MISSION, WHOSE MANDATE WAS EXTENDED UNTIL NOVEMBER 30, WAS SCALED DOWN IN 1997 FROM 1050 TO 750 MEMBERS, MOSTLY FROM SCANDINAVIAN COUNTRIES AND THE UNITED STATES. DURING THE CRISIS IN ALBANIA, IT HELPED MONITOR THE BORDER AND AVERT POTENTIAL CLASHES. THE U.N. SPECIAL RAPPORTEUR ON THE FORMER YUGOSLAVIA, ELIZABETH REHN, CRITICIZED CERTAIN VIOLATIONS IN 1997, ESPECIALLY THE USE OF EXCESSIVE FORCE BY THE POLICE IN GOSTIVAR, BUT PRAISED THE MACEDONIAN GOVERNMENT'S "CONSIDERABLE PROGRESS IN THE PROTECTION OF HUMAN RIGHTS." SHE PROPOSED THAT MACEDONIA BE REMOVED FROM HER MANDATE.

European Union

A COOPERATION AGREEMENT BETWEEN MACEDONIA AND THE EUROPEAN UNION CAME INTO EFFECT ON DECEMBER 1, 1996. THE AGREEMENT PROVIDES AN A ECU 150 MILLION CREDIT LINE TO MACEDONIA FOR INFRASTRUCTURE PROJECTS AND IS A STEP TOWARD MACEDONIA'S ASSOCIATE MEMBERSHIP IN THE E.U.

United States

THE UNITED STATES REPEATEDLY STRESSED ITS SUPPORT FOR THE TERRITORIAL INTEGRITY AND MULTI-ETHNICITY OF MACEDONIA, MAKING CLEAR TO ETHNIC ALBANIAN LEADERS THAT IT ENCOURAGED COOPERATION WITHIN GOVERNMENT RATHER THAN THE ESTABLISHMENT OF PARALLEL STRUCTURES. THE U.S. CONSIDERED MACEDONIA A VITAL BUFFER BETWEEN THE COMPETING INTERESTS OF BULGARIA, ALBANIA, SERBIA, AND GREECE. IN ORDER TO SUPPORT THE GOVERNMENT OF KIRO GLIGOROV, HOWEVER, THE U.S. FAILED STRONGLY TO CRITICIZE HUMAN RIGHTS ABUSES THAT TOOK PLACE IN 1997, SUCH AS THE POLICE ABUSE IN GOSTIVAR. CLOSE MILITARY COOPERATION WITHIN THE FRAMEWORK OF NATO'S PARTNERSHIP FOR PEACE CONTINUED THROUGHOUT THE YEAR.

ROMANIA

Human Rights Developments

THE ROMANIAN GOVERNMENT TOOK STEPS TO IMPROVE ROMANIA'S HUMAN RIGHTS RECORD DURING 1997, REFLECTING NEWLY-ELECTED PRESIDENT EMIL CONSTANTINESCU'S ELECTORAL PROMISE TO MAKE HUMAN RIGHTS A PRIORITY FOR HIS ADMINISTRATION. HOWEVER, WHILE PROGRESS WAS MADE IN ADDRESSING THE CONCERNS OF THE ETHNIC HUNGARIAN MINORITY, SERIOUS HUMAN RIGHTS ABUSES, ESPECIALLY AGAINST ROMA, HOMOSEXUALS AND PRISONERS, PERSISTED, AND ACCOUNTABILITY FOR POLICE ILL-TREATMENT AND EXCESSIVE USE OF FORCE REMAINED RARE.

ON A POSITIVE NOTE, THE GOVERNMENT MADE AN EFFORT TO IMPROVE THE STATUS OF THE ETHNIC HUNGARIAN MINORITY. ITS NEW COALITION GOVERNMENT IS THE FIRST SINCE WORLD WAR I TO INCLUDE AN ETHNIC HUNGARIAN PARTY; ADDITIONALLY, THE GOVERNMENT APPOINTED THREE HUNGARIAN PREFECTS AND IN JULY ALLOWED A HUNGARIAN CONSULATE TO BE OPENED IN CLUJ, SATISFYING SEVERAL LONG-HELD DEMANDS OF THE HUNGARIAN MINORITY. HOWEVER, THE HUNGARIAN FLAG ON THE FRONT OF THE CONSULATE WAS STOLEN SOON AFTER IT OPENED AND, WHEN THE CONSULATE REPLACED THE FLAG, MAYOR GHEORGHE FUNAR HIMSELF ARRIVED WITH A CRANE TO REMOVE IT, ANNOUNCING THAT HE WOULD MAKE THE THIEVES HONORARY CITIZENS OF CLUJ.

THE ROMA MINORITY CONTINUED TO FACE SIGNIFICANT DISCRIMINATION AND ILL-TREATMENT IN 1997, INCLUDING HIGH LEVELS OF POLICE BRUTALITY. ALTHOUGH TO A LESSER EXTENT THAN IN PREVIOUS YEARS, ROMA VILLAGES CONTINUED TO BE ATTACKED BY THEIR ROMANIAN NEIGHBORS, AND THE STATE'S RESPONSE REMAINED INADEQUATE. ON JANUARY 16-17, 1997, FOR EXAMPLE, BETWEEN FIFTY AND ONE HUNDRED ETHNIC ROMANIANS, REPORTEDLY ARMED WITH PISTOLS AND SHOTGUNS, CHASED ROMA OUT OF THE TOWN OF TÂNGANU NEAR BUCHAREST AND VANDALIZED THEIR HOMES. ALTHOUGH THREE INDIVIDUALS WERE ARRESTED IN CONNECTION WITH THE ATTACK, NO CHARGES WERE FILED AGAINST THEM, AND THEY WERE SOON RELEASED. TWO POLICE OFFICERS WHO ALLEGEDLY DID NOTHING TO HALT THE VIOLENCE WERE CLEARED OF ANY WRONGDOING.

CONTRARY TO THE ROMANIAN GOVERNMENT'S ASSERTION THAT IT SWIFTLY AND EVEN-HANDEDLY RESPONDED TO RACIALLY MOTIVATED ATTACKS ON ROMA, THERE WAS LITTLE EVIDENCE IN 1997 OF A MORE AGGRESSIVE EFFORT BY THE GOVERNMENT TO PROSECUTE POLICE OR PRIVATE INDIVIDUALS ACCUSED OF COMMITTING SUCH CRIMES. AS IN PREVIOUS YEARS, POLICE OFFICERS OR INDIVIDUALS ACCUSED OF ILL-TREATING ROMA WERE RARELY CHARGED WITH A CRIME. IN THE FEW CASES WHERE CHARGES WERE BROUGHT, THE CASES DRAGGED ON IN THE JUDICIAL SYSTEM.

ARTICLE 200 OF ROMANIA'S PENAL CODE, WHICH PREVIOUSLY OUTLAWED ALL HOMOSEXUAL ACTS, WAS AMENDED SLIGHTLY IN SEPTEMBER 1996 TO PUNISH ONLY HOMOSEXUAL ACTS "COMMITTED IN PUBLIC, OR WHICH CAUSE PUBLIC SCANDAL." HOWEVER, THE VAGUE WORDING OF THE AMENDED ARTICLE REMAINED OF CONCERN IN 1997 BECAUSE PRIVATE HOMOSEXUAL CONDUCT THAT BECOMES PUBLICLY KNOWN MAY STILL BE PROSECUTED. IN A NUMBER OF CASES REPORTED DURING 1997, SUCH "PRIVATE" CONDUCT WAS MADE PUBLIC BY A PRIVATE INFORMANT, AN INDIVIDUAL WHO WITNESSED OR EVEN PARTICIPATED IN A HOMOSEXUAL ACT AND THEN GAVE THIS INFORMATION TO THE STATE. THE VAGUE WORDING OF ARTICLE 200, WHICH CRIMINALIZES HOMOSEXUAL CONDUCT THAT "INCIT[ES] OR ENCOURAG[ES] . . . SEXUAL RELATIONS BETWEEN PERSONS OF THE SAME SEX, ALONG WITH PROPAGANDA OR ASSOCIATION OR ANY ACT OF PROSELYTISM COMMITTED IN THE SAME SCOPE," MAY ALSO BE EMPLOYED TO LIMIT EXPRESSION, ASSEMBLY, AND ASSOCIATION.

HOMOSEXUALS ALSO CONTINUED TO BE THE VICTIMS OF WIDESPREAD POLICE BRUTALITY. IN A CASE FROM JUNE IN WHICH THREE MEN FROM CONSTANTA WERE ARRESTED ON CHARGES OF HAVING SEX IN A DESERTED STORAGE CABIN, ALL THREE COMPLAINED OF BEING BEATEN BY CIVIL GUARDS AND BY A MAJOR IN THE MUNICIPAL POLICE. ONE OF THE THREE MEN HAS NOT BEEN ALLOWED TO SEE HIS FAMILY SINCE THE TIME OF HIS ARREST; ONE MAN ALSO SAID THAT, UNDER THREAT OF FURTHER BEATINGS, HE WAS COERCED INTO SIGNING THREE STATEMENTS—THE CONTENTS OF WHICH WERE UNKNOWN TO HIM. GAY MEN ALSO REPORTED THAT POLICE OFTEN WAITED IN KNOWN "CRUISING AREAS" IN ORDER TO EXTORT MONEY IN RETURN FOR NOT ARRESTING THEM.

THERE CONTINUED TO BE A LACK OF ACCOUNTABILITY FOR LAW ENFORCEMENT OFFICIALS ACCUSED OF USING EXCESSIVE FORCE. IN ONE SUCH CASE, A POLICEMAN WHO WAS ACCUSED OF THE 1994 MURDER OF IOAN RUS WAS FINALLY BROUGHT TO TRIAL AFTER INTERNATIONAL ORGANIZATIONS PROTESTED THE EARLY CLOSURE OF THE MURDER INVESTIGATION. HE WAS ACQUITTED IN DECEMBER 1996 AFTER TRIAL BY A MILITARY TRIBUNAL. THIS ACQUITTAL IS CURRENTLY UNDER APPEAL.

FROM FEBRUARY 7-11, 1997, PRISON INMATES IN NINE ROMANIAN CITIES WENT ON A HUNGER STRIKE TO PROTEST POOR CONDITIONS WITHIN THE PRISONS. FOR THE MOST PART THE PROTESTS WERE PEACEFUL, BUT SOME VIOLENCE DID ERUPT.

The Right To Monitor

THERE WERE NO REPORTED VIOLATIONS OF THE RIGHT TO MONITOR.

The Role of the International Community

Europe

IN 1997, ROMANIA PRESSED TO BE INCLUDED IN THE FIRST ROUND OF NATO EXPANSION AND TO BEGIN TALKS WITH THE EUROPEAN UNION ABOUT FUTURE MEMBERSHIP. ROMANIA WAS NOT SUCCESSFUL ON EITHER COUNT DURING THE YEAR. HOWEVER, ROMANIA'S GOAL OF INTEGRATION WITH WESTERN EUROPE GAVE EUROPEAN GOVERNMENTS AND INSTITUTIONS SIGNIFICANT LEVERAGE TO INFLUENCE HUMAN RIGHTS DEVELOPMENTS. THE EUROPEAN COMMISSION, FOR EXAMPLE, PRAISED ROMANIA FOR THE STRIDES IT WAS MAKING, BUT UNDERScoreD THE NECESSITY FOR IT TO IMPROVE ITS TREATMENT OF THE ROMA MINORITY BEFORE IT WOULD BE READY TO BEGIN MEMBERSHIP TALKS WITH THE EUROPEAN UNION. ON APRIL 29, 1997, THE COUNCIL OF EUROPE'S PARLIAMENTARY ASSEMBLY ANNOUNCED THAT ROMANIA "HONORED THE MOST IMPORTANT OBLIGATIONS" WITH REGARD TO HUMAN RIGHTS AND THAT IT WOULD END ITS SPECIAL MONITORING OF ROMANIA. IT DID WARN, HOWEVER, THAT MONITORING WOULD BE RESUMED IF THE ROMANIAN GOVERNMENT DID NOT FULFILL ITS PLEDGES TO AMEND THE PENAL CODE PROVISIONS RELATED TO HOMOSEXUALITY AND TO CONTINUE TO FIGHT DISCRIMINATION.

ROMANIA ALSO IMPROVED ITS RELATIONS WITH TWO OF ITS NEIGHBORS, HUNGARY AND THE UKRAINE. A FRIENDSHIP TREATY WAS SIGNED LAST YEAR BETWEEN HUNGARY AND ROMANIA, WHICH INCLUDED SIGNIFICANT PROVISIONS FOR THE PROTECTION OF MINORITIES. ON JULY 23, 1997, HUNGARY WAS ALLOWED TO OPEN A CONSULATE IN CLUSJ. THERE WERE NUMEROUS VISITS OF HIGH RANKING OFFICIALS BETWEEN ROMANIA AND HUNGARY INCLUDING VISITS BETWEEN THE PRIME MINISTERS AND PRESIDENTS OF BOTH COUNTRIES, WHICH SHOWED THE DESIRE OF EACH COUNTRY'S GOVERNMENT TO HAVE FRIENDLY RELATIONS.

United States

IN JULY 1997, THE UNITED STATES SAID THAT ROMANIA NEEDED TO IMPROVE ITS HUMAN RIGHTS RECORD IN ORDER TO JOIN NATO. THE UNITED STATES RECOGNIZED THE IMPORTANT STEPS ROMANIA HAD MADE IN THE FIELD OF HUMAN RIGHTS AND SAID THAT IF ROMANIA'S RECORD CONTINUED TO IMPROVE, IT WOULD BE SELECTED IN THE NEXT NATO EXPANSION. THE U.S. STATE DEPARTMENT'S *COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1996* WAS LARGELY ACCURATE IN ITS PORTRAYAL OF THE HUMAN RIGHTS SITUATION IN ROMANIA.

THE RUSSIAN FEDERATION

Human Rights Developments

IN 1997, THE RUSSIAN GOVERNMENT AGAIN NEGLECTED THE COUNTRY'S MANY HUMAN RIGHTS PROBLEMS—APPALLING PRISON CONDITIONS, RAMPANT POLICE BRUTALITY TOWARD ETHNIC MINORITIES AND CRIMINAL SUSPECTS, AND PERSECUTION AND HARASSMENT OF HUMAN RIGHTS ACTIVISTS. THIS LACK OF REFORM CONTRASTED STARKLY WITH THE EFFORTS TO PROMOTE ECONOMIC REFORM BY THE NEW GOVERNMENT, APPOINTED BY A REINVIGORATED PRESIDENT BORIS YELTSIN AFTER A LONG ABSENCE DUE TO A QUINTUPLE BY-PASS OPERATION. HOWEVER, SEVERAL GOVERNMENT INTERVENTIONS FAVORING HUMAN RIGHTS WERE MADE IN RESPONSE TO PUBLIC PRESSURE, CONTRIBUTING TO A MIXED RECORD IN 1997.

THE GOVERNMENT PRESIDED OVER A NEWLY EMERGING PATTERN OF HARASSMENT AND PERSECUTION OF HUMAN RIGHTS AND OTHER ACTIVISTS IN THE RUSSIAN PROVINCES. THE RUSSIAN AUTHORITIES ENACTED A NEW LAW ON RELIGION THAT SEVERELY RESTRICTED RELIGIOUS RIGHTS AND EQUALITY BETWEEN RELIGIOUS DENOMINATIONS. THE GOVERNMENT DID NOT TAKE ANY MEASURES TO PUT AN END TO POLICE BRUTALITY, BOTH AGAINST ETHNICALLY NON-RUSSIANS AND CRIMINAL SUSPECTS. IN MOSCOW, A CLEAR

INCREASE OF POLICE VIOLENCE AGAINST CAUCASIANS, CENTRAL ASIANS, THIRD-WORLD REFUGEES, AND THE HOMELESS PRECEDED THE 950TH ANNIVERSARY OF THE CITY. THE GOVERNMENT TOOK NO STEPS TO ABOLISH THE PROPISKA SYSTEM AND GUARANTEE FREEDOM OF MOVEMENT IN PRACTICE, DESPITE YET ANOTHER CONSTITUTIONAL COURT DECISION REINFORCING THE CONSTITUTIONALLY GUARANTEED RIGHT. DETENTION CENTERS REMAINED SEVERELY OVERCROWDED, AND ILL-TREATMENT IN THESE CENTERS, AS WELL AS IN POLICE CUSTODY AND THE ARMY, CONTINUED WITH ALMOST COMPLETE IMPUNITY. RUSSIA FAILED TO INTRODUCE A FORMAL MORATORIUM ON EXECUTIONS BUT DID NOT CARRY OUT ANY EXECUTIONS AND SIGNED PROTOCOL SIX TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS ON ABOLISHING THE DEATH PENALTY, RUSSIA HAD NOT YET RATIFIED THE EUROPEAN CONVENTION ON HUMAN RIGHTS AT THE TIME OF THIS WRITING, NOR COMPLIED WITH MANY OTHER OBLIGATIONS RELATED TO ITS ACCESSION TO THE COUNCIL OF EUROPE IN FEBRUARY 1996. IN A POSITIVE DEVELOPMENT, ON JUNE 14, PRESIDENT YELTSIN RESCINDED TWO UNCONSTITUTIONAL PRESIDENTIAL DECREES, WHICH ALLOWED THE POLICE TO DETAIN PEOPLE WITHOUT PRESENTING CHARGES FOR UP TO 30 DAYS.

ONE OF THE MOST DISTURBING DEVELOPMENTS IN 1997 WAS A RISE IN THE HARASSMENT OF HUMAN RIGHTS ACTIVISTS IN THE RUSSIAN PROVINCES, AND THE INADEQUATE PROSECUTOR GENERAL'S RESPONSE TO IT. BEGINNING IN NOVEMBER 1996, REGIONAL AUTHORITIES ARRESTED AND CHARGED AT LEAST FOUR HUMAN RIGHTS ACTIVISTS IN AN ATTEMPT TO SILENCE THEIR CRITICAL VOICES AND PREVENT THEM FROM SERVING AS PUBLIC DEFENDERS (SEE RIGHT TO MONITOR). THROUGHOUT 1997, THE FEDERAL SECURITY SERVICE (FSB) CONTINUED TO PURSUE OUTRAGEOUS ESPIONAGE CHARGES AGAINST ENVIRONMENTALIST ALEXANDER NIKITIN FOR CO-WRITING A REPORT BY THE NORWEGIAN ENVIRONMENTAL GROUP, BELLONA, ON NUCLEAR POLLUTION FROM RUSSIA'S NORTHERN FLEET NUCLEAR SUBMARINES. AFTER RELEASING NIKITIN FROM FSB DETENTION IN ST. PETERSBURG IN DECEMBER 1996, THE PROCURATOR GENERAL'S OFFICE FAILED TO DROP THE CHARGES AND CHOSE INSTEAD TO PROLONG THE TERM OF INVESTIGATION SEVERAL TIMES. ON SEPTEMBER 9, THE FSB ISSUED ITS FIFTH INDICTMENT, WHICH WAS, LIKE THOSE BEFORE, BASED ON SECRET LEGISLATION. DURING THIS TIME, THE FSB HAD ONLY CONDUCTED A THIRD EXPERT ASSESSMENT OF THE BELLONA REPORT, WHICH WAS AS DEEPLY FLAWED AS THE PREVIOUS ONES, MEANWHILE THE FSB FORBIDS NIKITIN FROM TRAVELING OUTSIDE ST. PETERSBURG.

ON SEPTEMBER 26, PRESIDENT YELTSIN SIGNED A HIGHLY DISCRIMINATORY LAW ON FREEDOM OF CONSCIENCE AND RELIGION ASSOCIATIONS, MAKING IT THE FIRST PIECE OF RESTRICTIVE LEGISLATION THAT RUSSIA HAS INTRODUCED TO REPLACE A FEDERAL LAW THAT ADEQUATELY PROTECTED THE RIGHTS AND FREEDOMS OF ITS CITIZENS. ACCORDING TO THE LAW, RELIGIOUS ASSOCIATIONS THAT LOCAL AUTHORITIES DEEM TO HAVE EXISTED ON RUSSIAN TERRITORY FOR LESS THAN FIFTEEN YEARS WOULD LOSE VIRTUALLY ALL THEIR RIGHTS, MAKING THEIR WORK AND DEVELOPMENT IN RUSSIA ALL BUT IMPOSSIBLE. THE LAW CONTAINS NUMEROUS VAGUE PROVISIONS ALLOWING LOCAL AUTHORITIES TO FURTHER RESTRICT THE RIGHTS OF "MINORITY" RELIGIOUS GROUPS AND ARBITRARILY TO CLOSE RELIGIOUS ASSOCIATIONS.

ON JULY 22, PRESIDENT YELTSIN VETOED A DRAFT OF THE LAW, ARGUING THAT IT VIOLATED A RANGE OF CONSTITUTIONAL RIGHTS AND FREEDOMS. A COMPROMISE VERSION, PROPOSED BY THE PRESIDENTIAL ADMINISTRATION TO THE STATE DUMA ON SEPTEMBER 3, GRANTED SOME PROPERTY RIGHTS TO RELIGIOUS GROUPS, BUT RETAINED THE ORIGINAL DRAFT'S DISCRIMINATING APPROACH AND DRACONIAN REGISTRATION REQUIREMENTS. REPRESENTATIVES OF MANY RELIGIONS CLAIMED THEY WERE PRESSURED INTO APPROVING THE PRESIDENTIAL PROPOSAL WITHOUT HAVING SEEN THE FINAL VERSION, AND SEVERAL OF THEM WITHDREW THEIR SUPPORT FOR THE DRAFT. RESTRICTIVE LAWS ON RELIGION ALREADY EXIST IN ABOUT TWENTY-FIVE OF RUSSIA'S EIGHTY-NINE REGIONS, INCLUDING SVERDLOVSK, ARKHANGELSK AND BURYATIA. FEDERAL AUTHORITIES MADE NO EFFORT TO CHALLENGE THE CONSTITUTIONALITY OF SUCH LAWS. HARASSMENT OF RELIGIOUS GROUPS UNDER THE NEW LAW HAD ALREADY STARTED IN OCTOBER 1997, WITHIN WEEKS AFTER THE LAW ENTERED INTO FORCE.

REGIONAL GOVERNMENTS CONTINUED TO RESTRICT FREEDOM OF MOVEMENT BY ENFORCING A REGISTRATION SYSTEM THAT IS OF A LICENSING, RATHER THAN OF AN INFORMATIVE, NATURE. IN MOSCOW, A SET OF LOCAL ORDINANCES ALLOW ONLY THOSE WITH CLOSE RELATIVES IN MOSCOW AND OWNERS OF DWELLINGS TO BECOME PERMANENT RESIDENTS OF THE CITY AND OBLIGE THE CITY'S VISITORS TO GO THROUGH HIGHLY BUREAUCRATIC REGISTRATION PROCEDURES WITHIN 24 HOURS OF THEIR ARRIVAL. IN A POSITIVE MOVE, ON DECEMBER 17, 1996, THE MOSCOW GOVERNMENT COMPLIED WITH AN APRIL 1996 CONSTITUTIONAL COURT RULING BY CANCELLING THE PROHIBITIVE FEE FOR A PERMANENT RESIDENCE PERMIT. ON JULY 2, THE CONSTITUTIONAL COURT RULED UNCONSTITUTIONAL A SIMILAR FEE LEVIED IN MOSCOW PROVINCE, WHICH THE PROVINCIAL GOVERNMENT HAD INSTITUTED AFTER THE

court's April 1996 decision. Also to its credit, the Moscow city government attempted to simplify the bureaucratic procedures for citizens of the former Soviet Union to register their temporary stays of up to six months. Discriminatory regulations continue to oblige such visitors to pay higher fees for temporary registration in Moscow than Russian citizens. Moscow city police strictly but highly selectively enforced this registration system, especially prior to the city's 950th anniversary celebrations. They stopped overwhelmingly people with dark hair and skin, people from the Caucasus, Central Asia, refugees from the third world, and the homeless for identity checks on the streets, at metro stations and in private apartments. According to Moscow police statistics, police officers carried out more than 1.4 million registration checks, including police visits to more than 1.3 million private apartments, over the first five months of 1997. The police regularly beat those stopped for passport checks, set fines arbitrarily, and appeared to pocket the money themselves.

The situation of asylum seekers was especially grave since police routinely refuse to acknowledge their UNHCR and migration service registration cards as adequate documentation for registration. Police detained and threatened to deport at least ten asylum seekers; thirty others were deported without the opportunity to apply for asylum. Detained asylum seekers have no access to the outside world. In one egregious case, on January 6, Moscow police took Badai Galalia—an Iraqi Kurd married to a Russian woman who was not registered—from his home into custody without explanation and detained him for 111 days, during which he was not permitted to shower, see a lawyer, or phone his wife. When a despairing Galalia attempted suicide toward the end of the 111 days, police sent him to a psychiatric hospital (without informing his wife) where he stayed until June 16.

As in 1996, Russia not only failed to grant proper protection and asylum to dissidents and opposition politicians from countries of the former Soviet Union, its law enforcement agencies harassed several of them and extradited one. On February 21, Albert Musin, a formerly Moscow-based human rights activist, was stopped by the police during a routine identity check and detained when a computer check indicated he was wanted by the Uzbek authorities. Following an international protest campaign the Russian government released him and Uzbekistan dropped the extradition request. On June 25, four armed police officers entered the building of the Moscow Helsinki Group (a leading Russian human rights organization) and took Abdulfattakh Mannapov, another Uzbek dissident who had just obtained Russian citizenship, to the police station because of his alleged lack of registration. Immediate action by the Moscow Helsinki Group and *Express Khronika* (a human rights newspaper) secured his release. On August 18, Ayaz Akhmedov, an Azerbaijani dissident poet, was visited by unknown men and a woman at his home who eventually left as Akhmedov refused to open the door. Several days later, Akhmedov was beaten up in Moscow by two unknown men. Unable to turn to the police for protection, Akhmedov left Russia and was granted political asylum in Norway.

Police arrested Akhmadjon Saidov, former deputy chairman of the Supreme Soviet of Tajikistan, on February 7 at the request of the Tajik government. The office of the procurator general extradited him to Tajikistan on June 27, ignoring the possible political motives behind the case. Extradition requests were reviewed on the basis of the Minsk Convention of 1993, which does not allow for access to a lawyer nor to judicial review of the legality of detention. The procurator general's office also selectively refused to subject the charges of the requesting side to critical review to exclude political motivations.

Comprehensive amendments to the 1993 Law on Refugees entered into force on July 3, 1997. The amendments improved the 1993 law by clarifying some procedural matters and introducing terminology consistent with the 1951 Convention, but otherwise left the refugee determination procedure intact. Importantly, the law allows for asylum seekers to register with police on the basis of migration service identification cards.

Despite these improvements, the situation of refugees remained highly problematic. The Federal Migration Service (FMS) had not issued instructions to its local branches on how to implement the new law, and consequently migration services throughout Russia were unable to process new asylum claims. In 1997, the FMS began reviewing the merits of a number of asylum claims filed in 1993 and 1994. Judicial review of denials continued to be extremely slow. Most refugees arriving at Moscow's international airport were sent back to their country

OF ORIGIN WITHOUT BEING GIVEN A CHANCE TO FILE AN ASYLUM CLAIM.

A NEW PRESIDENTIAL DECREE "ON THE MANNER OF GRANTING POLITICAL ASYLUM IN THE RUSSIAN FEDERATION," WHICH REPLACED A 1995 DECREE, DID NOTHING TO IMPROVE THE FLIGHT OF ORDINARY ASYLUM SEEKERS, NOR DID IT CORRECT ANY OF ITS PREDECESSOR'S PROBLEMATIC PROVISIONS: INDEED TO THE CONTRARY, IT INTRODUCED SOME ADDITIONAL RESTRICTIONS ON THE RIGHT TO ASYLUM. MOST DISTURBINGLY, IT GRANTS LOCAL OFFICIALS GREAT DISCRETION OVER WHETHER AN ASYLUM CLAIM IS REVIEWED ON MERIT, FAILS TO PROVIDE FOR AN APPEAL PROCEDURE, AND CATEGORICALLY RULES OUT ASYLUM CLAIMS FROM COUNTRIES RUSSIA DEEMS "DEMOCRATIC."

HUMAN RIGHTS VIOLATIONS CONTINUED ON A MASSIVE SCALE IN THE CRIMINAL JUSTICE AND PENITENTIARY SYSTEM, DESPITE STRUCTURAL REFORMS REQUIRED BY THE COUNCIL OF EUROPE. THE GOVERNMENT DID NOT STRIP THE FSB OF ITS RIGHT TO RUN DETENTION CENTERS OR REFORM THE PROCURATOR'S OFFICE, AS REQUIRED BY THE COUNCIL. THE STATE DUMA ADOPTED A DRAFT CRIMINAL PROCEDURE CODE ON JUNE 6, WHICH FAILED TO ESTABLISH A CRIMINAL LAW SYSTEM BASED ON THE EQUALITY OF PARTIES, IN VIOLATION OF ARTICLE 123(3) OF THE RUSSIAN CONSTITUTION, AND WHICH CONTAINED MANY OF THE FLAWS OF THE 1960 CRIMINAL PROCEDURE CODE. IN A POSITIVE MOVE, PRESIDENT YELTSIN SIGNED A DECREE ORDERING THE TRANSFERAL OF THE PENITENTIARY SYSTEM FROM THE MINISTRY OF INTERIOR TO THE MINISTRY OF JUSTICE.

LAW ENFORCEMENT AGENCIES CONTINUED THE LARGE SCALE USE OF TORTURE DURING CRIMINAL INVESTIGATION. TORTURE OCCURRED MOSTLY IN THE FIRST HOURS OR DAYS OF DETENTION, WHEN DETAINEES WERE COMPLETELY ISOLATED FROM THE OUTSIDE WORLD BY POLICE REFUSAL TO GRANT SUSPECTS ACCESS TO A LAWYER OF THEIR OWN CHOICE OR TO ALLOW THEM TO CONTACT THEIR RELATIVES. IN NUMEROUS CASES, TESTIMONY RECEIVED FROM TORTURED SUSPECTS WAS USED IN COURT AND ACCEPTED AS EVIDENCE BY JUDGES WHILE PROCURATORS FAILED TO INVESTIGATE OR OPEN CRIMINAL PROCEEDINGS AGAINST THE POLICE OFFICERS INVOLVED. IN A SYMPTOMATIC CASE, ON NOVEMBER 21, 1996, POLICE OFFICERS IN YEKATERINBURG TORTURED FIFTEEN-YEAR-OLD OLEG FETISOV WHEN HE REFUSED TO CONFESS TO A CRIME HE CLAIMS HE DID NOT COMMIT. POLICE BEAT AND KICKED FETISOV, FORCED A GAS MASK ON HIS HEAD AND THEN CUT THE OXYGEN FLOW UNTIL HE LOST CONSCIOUSNESS. FETISOV PROMISED TO SIGN THE CONFESSION BUT QUICKLY JUMPED FROM THE FOURTH FLOOR WINDOW, AND AS A RESULT SUFFERED A CONCUSSION AND BROKEN RIBS. ALTHOUGH CRIMINAL PROCEEDINGS WERE INSTITUTED AGAINST THE POLICE OFFICERS, THEY WERE DROPPED IN MAY ON UNCLEAR GROUNDS. AS OF THIS WRITING, FETISOV'S TRIAL WAS SCHEDULED TO BEGIN IN NOVEMBER.

THE RESCINDING OF TWO NOTORIOUS PRESIDENTIAL DECREES MARKED SIGNIFICANT IMPROVEMENTS. ON IMMEDIATE MEASURES FOR THE PROTECTION OF THE POPULATION AGAINST BANDITRY AND OTHER MANIFESTATIONS OF ORGANIZED CRIME" HAD ALLOWED POLICE TO DETAIN PEOPLE SUSPECTED OF TIES WITH ORGANIZED CRIME FOR UP TO THIRTY DAYS WITHOUT PRESENTING CHARGES. VARIOUS POLICE OFFICERS HAD USED THIS DECREE WIDELY AND ARBITRARILY, ESPECIALLY IN CONNECTION WITH THE WAR IN CHECHNYA. PRESIDENTIAL DECREE 1025, OF 1996, ON URGENT MEASURES ON STRENGTHENING LAW AND ORDER AND INTENSIFYING THE FIGHT AGAINST CRIME IN MOSCOW AND MOSCOW REGION, WHICH SINGLED OUT "VAGRANTS AND BEGGARS" AND ALLOWED POLICE TO HOLD THESE PERSONS IN "SOCIAL REHABILITATION CENTERS" FOR UP TO THIRTY DAYS AND TO REMOVE THE HOMELESS FORCIBLY FROM MOSCOW, WAS ALSO RESCINDED. THE MOSCOW CITY IMPLEMENTING DECREE REMAINED IN FORCE.

SEVERE OVERCROWDING MADE CONDITIONS IN PRE-TRIAL DETENTION FACILITIES TORTUROUS AND FATAL. ACCORDING TO FIGURES PROVIDED BY THE MINISTRY OF INTERIOR TO THE MOSCOW CENTER FOR PRISON REFORM, ON JULY 1 SOME 275,567 PEOPLE WERE BEING HELD IN DETENTION CENTERS INTENDED FOR A MAXIMUM OF 182,358 DETAINEES. SANITARY CONDITIONS WERE EXTREMELY POOR, AS WAS MEDICAL CARE. INCREASING NUMBERS OF DETAINEES AND PRISON INMATES SUFFERED FROM TUBERCULOSIS, WHICH CAUSED THE DEATH OF SEVENTY-FOUR PER 100,000 PRISONERS IN 1994, AND 178 IN 1995. (THE TOTAL PRISON POPULATION IN RUSSIA AS OF JULY 1 WAS 1,017,848). ON JULY 1, ACCORDING TO OFFICIAL FIGURES, 67,151 CONVICTED PRISONERS WERE ILL WITH THE DISEASE. OVERALL, 676 OF EVERY 100,000 PRISONERS DIED IN 1994 AND 720 IN 1995.

NEITHER THE GOVERNMENT NOR THE PROCURATOR GENERAL TOOK ANY STEPS TO DISCOURAGE THE ALMOST AUTOMATIC USE OF CUSTODY AS A MEASURE OF RESTRAINT, NOR TO PROMOTE THE USE OF BAIL. AS A RESULT, MANY PROCURATORS CONTINUED TO ISSUE SANCTIONS TO ARREST SUSPECTS WITHOUT PROPERLY REVIEWING THE NECESSITY OF CUSTODY. THE DRAFT CRIMINAL PROCEDURE CODE WOULD CONTINUE THE WIDESPREAD APPLICATION OF CUSTODY, EVEN THOUGH IT WOULD LIMIT ITS USE TO SOME EXTENT.

ALTHOUGH IN 1997 RUSSIA OBSERVED A DE FACTO MORATORIUM ON EXECUTIONS AND SIGNED PROTOCOL SIX TO THE EUROPEAN

CONVENTION ON HUMAN RIGHTS ON APRIL 17, COURTS CONTINUED TO SENTENCE PEOPLE TO DEATH. ACCORDING TO OFFICIAL FIGURES, AS OF FEBRUARY SOME 900 PEOPLE REMAINED ON DEATH ROW, 690 OF WHOM WERE STILL IN THE APPEAL PROCESS.

FOR THE SECOND YEAR IN A ROW A DRAFT LAW ON DOMESTIC VIOLENCE FAILED TO REACH THE DUMA FOR DEBATE. A DRAFT CIRCULATED THIS YEAR WOULD HAVE LIMITED THE RIGHT TO MANY SUCH BENEFITS AS PLACES IN GOVERNMENT-RUN SHELTERS ONLY TO THOSE WOMEN WHO WERE FINANCIALLY DEPENDENT ON THEIR PARTNERS. THE DRAFT ALSO FAILED TO REQUIRE THE POLICE AND PROCURACY TO GATHER STATISTICS ON DOMESTIC VIOLENCE. REPORTED RAPES FELL THIRTEEN PERCENT IN 1996—THE RESULT, NO DOUBT, NOT OF IMPROVED CRIME PREVENTION BUT OF SURVIVORS' INCREASED RELUCTANCE TO REPORT RAPES. RAPE CRISIS COUNSELORS ESTIMATE THAT FEWER THAN FIVE PERCENT OF RAPE SURVIVORS REPORT THE CRIME.

IN 1997, ASSASSINATIONS AND FREQUENT KIDNAPPINGS SHATTERED HOPES OF POST-WAR STABILITY IN THE CHECHEN REPUBLIC. UNIDENTIFIED GUNMEN MURDERED A GROUP OF SIX DELEGATES OF THE INTERNATIONAL COMMITTEE FOR THE RED CROSS ON DECEMBER 17, 1996; SEVERAL ELDERLY RUSSIANS SUFFERED THE SAME FATE LATER THAT MONTH. THROUGHOUT 1997, WELL OVER FIFTEEN JOURNALISTS AND MANY OTHER AID WORKERS AND OTHER PEOPLE WERE TAKEN HOSTAGE BY UNKNOWN GROUPS MOTIVATED BY RANSOM. AMONG THEM WERE YELENA MASYUK AND TWO COLLEAGUES WORKING FOR RUSSIA'S INDEPENDENT TELEVISION NETWORK (NTV), WHO WERE TAKEN HOSTAGE ON MAY 10. THEY WERE RELEASED ON AUGUST 19, APPARENTLY ONLY AFTER NTV PAID A LARGE SUM TO THE KIDNAPPERS. NUMEROUS OTHERS REMAINED HOSTAGES.

IN AN APPARENT ATTEMPT TO END RAMPANT CRIME, THE CHECHEN GOVERNMENT PUBLICLY EXECUTED CONVICTED PRISONERS ON AT LEAST TWO OCCASIONS IN 1997. IN APRIL, A MAN FROM THE SETTLEMENT OF BACHI-YURT WAS EXECUTED, AND ON SEPTEMBER 3 A MAN AND A WOMAN WHO HAD BEEN CONVICTED FOR PREMEDITATED MURDER WERE EXECUTED BY FIRING SQUAD ON A CENTRAL SQUARE IN GROZNY, IN THE PRESENCE OF SOME 2,000 PEOPLE. THE EXECUTION WAS TELEVISED. TWO MORE EXECUTIONS, WHICH HAD BEEN PLANNED FOR THE FOLLOWING WEEK, WERE POSTPONED AFTER INTERNATIONAL PROTESTS. UNDER THE CHECHEN CRIMINAL CODE AT LEAST EIGHT CRIMES CARRIED CAPITAL PUNISHMENT. SOME PUNISHMENTS INVOLVE THE INFLECTION OF TERRIBLE PAIN, SUCH AS DECAPITATION AND STONING. THE CRIMINAL CODE ALSO PROVIDED FOR CANING FOR AT LEAST ELEVEN CRIMES.

The Right to Monitor

IN LATE 1996 AND 1997, LOCAL AUTHORITIES IN THE RUSSIAN PROVINCES ARRESTED AT LEAST FOUR HUMAN RIGHTS ACTIVISTS AND BROUGHT CHARGES AGAINST THEM INVOLVING SUCH THINGS AS LIBEL, CONTEMPT OF COURT, MAKING DEATH OR OTHER THREATS, AND HAVING SEXUAL INTERCOURSE WITH A MINOR. ALL ACTIVISTS HAD PROVIDED FREE LEGAL ADVICE TO PEOPLE IN THEIR REGIONS AND ACTED AS PUBLIC DEFENDERS AT COURT HEARINGS. THEY WERE PRESUMABLY ARRESTED TO SILENCE THEIR OFTEN HARSH CRITICISM OF THE WORK OF LOCAL PROCURATOR'S OFFICES, JUDGES, AND THE POLICE. EVEN THOUGH THE PROCURATOR GENERAL'S OFFICE APPARENTLY PLAYED A ROLE IN THE RELEASE OF SOME OF THE HUMAN RIGHTS ACTIVISTS—ALBEIT UNDER CONCERTED PRESSURE FROM RUSSIAN AND INTERNATIONAL HUMAN RIGHTS GROUPS—it DID NOTHING TO END THE UPSURGE IN REPRESSION OF HUMAN RIGHTS ACTIVISM.

YURY SHADRIN FROM OMSK WAS ARRESTED ON NOVEMBER 29, 1996, FOLLOWING A DECISION BY THE PROVINCIAL PROCURATOR OF OMSK TO COMBINE THREE OLD AND UNRELATED CHARGES, INVOLVING DEATH THREATS, A CAR ACCIDENT, AND CONTEMPT OF COURT, INTO ONE CASE. SHADRIN WAS RELEASED ON DECEMBER 31 FOLLOWING A PUBLIC OUTCRY BUT THE CHARGES HAVE NOT BEEN DROPPED. MAGADAN POLICE ARRESTED RAFAEL USMANOV ON MARCH 25, 1997, WHILE ON HIS WAY TO A COURT HEARING ON A CASE FOR WHICH HE HAD BEEN SERVING AS PUBLIC DEFENDER, AND CHARGED HIM WITH LIBEL, PRESUMABLY IN RELATION TO HIS SEVERELY CRITICAL ARTICLE ABOUT THE RUSSIAN CONSTITUTIONAL COURT. USMANOV WAS RELEASED ON APRIL 10, AND THE CHARGES WERE DROPPED. CRIMINAL PROCEEDINGS AGAINST YURY PADALKO FROM THE TOWN OF IRKUTSK ON PRESUMABLY TRUMPED-UP CHARGES OF LIBEL, HOOLIGANISM, AND OTHER OFFENSES INSTITUTED IN 1992 CONTINUED TO BE PURSUED. MURMANSK POLICE ARRESTED MR. PAZYURA ON MAY 26, 1997, AND CHARGED HIM WITH LIBEL, CONTEMPT OF COURT, AND DEATH OR OTHER THREATS. SHORTLY BEFORE, PAZYURA HAD SHARPLY CRITICIZED THE CHAIR OF THE MURMANSK PROVINCIAL COURT IN A TELEPHONE CONVERSATION WITH HER. AT A SEPTEMBER 9 COURT HEARING, PAZYURA MADE AN EMOTIONAL VERBAL ATTACK ON THE JUDGE, WHO SUBSEQUENTLY APPOINTED YET ANOTHER ASSESSMENT OF HIS MENTAL HEALTH. VASILY CHAYKIN FROM KRASNODAR WAS ARRESTED ON APRIL 17 1997, AND CHARGED WITH HAVING HAD SEXUAL INTERCOURSE WITH A MINOR. HOWEVER, THERE WAS SOUND REASON TO

BELIEVE THAT THESE CHARGES HAD BEEN FABRICATED AS A FORM OF REVENGE FOR HIS PUBLIC CRITICISM. AT THIS TIME, CHAYKIN REMAINED IN DETENTION.

The Role of the International Community

United Nations

IN NOVEMBER 1996, THE U.N. COMMITTEE AGAINST TORTURE CONSIDERED RUSSIA'S SECOND PERIODIC REPORT. THE COMMITTEE EXPRESSED CONCERN AT WIDESPREAD ALLEGATIONS OF TORTURE AND ILL-TREATMENT OF SUSPECTS, PERSONS IN CUSTODY, AND IN THE ARMY. IT ALSO DEPLORED THE ABSENCE OF EFFECTIVE MECHANISMS FOR PROMPT EXAMINATION OF COMPLAINTS ABOUT ILL-TREATMENT AND THE SERIOUS OVERCROWDING IN RUSSIAN PRISONS. THE COMMITTEE FURTHER NOTED WITH CONCERN THE EXTRADITION OF INDIVIDUALS WHO ARE AT RISK OF TORTURE AND ILL-TREATMENT IN THEIR HOME COUNTRIES. THE COMMITTEE'S RECOMMENDATIONS INCLUDED INTRODUCING TORTURE AS A CRIMINAL OFFENSE AND ESTABLISHING AN EFFECTIVE INSTITUTION TO MONITOR CONDITIONS OF CRIMINAL INVESTIGATION AND CUSTODY. IT ALSO URGED THE RUSSIAN AUTHORITIES TO IMPROVE CONDITIONS IN PRISONS RADICALLY AND TO INTRODUCE A TRAINING PROGRAM FOR LAW ENFORCEMENT AGENCIES.

European Union

THE EUROPEAN UNION (E.U.), RUSSIA'S LARGEST TRADING PARTNER, ENGAGED RUSSIA ON SEVERAL HIGH-PROFILE HUMAN RIGHTS ISSUES. E.U. AMBASSADORS TO RUSSIA EXPRESSED CONCERN ABOUT THE DRAFT LAW ON FREEDOM OF CONSCIENCE AND RELIGIOUS ASSOCIATIONS AFTER IT HAD BEEN ADOPTED BY THE RUSSIAN PARLIAMENT. HOWEVER, THE E.U. INEXPLICABLY FAILED TO PROTEST THE EQUALLY BAD PROPOSAL ISSUED BY THE PRESIDENTIAL ADMINISTRATION AFTER PRESIDENT YELTSIN VETOED THE ORIGINAL BILL.

EUROPEAN COMMISSIONER HANS VAN DEN BROEK WROTE TO ALEXANDER NIKITIN AND HIS ATTORNEY ON JANUARY 31, STATING THAT THE EUROPEAN UNION WILL FOLLOW "WITH PARTICULAR INTEREST" FURTHER DEVELOPMENTS IN THE CRIMINAL CASE AGAINST HIM AND EXPRESSED WILLINGNESS TO RAISE HIS CASE WITH THE RUSSIAN AUTHORITIES IN CASE SUCH A NECESSITY WOULD ARISE.

ON APRIL 10, THE EUROPEAN PARLIAMENT ADOPTED A RESOLUTION CONDEMNING TORTURE AND ILL-TREATMENT PRACTICED BY RUSSIAN LAW ENFORCEMENT AGENCIES, VIOLENCE AND OTHER ARBITRARY TREATMENT AGAINST ETHNIC MINORITIES, AND INHUMAN CONDITIONS IN PRISONS. IN JUNE, THE PARLIAMENT EXPRESSED CONCERN ABOUT THE USE OF REGISTRATION PERMITS IN MOSCOW TO DENY STREET CHILDREN ACCESS TO MUNICIPAL SERVICES AND ABOUT POLICE HARASSMENT OF A NONGOVERNMENTAL ORGANIZATION WORKING WITH THESE CHILDREN.

Council of Europe

THE COUNCIL OF EUROPE'S OVERALL ASSESSMENT OF RUSSIA'S COMPLIANCE WITH COUNCIL OBLIGATIONS AND MEMBERSHIP CONDITIONS REMAIN IN A CONFIDENTIAL REPORT BY RUDOLF BINDIG, A COUNCIL OF EUROPE RAPPORTEUR. AS PART OF THE ORDER 508 PROCEDURE, UNDER WHICH THE COUNCIL MONITORS CERTAIN NEW MEMBER STATES, MR. BINDIG VISITED RUSSIA IN LATE 1996 AND WROTE A REPORT ON ITS COMPLIANCE. AT THIS TIME, THE COUNCIL OF EUROPE WAS WAITING FOR THE RUSSIAN GOVERNMENT'S COMMENTS ON THE REPORT.

IN FEBRUARY, COUNCIL OF EUROPE RAPPORTEUR ON THE NIKITIN CASE ERIK JURGENS VISITED IN ST. PETERSBURG TO EXPRESS CONCERN ABOUT THE USE OF SECRET LEGISLATION IN THE CASE, AS WELL AS OTHER ISSUES. IN A REPORT TO THE LEGAL COMMITTEE OF THE PARLIAMENTARY ASSEMBLY OF MARCH 11, JURGENS WROTE HE WAS "SHOCKED" BY THE GROSS VIOLATIONS OF THE PRESUMPTION OF INNOCENCE IN THE NIKITIN CASE.

THE PARLIAMENTARY ASSEMBLY LEGAL COMMITTEE DISCUSSED THE DRAFT LAW ON FREEDOM OF CONSCIENCE AND RELIGIOUS ASSOCIATIONS AT ITS SESSIONS IN JUNE AND SEPTEMBER AND EXPRESSED CONCERN ABOUT THE LAW TO THE RUSSIAN DELEGATION.

ON SEPTEMBER 5, LENI FISCHER, PRESIDENT OF THE PARLIAMENTARY ASSEMBLY, CONDEMNED A PUBLIC EXECUTION, THAT WAS

CARRIED OUT IN CHECHNYA TWO DAYS EARLIER.

Organization for Security and Cooperation in Europe

IN FEBRUARY, AFTER THE OSCE HAD OBSERVED AND DECLARED FREE AND FAIR THE JANUARY PRESIDENTIAL ELECTIONS IN CHECHNYA, THE OUTGOING GOVERNMENT ORDERED THE OSCE'S REPRESENTATIVE, TIM GULDIMANN, TO LEAVE THE COUNTRY, AS GULDIMANN HAD STATED THAT CHECHNYA IS A PART OF THE RUSSIAN FEDERATION. HE WAS LATER PERMITTED TO RETURN.

ON SEPTEMBER 10, THE HEAD OF THE OSCE ASSISTANCE GROUP IN GROZNY, MR. THORNING PETERSEN, EXPRESSED HIS DEEP CONCERN TO PRESIDENT MASKHADOV ABOUT THE USE OF PUBLIC EXECUTIONS BY THE CHECHEN AUTHORITIES. THE EXECUTIONS THAT HAD BEEN PLANNED FOR THAT DAY WERE LATER POSTPONED.

United States

THE CLINTON ADMINISTRATION AND THE U.S. CONGRESS VIGOROUSLY OPPOSED THE NEW RELIGION LAW. AT THE G8 MEETING IN DENVER IN JUNE, PRESIDENT CLINTON EXPRESSED CONCERN TO PRESIDENT YELTSIN WHILE THE DRAFT WAS UNDER CONSIDERATION BY THE STATE DUMA. IN JULY, THE U.S. SENATE APPROVED AN AMENDMENT THAT WOULD CUT ABOUT US\$ 200 MILLION IN AID TO RUSSIA IN 1998 IF YELTSIN SIGNED THE RELIGION LAW. IN SEPTEMBER, AFTER THE DUMA ADOPTED THE REVISED LAW, VICE PRESIDENT GORE PUBLICLY EXPRESSED DOUBTS ABOUT THE LAW AFTER A MEETING WITH PRIME MINISTER CHERNOMYRDIN.

ON JUNE 17, PRESIDENT CLINTON WROTE TO ALEXANDER NIKITIN AND HIS FELLOW GOLDMAN ENVIRONMENTAL PRIZE WINNERS, STATING THE U.S. GOVERNMENT'S DEEP CONCERN ABOUT THE SERIOUS PROCEDURAL IRREGULARITIES IN THE NIKITIN CASE AND PROMISING TO MONITOR FURTHER DEVELOPMENTS IN THE CASE.

Relevant Human Rights Watch reports:

MOSCOW: OPEN SEASON, CLOSED CITY, 9/97

FIRST ANNIVERSARY OF ITS ACCESSION TO THE COUNCIL OF EUROPE, 2/97

SLOVAKIA

Human Rights Developments

SLOVAKIA'S HUMAN RIGHTS RECORD CONTINUED TO DETERIORATE IN 1997, DESPITE PRESSURE FROM THE EUROPEAN UNION AND NORTH ATLANTIC TREATY ORGANIZATION COUNTRIES TO IMPROVE EFFORTS TOWARDS FULL DEMOCRATIZATION AND THE PROTECTION OF MINORITIES IN ORDER TO BE CONSIDERED FOR ADMISSION INTO THE E.U. AND NATO. A NUMBER OF TROUBLING DEVELOPMENTS—including the illegal ousting of a Slovak parliamentarian, refusal to enact a law to protect minority languages, official inaction in the face of skinhead violence against Roma, and continuing police brutality—LED TO WIDE INTERNATIONAL CRITICISM OF SLOVAKIA'S HUMAN RIGHTS RECORD. ON DECEMBER 4, 1996, THE SLOVAK PARLIAMENT STRIPPED DEPUTY FRANTISEK GAULIEDER OF HIS MANDATE AFTER HE LEFT THE RULING MOVEMENT FOR A DEMOCRATIC SLOVAKIA (HZDS) FOR MEMBERSHIP IN AN OPPOSITION PARTY. CLAIMING TO HAVE RECEIVED A LETTER ANNOUNCING GAULIEDER'S RESIGNATION FROM THE PARLIAMENT, PARLIAMENTARY CHAIRMAN IVAN GASPAROVIC REFUSED TO REINSTATE GAULIEDER DESPITE GAULIEDER'S PROTESTATIONS THAT THE LETTER WAS A FORGERY AND THAT HE WOULD GO TO COURT TO RECOVER HIS MANDATE. ON DECEMBER 6, A BOMB EXPLODED OUTSIDE OF GAULIEDER'S HOME, DEMOLISHING THE FRONT OF THE HOUSE; THE INVESTIGATION INTO THIS INCIDENT WAS LATER "CLOSED FOR LACK OF EVIDENCE."

THE E.U. IMMEDIATELY ISSUED A RESOLUTION DEMANDING THAT GAULIEDER BE REINSTATED, AND THIRTY-SEVEN OPPOSITION PARTY DEPUTIES LODGED A COMPLAINT WITH THE SLOVAK CONSTITUTIONAL COURT, DEMANDING THAT IT CALL FOR HIS REINSTATEMENT. GAULIEDER, HOWEVER, WAS NOT REINSTATED. ON JULY 25, THE CONSTITUTIONAL COURT ANNOUNCED THAT GAULIEDER HAD BEEN ILLEGALLY REMOVED FROM HIS POSITION; HOWEVER, IT STOPPED SHORT OF DEMANDING HIS REINSTATEMENT AS IT CONCLUDED IT HAD NO LEGAL BASIS TO DO SO. OPPOSITION PARTIES THEN INTRODUCED A BILL IN PARLIAMENT TO RETURN HIM

to his position. THROUGH SEPTEMBER, HOWEVER, MEMBERS OF THE RULING COALITION ROUTINELY LEFT THE CHAMBER WHENEVER THE BILL WAS UP FOR A VOTE, THUS EFFECTIVELY BLOCKING A VOTE ON THE BILL FOR LACK OF A QUORUM. THOUGH THIS OBSTRUCTIONISM BROUGHT WIDE INTERNATIONAL CRITICISM, AS OF THIS WRITING GAULIEDER HAS NOT YET BEEN REINSTITATED.

IN THE FIRST HALF OF 1997, AN OPPOSITION-PROPOSED REFERENDUM ON THE DIRECT ELECTION OF SLOVAKIA'S PRESIDENT WAS FIRST THE SUBJECT OF DELAYING TACTICS AND THEN FINALLY SUBVERTED THROUGH THE MISPRINTING OF REFERENDUM BALLOTS. AS THE PRESIDENT IS ELECTED BY THE PARLIAMENT UNDER SLOVAKIA'S CURRENT CONSTITUTION, THE REFERENDUM'S SUCCESS WOULD HAVE CONSTITUTED A LOSS OF POWER FOR THE SITTING PARLIAMENTARIANS AND PARTICULARLY FOR PRIME MINISTER VLADIMIR MECIAR, WHO WILL BE RESPONSIBLE FOR PERFORMING PRESIDENTIAL FUNCTIONS IN THE EVENT THAT A NEW PRESIDENT IS NOT ELECTED IMMEDIATELY AFTER PRESIDENT MICHAL KOVAC'S TERM EXPIRES IN MARCH 1998. IN RESPONSE TO THE OPPOSITION'S SUCCESSFUL FULFILLMENT OF AN ELECTION PETITION, PRIME MINISTER MECIAR INSISTED THAT THERE WAS NO CONSTITUTIONAL BASIS FOR A REFERENDUM ON THIS QUESTION AND ASKED THE CONSTITUTIONAL COURT TO RULE ON ITS CONSTITUTIONALITY. HOWEVER, MECIAR CONTINUED TO OPPOSE THE REFERENDUM EVEN AFTER THE CONSTITUTIONAL COURT DECLARED THAT THE REFERENDUM WAS INDEED CONSTITUTIONAL AND THE GOVERNMENT'S OWN CENTRAL REFERENDUM COMMISSION DECLARED THE REFERENDUM LEGAL. THE REFERENDUM ON PRESIDENTIAL ELECTIONS WAS TO TAKE PLACE ON MAY 23-24, AT THE SAME TIME AS A PREVIOUSLY-SCHEDULED REFERENDUM ON MEMBERSHIP IN NATO. WHILE THE GOVERNMENT WRANGLLED OVER THE LEGALITY OF THE REFERENDUM, INTERIOR MINISTER GUSTAV KRAJCI DECLARED HIS INTENTION TO PRINT BALLOTS WITH ONLY THE QUESTIONS RELATED TO NATO. DESPITE THE GOVERNMENT'S FINAL DECISION TO PROCEED WITH THE REFERENDUM ON PRESIDENTIAL ELECTIONS, MANY BALLOTS CONTAINING ONLY QUESTIONS RELATING TO NATO MEMBERSHIP WERE DISTRIBUTED AT POLLING STATIONS. THIS PROVOKED A BOYCOTT OF THE POLL IN WHICH VOTER TURNOUT WAS SO LOW THAT THE RESULTS OF ALL OF THE REFERENDA WERE ULTIMATELY INVALIDATED. ON JUNE 8, 9,000 PEOPLE DEMONSTRATED AGAINST THE GOVERNMENT'S INTERFERENCE IN THE REFERENDUM, AND OPPOSITION LEADERS DEMANDED KRAJCI'S DISMISSAL; KRAJCI, HOWEVER, SURVIVED SEVERAL ATTEMPTS BY THE OPPOSITION TO ACHIEVE A NO-CONFIDENCE VOTE ON HIS PERFORMANCE AS INTERIOR MINISTER. FOREIGN MINISTER PAVOL HAMZIK DID RESIGN, AS HE VIEWED THE GOVERNMENT'S BLOCKADE OF THE REFERENDUM TO BE FATALLY DAMAGING TO HIS ATTEMPTS TO BRING SLOVAKIA INTO NATO.

ON A POSITIVE NOTE, THE SLOVAK PARLIAMENT ULTIMATELY FAILED TO APPROVE PENAL CODE AMENDMENTS THAT WOULD HAVE CRIMINALIZED SPEECH UTTERED WITH "THE INTENTION OF SUBVERTING THE COUNTRY'S CONSTITUTIONAL SYSTEM, TERRITORIAL INTEGRITY, OR DEFENSE CAPABILITY." A MORE RESTRICTIVE VERSION OF THIS AMENDMENT NEARLY PASSED INTO LAW IN 1996; THE AMENDED VERSION PASSED THE PARLIAMENT IN 1997 BUT WAS VETOED BY PRESIDENT KOVAC, AND THE PARLIAMENT FAILED TO PASS THE BILL OVER HIS VETO.

SLOVAKIA'S RECORD ON OTHER ISSUES RELATED TO FREE EXPRESSION WAS POOR. JOURNALISTS, INTERNATIONAL ORGANIZATIONS, AND EVEN PRESIDENT KOVAC CONTINUED TO COMPLAIN ABOUT THE GOVERNMENT'S PERVERSIVE CONTROL OF STATE MEDIA. SLOVAKIA'S FIRST PRIVATE NEWS AGENCY, SITA, WAS BURGLARIZED A WEEK BEFORE IT OPENED AND LOST COMPUTERS AND SUPPLIES; RATHER THAN DISPLAYING ANY SUPPORT FOR THE AGENCY, THE SLOVAK MINISTRY OF CULTURE JUST ONE WEEK LATER URGED GOVERNMENT INSTITUTIONS NOT TO USE THE INDEPENDENT SITA. IN SEPTEMBER, LONG-RUNNING ANONYMOUS THREATS AGAINST PETER TOH, A JOURNALIST FOR THE INDEPENDENT PAPER SME, CULMINATED IN THE BOMBING OF HIS CAR; TO DATE, NO ONE HAS BEEN CHARGED IN THE CASE. ON OCTOBER 16, THE STATE TELECOMMUNICATIONS COMPANY CUT THE INDEPENDENT RADIO STATION RADIO TWIST OFF ITS MAIN FREQUENCY FOR TWENTY-FIVE HOURS, CLAIMING THAT IT HAD NOT PAID FOR USE OF ITS TRANSMITTER IN BRATISLAVA, THOUGH THE STATION MAINTAINED THAT IT HAD PAID THE BILL DAYS BEFORE.

SLOVAKIA'S RULING COALITION CONTINUED TO DRAW CRITICISM IN 1997 FOR ITS TREATMENT OF NATIONAL MINORITIES, PARTICULARLY HUNGARIANS, ROMA, AND JEWS. IN SEPTEMBER, HUNGARIAN PRIME MINISTER GYULA HORN REVEALED THAT, DURING THEIR AUGUST MEETING, PRIME MINISTER MECIAR PROPOSED A "POPULATION EXCHANGE" OF ETHNIC HUNGARIANS LIVING IN SLOVAKIA FOR ETHNIC SLOVAKS LIVING IN HUNGARY. THIS OUTRAGEOUS SUGGESTION FOLLOWED A YEAR OF CONTROVERSY OVER SLOVAKIA'S LANGUAGE LAW, WHICH CURRENTLY OUTLAWES THE USE OF HUNGARIAN FOR, AMONG OTHER THINGS, PRINTING BILINGUAL SCHOOL REPORT CARDS IN HUNGARIAN MINORITY-DOMINATED AREAS. AT LEAST ONE SCHOOL TEACHER, ALEXANDER TOH, WAS FIRED FOR VIOLATING THIS LAW. IN APRIL, THE MINISTRY OF EDUCATION ALSO PROPOSED THAT CERTAIN SUBJECTS BE TAUGHT ONLY BY "NATIVE" ETHNIC SLOVAKS IN MINORITY SCHOOL DISTRICTS, BUT NO ACTION WAS TAKEN ON THIS PROPOSAL.

Jewish groups were outraged over the Ministry of Education's unqualified endorsement of Milan Durica's *The History of Slovakia and the Slovaks*, a primary school textbook that justifies Slovakia's mass deportation of Jews during the Holocaust. Because the book was published using funds from the E.U. PHARE program intended to help Slovakia prepare for admission to the E.U., the European Commission immediately issued a stern rebuke to the Slovak government and demanded that it withdraw the book from the country's schools.

The situation of Roma in Slovakia did not improve in 1997. After the brutal murder of a Romani man by a skinhead teenager on December 22, Romani leaders accused the government of indifference to the growing intolerance and later announced the formation of ethnic militias to protect Roma against high levels of skinhead and police brutality. In a report released by the European Roma Rights Center in February, a quote from a young Romani man encapsulated the pervasiveness of anti-Roma prejudice in both the public and private sectors: "If I am attacked again, I won't call the police. It would be like calling the skinheads." Roma also continued to face discrimination in education, housing, and employment.

The Right to Monitor

Human Rights Watch was not aware of any attempts by the Slovak government to impede the monitoring of human rights in 1997.

The Role of the International Community

The international community's most effective condemnation of Slovakia's human rights practices came through its refusal to issue Slovakia membership into NATO and the E.U. The E.U. and the U.S. were particularly disapproving of the Slovak government's unwillingness to reinstate Gauleider, its ongoing failure to protect minority languages, and its obstruction of the presidential election referendum. The Human Rights Committee of the U.N. High Commissioner for Human Rights released a report in August, which noted that "the remnants of the former totalitarian rule have not yet been completely overcome" and that Slovakia needed to improve its response to discrimination, independence of the judiciary, and free expression, among other issues. In April, the E.U. also released a report critical of prison conditions in Slovakia. The Commission for Cooperation and Security in Europe (CSCE) released a 40 page report in September criticising Slovakia's human rights record.

TAJIKISTAN

Human Rights Developments

Tajikistan's fragile human rights situation appeared ripe for improvement following a June 27, 1997, peace accord between the government and the United Tajik Opposition, which formally ended five years of civil war. In August, however, fighting erupted between rival government groups in the capital, Dushanbe, and in the southern and western regions of the country, resulting in at least thirty summary executions, abductions, rapes, and widespread looting. In early September, further fighting broke out between government militia and opposition forces in the east of Dushanbe in clear violation of the newly-signed peace accord. As the peace agreement began to be implemented in September and October, the capital witnessed at least seventeen explosions by unidentified perpetrators, brutal murders of ethnic Russians, the assassination of the son of the procurator general, and retaliatory kidnappings of family members of the commander of the presidential guard and rogue rebel leader Rizvon Sodirov. On October 16, fourteen members of the presidential guard were assassinated in their Dushanbe barracks by eighty armed and masked men, and at the end of that month, one of the groups defeated in the August combats conducted an armed attack on government forces on the Tajik-Uzbek border 80 kilometers west of Dushanbe. In the ensuing breakdown in law and order, human rights suffered a serious setback, as paramilitary

GROUPS AND INDEPENDENT WARLORDS CONTINUED TO LOOT, THREATEN AND HARASS CIVILIANS, AND RENEWED HOSTAGE-TAKINGS; CONSEQUENTLY, WIDESPREAD FEAR AND INSECURITY PERVADED THE COUNTRY'S POPULATION.

THE GOVERNMENT WAS UNWILLING OR UNABLE TO CONTROL SUCH ACTIVITY AND ALSO ARRESTED INDIVIDUALS ON POLITICAL GROUNDS. NOTABLY, IT PRESIDED OVER THE JUNE PEACE AGREEMENT, AND CREATED A COMMISSION ON NATIONAL RECONCILIATION, COMPOSED OF TWENTY-SIX GOVERNMENT AND OPPOSITION MEMBERS, TO FOSTER AN ATMOSPHERE OF TRUST AND FORGIVENESS AND TO FACILITATE CONDITIONS SUITABLE FOR JULY 1998 NATIONAL ELECTIONS. THE COMMISSION PREPARED A GENERAL AMNESTY, WHICH THE MAJLISI OLI (THE PARLIAMENT) ADOPTED INTO LAW ON AUGUST 1, AND OVERSAW THE EXCHANGE OF 167 GOVERNMENT AND 133 OPPOSITION DETAINEES BY THE END OF OCTOBER. HOWEVER, THE INDEFINITE SUSPENSION OF THE COMMISSION'S ACTIVITIES—DUE TO THE AUGUST AND SEPTEMBER HOSTILITIES—SERIOUSLY UNDERMINED PUBLIC CONFIDENCE IN THE PEACE PROCESS AND CONTRIBUTED TO THE PERSISTENT CLIMATE OF INSECURITY.

THE ATMOSPHERE OF INSECURITY AND VIOLENCE SEVERELY DISRUPTED THE WORK OF INTERNATIONAL ORGANIZATIONS THROUGHOUT 1997. IN FEBRUARY 1997, A ROGUE REBEL GROUP LED BY THE WARLORD BROTHERS BAHROM AND RIZVON SODIROV TOOK SEVENTEEN PEOPLE HOSTAGE IN OBIGARM, ABOUT EIGHTY KILOMETERS EAST OF THE CAPITAL, AND IN DOWNTOWN DUSHANBE. AMONG THOSE KIDNAPED WERE FIVE UNMOT (THE U.N. MISSION OF OBSERVERS IN TAJIKISTAN), FOUR U.N. HIGH COMMISSIONER FOR REFUGEES (UNHCR), AND TWO INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) STAFF, AS WELL AS THE TAJIK MINISTER OF SECURITY. THE HOSTAGES WERE RELEASED AFTER TWO WEEKS; SOME HAD BEEN BEATEN AND ABUSED. NON-ESSENTIAL STAFF FROM UNMOT AND THE OTHER U.N. AGENCIES WERE RELOCATED TO UZBEKISTAN UNTIL THE END OF APRIL, AND THE U.N. SUSPENDED SOME PROGRAMS FOR SIX MONTHS DUE TO THE SECURITY CRISIS.

ON FEBRUARY 19, THE DAY FOLLOWING THE RELEASE OF THE HOSTAGES, UNIDENTIFIED GUNMEN ASSASSINATED SEVEN PEOPLE, INCLUDING TWO ETHNIC RUSSIAN OFF-DUTY U.S. EMBASSY GUARDS, IN DUSHANBE. AFTER OPPOSITION AND WARLORD GROUPS SHOT AT THE ICRC TWICE IN JUNE AND JULY, THE LATTER SUSPENDED ITS OPERATIONS IN GARM AND THE TAVIL-DARA AREA.

CIVIL RIGHTS WERE SEVERELY REPRESSED IN THE NORTH. IN APRIL SECURITY FORCES STORMED A PRISON IN KHOJAND TO QUELL A RIOT, KILLING AT LEAST TWENTY-FOUR AND WOUNDING THIRTY-FIVE OTHERS; UNCONFIRMED REPORTS INDICATED A SUBSTANTIALLY HIGHER NUMBER OF CASUALTIES. AN ASSASSINATION ATTEMPT ON PRESIDENT IMOMALI RAKHMONOV IN KHOJAND AT THE END OF THAT MONTH, POSSIBLY LINKED TO THE PRISON RIOT, LED TO WIDESPREAD ARRESTS AND PERSECUTION OF POLITICAL OPPONENTS. AMONG THEM WAS THE MAY 23 ARREST OF ABDUKHAFIZ ABDULLAIEV, THE BROTHER OF THE LEADER OF THE NATIONAL REVIVAL MOVEMENT, ONE OF THE MAIN OPPOSITION MOVEMENTS IN TAJIKISTAN. ALTHOUGH ORIGINALLY ARRESTED ON CHARGES OF POSSESSION OF NARCOTICS, ABDULLAIEV WAS SOON AFTER CHARGED WITH CONSPIRING TO ASSASSINATE THE PRESIDENT. SUFFERING FROM CANCER, ABDULLAIEV AS OF EARLY NOVEMBER REMAINED IN DETENTION, ALTHOUGH THE CHARGES AGAINST HIM HAD NOT YET BEEN CONFIRMED.

UNHCR'S ACTIVITIES IN 1997 WERE SIGNIFICANTLY LIMITED BY SECURITY CONDITIONS INSIDE AND OUTSIDE THE COUNTRY; HOWEVER, LARGE NUMBERS OF REFUGEES AND ALL BUT A FEW INTERNALLY DISPLACED PERSONS WERE ABLE TO RETURN TO THEIR HOMES IN SAFETY. IN FEBRUARY, BECAUSE OF THE HOSTAGE CRISIS, UNHCR SUSPENDED ITS PROGRAM TO REPATRIATE TAJIK REFUGEES IN CAMPS IN AFGHANISTAN, AND IT DID SO AGAIN AT THE END OF MAY, FOLLOWING THE TALIBAN ADVANCE ON NORTHERN AFGHANISTAN. IN MID-JULY, REPATRIATION WAS UNDERWAY AGAIN DESPITE LOGISTICAL AND SECURITY PROBLEMS RESULTING FROM THE VOLATILE SITUATION IN NORTHERN AFGHANISTAN AND THE CLOSURE BY UZBEK AUTHORITIES OF TERMEZ AND THE AFGHAN-UZBEK BORDER, OSTENSIBLY IN REACTION TO THE FIGHTING IN NORTHERN AFGHANISTAN. AT THE BEGINNING OF OCTOBER, RENEWED FIGHTING BETWEEN TALIBAN AND ANTI-TALIBAN COALITION FORCES SPILLED OVER INTO SAKHI CAMP CLOSE TO MAZAR-I-SHARIF, RESULTING IN AT LEAST TWO DEATHS, UP TO FORTY WOUNDED, AND SERIOUS SHORTAGES OF FOOD, WATER, AND FUEL IN THE CAMP. FOLLOWING INTENSE INTERNATIONAL PRESSURE, UZBEKISTAN IN LATE OCTOBER AGREED TO OPEN ITS BORDER WITH AFGHANISTAN TO ALLOW FOR THE PASSAGE OF THE SAKHI REFUGEES THROUGH TERMEZ TO TAJIKISTAN. AS OF EARLY NOVEMBER, CLOSE TO 7,000 REFUGEES FROM CAMPS IN NORTHERN AFGHANISTAN HAD BEEN REPATRIATED. ALTHOUGH SOME RETURNEES REPORTED THAT OTHER PEOPLE ILLEGALLY OCCUPIED THEIR HOUSES, REFUGEE RETURN OPERATIONS FOR THE MOST PART WERE SMOOTHLY CARRIED OUT. AT THIS WRITING, HOWEVER, LARGE NUMBERS OF RETURNEES IN THE SOUTH WERE WITHOUT ADEQUATE WINTER SHELTER.

SOME 23,000 INTERNALLY DISPLACED PERSONS WHO FLED TAVIL-DARA DURING FIGHTING IN 1996 WERE ABLE TO RETURN

HOME SAFELY BY MID-JULY. ALSO IN JULY THE INTERNATIONAL ORGANIZATION OF MIGRATION (IOM) COMPLETED ITS PROGRAM TO RETURN 1,996 INTERNALLY DISPLACED PERSONS FROM GORNO BADAKHSHAN TO DUSHANBE AND KHOTLON PROVINCE. IN THE WAKE OF THE AUGUST FIGHTING IN THE CAPITAL, NONETHELESS, SOME OF THE DISPLACED ELECTED TO RETURN PERMANENTLY TO SOUTHEASTERN GORNO BADAKHSHAN.

HOSTAGE-TAKING, PRACTICED THROUGHOUT THE PAST FOUR YEARS, PERSISTED DURING THE YEAR, KEEPING THE POPULATION IN THE GRIP OF INSECURITY. GOVERNMENT MILITIA FORCES, OPPOSITION COMMANDERS, AND ROGUE REBEL GROUPS KIDNAPPED ONE ANOTHER AT REGULAR INTERVALS, REQUIRING THE CONSTANT MEDIATION OF THE JOINT COMMISSION AND UNMOT. DURING THE FEBRUARY HOSTAGE CRISIS, IN A BLATANT MOCKERY OF THE GOVERNMENT'S LACK OF AUTHORITY, THE MINISTER OF SECURITY HIMSELF WAS CAPTURED BY THE ROGUE SODIROV GROUP. THE SODIROV GROUP IN JULY AND AUGUST AGAIN KIDNAPPED NINE PEOPLE, AMONG WHOM WERE AMONULLO NEGMATZODA, TAJIKISTAN'S CHIEF MUFTI, HIS BROTHER, AND TWO OF HIS SONS. ALTHOUGH THE GOVERNMENT HAD PLEDGED ON SEVERAL OCCASIONS TO PROVIDE SECURE WORKING CONDITIONS FOR INTERNATIONAL PERSONNEL, AS OF THIS WRITING RIZVON SODIROV AND MANY OF HIS SUPPORTERS WERE STILL AT LARGE.

SECURITY CONCERNS KEPT THE INTERNATIONAL COMMUNITY OUT OF GARM AND THE KARATEGIN VALLEY. ACCURATE AND COMPREHENSIVE INFORMATION ON THE HUMAN RIGHTS SITUATION WAS THUS DIFFICULT TO OBTAIN. IN TAVIL-DARA AND GARM, CREDIBLE REPORTS SURFACED OF INCREASING RESTRICTIONS ON DRESS FOR WOMEN AND OTHER RESTRICTIONS LINKED TO ISLAMIC PRACTICE.

CHAOS PREVAILED OVER LAW ENFORCEMENT. THE GOVERNMENT ADMITTED THAT CRIMINAL ELEMENTS RIDDLED ITS SECURITY FORCES AND MOST CITIZENS OPTED TO KEEP SILENT IN THE FACE OF MISTREATMENT RATHER THAN RISK RETALIATION BY THE POLICE THEMSELVES. AT ROAD CHECKPOINTS THROUGHOUT THE COUNTRY GOVERNMENT, OPPOSITION, AND INDEPENDENT ARMED GROUPS REGULARLY HARASSED, BEAT, AND THREATENED THE CIVILIAN POPULATION.

THE GOVERNMENT CONTROLLED THE MAJORITY OF THE COUNTRY'S TELEVISION AND RADIO STATIONS AND NEWSPAPERS, AND MOST JOURNALISTS CONTINUED TO EXERCISE CAREFUL SELF-CENSORSHIP. IN FEBRUARY, AUTHORITIES DENIED ACCREDITATION TO *NEZAVISIMAYA GAZETA* (MOSCOW) JOURNALIST IGOR ROTAR ON THE GROUNDS THAT HE HAD BEEN "UNSCRUPULOUS AND BIASED" IN HIS REPORTING ON CERTAIN EVENTS THAT TOOK PLACE IN TAJIKISTAN. IN THE WAKE OF THE MAY 30 ASSASSINATION ATTEMPT AGAINST PRESIDENT RAKHMUNOV, RUSSIAN JOURNALIST ALEKSEY VASILIVETSKY WAS ARRESTED AND DETAINED—ALLEGEDLY ON CHARGES OF POSSESSION OF NARCOTICS—FOLLOWING UNPUBLISHED INTERVIEWS WITH MEMBERS OF OPPOSITION POLITICAL PARTIES AND DISSIDENT GOVERNMENT EMPLOYEES. IN LATE MAY, A JOURNALIST WORKING FOR THE MOSCOW-BASED NEWSPAPER *PRAVDA-V* HAD HER ACCREDITATION CONFISCATED FOLLOWING THE PUBLICATION OF ARTICLES SAID TO BE CRITICAL OF THE PRESIDENT. LATER THAT MONTH A RUSSIAN TEAM OF JOURNALISTS INVESTIGATING THE KHOJAND PRISON RIOT AND THE ASSASSINATION ATTEMPT RECEIVED THREATS FROM LOCAL AUTHORITIES AND WAS ADVISED TO LEAVE BECAUSE THE TEAM ALLEGEDLY HAD NOT OBTAINED APPROPRIATE ACCREDITATION. IN JULY, A RULING ISSUED BY THE MINISTRY OF CULTURE ORDERED THE TEMPORARY CLOSURE OF NONGOVERNMENTAL TELEVISION STATIONS THAT DID NOT POSSESS AN OPERATING LICENSE, ALTHOUGH NO GOVERNMENT BODY HAD ESTABLISHED SUCH A PROCEDURE.

NONETHELESS, SEVERAL NEW NEWSPAPERS EMERGED WITH THE FOUNDING OF NEW POLITICAL PARTIES. THE FORMERLY DISSIDENT NEWSPAPER *CHAROGI RIZ* MADE ITS APPEARANCE IN TAJIKISTAN AFTER AN ABSENCE OF FIVE YEARS.

The Right to Monitor

ALMOST NO MONITORING WAS CARRIED OUT BY LOCAL GROUPS IN 1997. SEVERE SECURITY RESTRAINTS PLACED UPON INTERNATIONAL PERSONNEL, PARTICULARLY THE U.N. AND ICRC, LIMITED THEIR ABILITY TO MONITOR. INTERNATIONAL PERSONNEL THROUGHOUT 1997 WERE SHOT AT, ROBBED, AND OTHERWISE HAMPERED IN THEIR HUMANITARIAN AID AND INFORMATION-GATHERING ACTIVITIES. THE GOVERNMENT CONTINUED TO DENY THE ICRC ACCESS TO PRISONS IN ACCORDANCE WITH THE ORGANIZATION'S STANDARD PROCEDURES, WHILE INSUFFICIENT SECURITY GUARANTEES PREVENTED IT FROM OPERATING IN THE TAVIL-DARA AND GARM REGIONS FROM JULY TO EARLY NOVEMBER. ALTHOUGH THE GOVERNMENT COMMITTED ITSELF TO ESTABLISH A NATIONAL CIVIL RIGHTS INSTITUTE, IT HAD FAILED TO DO SO AS OF THIS WRITING.

The Role of the

International Community

UNMOT'S LIMITED FIELD PRESENCE IN 1997 PREVENTED IT FROM MONITORING AND DETERRING ABUSE. THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, THROUGH ITS FIELD OFFICES IN SHAARTUZ, DUSTI, AND KURGAN-TIUBE AND THROUGH ITS HEAD OFFICE IN DUSHANBE, CONDUCTED ONGOING INTERVENTIONS. AS IN 1996, THE RUSSIAN-LED CONFEDERATION OF INDEPENDENT STATES' TROOPS CONTINUED TO BE THE TARGET OF CRIMINAL AND POLITICAL ATTACKS, MOSTLY IN DUSHANBE, AND WERE ACCUSED OF SUPPORTING THE CENTRAL GOVERNMENT'S FORCES DURING THE AUGUST FIGHTING. THE WORLD BANK ONCE AGAIN APPROVED MORE THAN U.S.\$100 MILLION FOR, AMONG OTHER THINGS, PRIVATIZATION AND LAND REFORM WITHOUT TAKING INTO ACCOUNT CORRUPTION AND SERIOUS ABUSES OF HUMAN RIGHTS. AN INTERNATIONAL DONORS' CONFERENCE SCHEDULED FOR MID TO LATE NOVEMBER WAS TO SOLICIT U.S. \$64 MILLION TO AID IN THE IMPLEMENTATION OF THE PEACE ACCORD.

United Nations

UNMOT, AND IN PARTICULAR THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL, WAS WIDELY REGARDED AS KEY TO THE SUCCESSFUL COMPLETION OF THE INTER-TAJIK TALKS. HUMAN RIGHTS ISSUES, WHILE NOT DIRECTLY PART OF UNMOT'S MANDATE, FIGURE PROMINENTLY AMONG THE FACTORS THAT IMPEDE THE PEACE PROCESS. UNMOT'S OVERALL IMPACT ON THE COUNTRY'S HUMAN RIGHTS AND SECURITY SITUATION, HOWEVER, WAS OTHERWISE NEGLIGIBLE IN 1997. THE DECISION TO MAINTAIN ONLY A HEADQUARTERS BASED IN DUSHANBE AND A LIAISON OFFICE IN KHOJAND FOR MOST OF THE YEAR LIMITED UNMOT'S ABILITY TO OBTAIN AND PROVIDE FIRSTHAND AND PRECISE INFORMATION ON COUNTRY CONDITIONS. IN ADDITION, ALTHOUGH UNDER ITS MANDATE UNMOT IS TO FACILITATE HUMANITARIAN ASSISTANCE EFFORTS BY THE INTERNATIONAL COMMUNITY, ITS MILITARY PERSONNEL ON MORE THAN ONE OCCASION GAVE CONTRADICTORY AND SCANTY SECURITY ADVICE TO AID GROUPS. UNMOT'S MANDATE WAS EXTENDED UNTIL NOVEMBER 15, 1997.

REPRESENTATIVES FROM THE U.N. CENTRE FOR HUMAN RIGHTS CONDUCTED A NEEDS-ASSESSMENT MISSION TO TAJIKISTAN IN JUNE, VISITING DUSHANBE, KURGAN-TIUBE, KHOJAND, AND GARM, AND MEETING WITH GOVERNMENT AND INTERNATIONAL AGENCIES, INCLUDING HUMAN RIGHTS WATCH. THE TEAM CONCLUDED THAT A LASTING PEACE IN TAJIKISTAN WAS THREATENED BY SERIOUS HUMAN RIGHTS ABUSES AT ALL LEVELS AND RECOMMENDED DEPLOYING BY THE END OF SEPTEMBER ONE TO TWO HUMAN RIGHTS EXPERTS TO WORK WITH THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL. AS OF EARLY NOVEMBER, HOWEVER, THE EXPERTS HAD NOT ARRIVED IN THE COUNTRY.

UNHCR CARRIED ON WITH SUCCESSFUL REPATRIATION EFFORTS DESPITE DAUNTING SECURITY AND LOGISTICAL IMPEDIMENTS.

Organization for Security and Cooperation in Europe

THE OSCE PLAYED AN IMPORTANT ROLE IN MONITORING HUMAN RIGHTS ABUSES IN THE SOUTH THROUGH ITS FIELD OFFICES IN KURGAN-TIUBE, SHAARTUZ, AND DUSTI. ALTHOUGH PLANS WERE UNDER WAY TO OPEN ADDITIONAL FIELD OFFICES IN GARM AND KHOJAND EARLY IN THE YEAR, AS OF THIS WRITING THE OSCE HAD FAILED TO GAIN THE NECESSARY GOVERNMENTAL CLEARANCE TO DO SO. OSCE WAS NAMED IN THE PEACE AGREEMENTS AS A PRINCIPAL GUARANTOR OF THE DEVELOPMENT OF HUMAN RIGHTS AND LEGAL AND DEMOCRATIC INSTITUTIONS; HOWEVER, AS OF NOVEMBER, THIS ROLE IN PRACTICE REMAINED UNCLEAR.

OSCE ORGANIZED CONFERENCES ON THE SOCIO-ECONOMIC ASPECTS OF THE PEACE PROCESS AND THE RULE OF LAW, AS WELL AS POLICE AND PRISON OFFICER TRAINING PROGRAMS, HAD EITHER BEEN POSTPONED OR WERE PENDING AT THE TIME OF THIS WRITING.

TURKEY

Human Rights Developments

IN POWER JUST UNDER A YEAR, TURKEY'S FIRST ISLAMIST-LED GOVERNMENT, THE WELFARE/TRUE PATH PARTY (*Refahiyol*) COALITION OF PRIME MINISTER NECMETTIN ERBAKAN RESIGNED ON JUNE 19 AFTER AN INTENSE PUBLIC AND PRIVATE CAMPAIGN HEADED BY THE MILITARY AND THE GENERAL STAFF. ONE EDITORIAL WRITER DUBBED THE ACT THE COUNTRY'S "FIRST POST-MODERN COUP" AS THE MILITARY WAS ABLE TO FORCE THE GOVERNMENT FROM OFFICE WITHOUT TAKING POWER DIRECTLY OR PUTTING TROOPS IN THE STREETS. THE MINORITY THREE-PARTY COALITION (ANASOL-D) OF PRIME MINISTER MESUT YILMAZ TOOK OFFICE IN JULY AFTER THE RESIGNATION OF REFAH. THE NEW PRIME MINISTER AND MANY OF HIS MINISTERS HAVE MADE POSITIVE STATEMENTS

about improving the human rights situation and instituting reform, though only time will tell if these will translate into structural, far-reaching improvements. The conflict in southeastern Turkey between security forces and the Workers' Party of Kurdistan (PKK) continued into its thirteen year, with both sides committing serious abuses, though at a level in line with a sharp reduction in fighting inside Turkey. Although a lively, if small, civil society was active and there was both progress and setbacks with regard to prosecuting police, lowering detention periods for security detainees, and releasing jailed editors, persistent human rights abuses continued. They included restrictions on free expression, torture, death in detention, and police abuse and maltreatment. Prisons continued to be a problem, with poor administration and excessive use of force during unrest. Militant left and right-wing groups continued to commit abuses, such as bombings and assassinations.

1997 witnessed a continual back-and-forth between signs of improvement and abuse. The former Erbakan government lowered detention periods for security detainees and ordered increased oversight of police, but reports of torture and maltreatment by police continued. The Yılmaz government quickly passed a law in August resulting in the release of at least ten editors jailed on free expression charges. Unfortunately, other laws continued to punish freedom of thought. In October, for example, Esber Yağmurdereli, a respected lawyer and human rights activist, was remanded into custody to start serving a twenty-two-year sentence on free expression charges. On November 10, using legal sleight of hand, the local prosecutor released him for a period of one year to be renewed upon review. There appeared to be an increase in the prosecution of abusive police, especially in cases involving the January 1996 death of journalist Metin Göktepe in police custody and the death of ten inmates in the September 1996 riot in Diyarbakir prison, but in the case of the torture of teenagers in Manisa in December 1995, there was a serious setback when the court did not order police charged in the case to appear in court so their accusers could identify them. It took the direct intervention of Mr. Yılmaz, a commendable effort in itself, to arrest the relatively low-ranking police officers charged in the Göktepe case; later, four of the men were released on bail. In September, State Minister Salih Yildirim announced the need for Kurdish-language television broadcasts in southeastern Turkey. In Istanbul, however, the governor's office blocked the Kurdish Culture and Research Foundation (Kürt-Kav) from conducting Kurdish-language courses. Finally, the investigation into the Susurluk scandal, an auto accident in November 1996 that pointed toward "illegal gangs" in the security forces, proved disappointing, despite an immense public outcry and a parliamentary investigation that issued a report which, though not perfect, called for serious reform. The parliamentary immunity of those believed to be the key figures in the scandal, among them former Interior Minister Mehmet Ağar, was not lifted, and only eleven low-ranking security officials were brought to trial. They were released from custody in September, though three are still held in another case.

Mr. Erbakan's hapless *Refah* coalition, beset by internal conflict with his secular coalition partner and by scandal, had infuriated the military by its attempt to legalize certain aspects of Islam at odds with Turkey's constitution, such as the right of female civil servants to wear head scarves. Turkey's military establishment, which views itself as the ultimate guardian of the secular, Kemalist state, also grew wary of Refah's attempt to pack the bureaucracy with its supporters and of intemperate statements by some Refah leaders. The military declared "fundamentalism" Turkey's number one threat and sought closure of state-supported religious schools (*İmam-Hatip*), schools that had been opened by every government since 1950—including the military after the 1980 coup. At the end of February, the military presented Mr. Erbakan's government with an eighteen point program to rein in Islamist activity, and in May, the government took legal action to ban Refah (Welfare Party) for threatening the secular character of the state, though the case as presented in the indictment was largely based on free expression charges. The final blow came in a June 11 statement from General Staff Headquarters threatening that "weapons would be used if necessary in the struggle against fundamentalism." The government resigned a week later. It was also reported that the military sought to reinstate article 163, which banned fundamentalist activity and had been abolished in 1991.

Although the military consistently tops the polls as the most respected institution in Turkey and was

SUPPORTED in its anti-Refah campaign by trade unions, some business groups, and most of the press establishment, its interventionist proclivity is sharply at odds with the role the military plays in most democratic countries. The military exerts its influence through the National Security Council (MGK), a half-civilian/half-military body chaired by the president and provided for under the 1992 constitution, a restrictive document written after the 1980 coup. Law No. 2945 gives the MGK a broad and poorly-defined sphere of responsibility that includes protecting the state "against any foreign or domestic threat to its interests...including political, social, cultural, and economic...." A report on democratization in Turkey issued in January 1997 by the Turkish Industrialists' and Businessmen's Association (TUSIAD) stated that, "If Turkey wishes to move in the direction of modern democracy, the issues of domestic and foreign security and national defense must be differentiated, and the Turkish armed forces' sphere of interest must be restricted to national defense."

The conflict in southeastern Turkey with the Workers Party of Kurdistan, continued into its thirteenth year, albeit at a much reduced level of intensity. Small scale incidents were also reported in mountainous regions south of the Black Sea. As in the past, most abuses committed by government forces and the PKK continued to occur in the southeast. Abuses included torture, extrajudicial killings, and indiscriminate fire. Much of the fighting moved to remote mountain areas or to northern Iraq, from which the PKK launched raids into Turkey. In mid-May, Turkey launched a large-scale incursion into northern Iraq in pursuit of PKK insurgents, and there was talk of setting up a buffer zone. Another cross-border operation commenced in September. Though not independently confirmed, in October the government reported that 28,000 individuals had been killed since the start of the conflict.

The Yılmaz government's coalition protocol stated that, "The reasons for the problems of the southeast are not ethnic, but geographical, social, and economic, stemming from the region's feudal structure..." In July, Deputy Prime Minister Bülent Ecevit led a delegation to Diyarbakir, the center of Turkey's ethnically-Kurdish regions, to announce job creation programs, increased education opportunities, and housing for the forcibly displaced.

A state of emergency remained in force in nine provinces of the region for most of 1997, though in October emergency rule was lifted in Batman, Bingöl, and Bitlis provinces with promises to abolish emergency rule at the end of 1997. After the abolishment of emergency rule in Mardin province in early 1997, local human rights groups reported little change because a 1996 amendment to the provincial administration law gives extended and restrictive powers to provincial governors.

Parties that made demands for legal recognition of Turkey's Kurdish minority continued to face criminal prosecution. In May, the party chair, Murat Bozlak, and other administrators of the People's Democracy Party (HADEP), the top vote-getter in southeastern Turkey, were found guilty of aiding the PKK in a trial based on weak and questionable evidence; it appears that a case will be opened to ban the party. In June, the Democratic Mass Party (DKP) of Serapettin Elçi, a former minister, was prosecuted under article 91 of the Political Party Law entitled, "Preventing the Creation of Minorities."

The most serious consequence of the fighting in the southeast has been the forced evacuation of villages and hamlets in the region. The majority were forcibly evacuated between 1993-1995; while large-scale evacuations have ceased, some smaller operations continued during 1997. In July, Deputy Prime Minister Bülent Ecevit announced that 3,195 villages and hamlets—home to an estimated 370,000 individuals—had been evacuated during the conflict. The United States State Department cited 560,000 as a "credible estimate." Little state aid or compensation was given to the displaced, and few were able to return to their homes. According to Interior Ministry figures released in March 1997, approximately 20,000 individuals had returned to their homes in 108 villages and ninety hamlets over the past year. In addition, a food "embargo" that limited the amount of staple food villagers could purchase was in effect in Tunceli province, allegedly to cut off the PKK's ability to receive or steal supplies.

While the government claimed that individuals left voluntarily under pressure from the PKK, it appeared that a conscious military strategy aimed at denying the PKK logistic support and recruiting opportunities forced the majority of evacuations. The PKK, however, continued to pressure villages to give logistic support and to burn pro-state villages run by village guards. According to a Turkish Union of Architects and Engineers

(TMMOB) study based on 699 households that had migrated to Diyarbakir since 1976 (369 between 1990-96), 38.46 percent reported that their villages had been burned, while 25.54 percent left because of "events in the region." Another 30.04 percent left because of an inability to make a living, while 12.48 percent had no land. Upon the request of Republican People's Party (CHP) deputy Algan Hacaloglu, a former state minister for human rights, a parliamentary committee was formed to investigate the cause of displacement and to provide aid to the displaced. It began work in July.

The village guard system (*Koruculuk*) continued to raise human rights concerns. Approximately 50,000 ethnic Kurdish villagers functioned as a civil guard force in remote areas in the southeast. On the whole poorly-trained and disciplined, village guards continued to be implicated in a variety of crimes including smuggling, kidnapping, and abuse of authority. According to Interior Ministry figures, between 1985-1996, village guards were involved in 296 murders. In February, Unal Erkan, a True Path Party (DYP) deputy and former governor of the emergency rule region, stated that village guards often operated outside the control of the gendarmerie. While some join willingly, either out of economic need or because their tribes are pro-state, many villages face pressure to enter the system. In January, there were reports of large-scale detentions by the gendarmerie in the Lice district of Diyarbakir based on the refusal of villagers to become village guards.

For its part, the PKK continued to commit human rights abuses such as extrajudicial killings, kidnapping, extortion, and destruction of property. Attacks are often targeted against those whom the PKK charges with "cooperating with the state," such as civil servants, teachers, and village guards' families. In April, PKK leader Abdullah Ocalan warned that he would not take responsibility for "the death of your children and families." In March, an official of the ERNK, the political wing of the PKK, threatened attacks against civilian targets, including tourists; in July, a female suicide bomber accidentally killed herself in a bathroom in the resort town of Bodrum as she prepared her attack. In 1996, the PKK carried out suicide bomb attacks that took the lives of both civilians and soldiers. In May, it was reported that PKK fighters murdered five workers at a water drilling site in the hamlet of Cardakli, Hani district of Diyarbakir. In July, PKK militants raided a village in the Erui district of Siirt province and murdered a villager on the basis that he was an "informant." In August, PKK members attacked a postal vehicle in Van province, killing four individuals. In Ordu, fighters murdered a policeman in a minibus stopped at a PKK roadblock.

While lively expression and debate existed in a wide variety of newspapers and private television stations, a number of laws, including articles 312 (inciting ethnic hatred) and 159 (insulting the parliament, army, republic, judiciary) of the Turkish penal code, article 8 of the Anti-Terror Law (separatist propaganda), the Law to Protect Atatürk (No. 5816), and article 16 of the Press Law, were employed to punish, fine, and imprison journalists and writers, and to confiscate and ban publications. Subjects that were sometimes punished included the Kurdish question, the role of the military, and political Islam, and newspapers most affected include leftist dailies like *Emek* (Labor) or Kurdish nationalist publications like (*Ulke'de*) *Gundem* (Agenda in the Land).

In addition, a vaguely-worded law (No. 3984), which regulates Turkey's sixteen national and 360 local television stations—the vast majority private—was used to fine and temporarily close stations (usually for one day.) The government discussed amending the law to change closure penalties into fines, but as of this writing, no new law had been passed.

The case of three journalists arrested in June 1997 exemplifies the arbitrary and contradictory nature of repression of free expression. Two journalists from the now defunct *Demokrasi* newspaper and the Diyarbakir correspondent from ATV television station were arrested in June for interviewing two former PKK members alleged to have taken part in killings and illegal activities on behalf of the state. The three journalists were charged with forcing the pair to make the statements "in accord with the goals of the PKK." The men, however, made the same statements without incident to other newspapers, two television programs, including Mehmet Ali Birand's *32nd Day*, and to a Turkish parliamentary commission investigating the 1993 death-squad-style death of journalist Ugur Mumcu. A similar case occurred with the Turkish-language edition of Leo Muller's book *Gladio: Das*

ERBE DES KALTEN KRIEGES (GLADIO: THE LEGACY OF THE COLD WAR), originally published in Germany. While PENCERE publishing, a small Istanbul publishing house, released the first edition without incident, the second edition of the book published in February was confiscated and both the publisher and translator were tried under article 312 and the Anti-Terror Law. In September, they were given a suspended sentence on the article 312 charge and on a fine under the Anti-Terror Law. Both sentences are under appeal.

Torture in pre-trial detention and police abuse continued, though the Refahiyol government reduced detention periods for those held for crimes under the jurisdiction of State Security Courts, and the present government of Mesut Yilmaz vowed to end police abuse. The outcome of both these actions was unclear, however, and credible accounts of abuse appeared frequently in the press in 1997. In December 1996, the Council of Europe's Committee for the Prevention of Torture (CPT) issued a "Public Statement on Turkey" that condemned "flagrant examples of torture encountered by CPT delegations." Electric shock, squeezing of testicles, suspension by the limbs, blindfolding, and stripping naked were often used as a method of interrogation, especially by the Anti-Terror Police. It was also reported that police continued to flout regulations requiring the immediate registration of detainees to avoid compliance with the March 1997 law reducing maximum detention periods for security detainees, which dropped from fifteen to seven days, and from thirty to ten days in the state of emergency region.

Police discipline and control was often lacking during crowd control duties, especially those involving leftists and Kurds. In February, an individual in Antalya died in police detention of a heart attack after being beaten with walkie-talkies. In July, four cameramen covering an Islamist demonstration in Istanbul were beaten so badly by the police that they needed hospitalization; in September, some participants in the "Musa Anter Peace Train" were beaten by police and had their banners burned. A report prepared by a private U.S. consulting firm noted the lack of adequate oversight of police by supervisory officers, especially during crowd control, as well as the inadequacy of the government response to allegations of torture.

Overcrowding, under-funding, and bad conditions continued to plague Turkey's prison system: 562 prisons held 56,000 prisoners, including 9,241 security detainees. The Justice and Interior Ministries' split jurisdiction over prisons, lax oversight, and poorly trained and easily bribed warders (*gardiyan*) further exacerbated an already explosive situation. Convicts were housed in large open wards, which allowed prisoners, especially in political cases, to enforce discipline and punishment—including executions—among themselves. There were credible reports of the gendarmérie beating prisoners while transporting them to court or to the hospital. In suppressing prison unrest, the gendarmérie often used excessive and deadly force. Six inmates charged with criminal offenses died in July during a riot in Istanbul's Metris prison. Turkish television broadcast footage of gendarmérie brutally beating inmates with rifle butts and batons while attempting to restore order. While it is still unclear whether security forces or prisoners were responsible for the six deaths, Yucel Sayman, the chair of the Istanbul bar who investigated the incident, put ultimate blame on "the order of vested interests in the prisons."

Far-left armed groups, such as Revolutionary Left (*Dev Sol/DHKP-C*) and Turkish Workers' and Peasants' Liberation Army (*TKKO*), continued to commit abusive, violent acts. In August, it was reported that *Dev-Sol* launched an unsuccessful attack in an attempt to kill eight Islamists charged in the 1993 fire that killed thirty-seven intellectuals in Sivas. In May, *TKKO* members reportedly killed four civilians at a flour mill in Tokat. In September, a radical Islamist group, *Vasat*, a splinter of the Islamic Great Eastern Raiders Front (*IBDA-C*), killed one and wounded twenty-four others in a grenade attack during the Gaziantep trade fair.

Civil society played an increasingly important role, a bright spot in the year. A lively if sometimes sensationalist press aggressively pursued the Susurluk story, and the Press Council lobbied for the August law freeing journalists. Peaceful demonstrations dubbed "A Minute of Darkness for Light" spread over Turkey as households turned off the lights to protest Susurluk and corruption. The Turkish Industrialists' and Businessmen's Association (*TUSIAD*) continued its call for greater democratization with the release of a 204-page report, *Perspectives on Democratization in Turkey*. Individuals also spoke out. A state security court prosecutor during a television talk show questioned the independence of the judiciary. He was later charged with insulting the

judiciary. ESBER YAGMURDERELI ran a campaign to gather 1,000,000 signatures to draw attention to the conflict in the southeast and handed them to the SPEAKER OF THE PARLIAMENT in mid-1997. YAGMURDERELI, recently remanded into custody on FREE EXPRESSION CHARGES, COMMENTED THAT, "PEOPLE ARE MUCH MORE AWARE OF THE RESTRICTIONS OF THEIR FREEDOM THAN IN THE PAST...POLICIES WHICH LIMIT THE PRACTICE OF POLITICS IN THIS COUNTRY CANNOT SURVIVE MUCH LONGER."

The Right To Monitor

TURKEY'S THREE MAIN HUMAN RIGHTS GROUPS, THE HUMAN RIGHTS FOUNDATION OF TURKEY (HRFT), THE HUMAN RIGHTS ASSOCIATION (HRA), AND THE ISLAMIST-BASED MAZLUM-DER, CONTINUED THEIR VOCAL AND ACTIVE MONITORING. THE GOVERNMENT'S BEHAVIOR WAS CONTRADICTORY. IT APPEARED TO RECOGNIZE THE LEGITIMACY OF THE GROUPS' ACTIVITIES, EVIDENCED BY IT ALLOWING ALL THREE TO PARTICIPATE IN AN AUGUST MEETING OF THE GOVERNMENT'S NEWLY-CREATED "HUMAN RIGHTS HIGH COUNCIL." ON THE OTHER HAND, THERE WERE ARRESTS AND CRIMINAL PROSECUTIONS OF HUMAN RIGHTS ACTIVISTS, AND HUMAN RIGHTS PUBLICATIONS WERE BANNED. IN AUGUST, A CRIMINAL TRIAL BEGAN TO CLOSE THE HRA ON GROUNDS OF "DISSEMINATING SEPARATIST PROPAGANDA" AND "INCITING THE PEOPLE TO ENMITY THROUGH RACIAL AND REGIONAL DISCRIMINATION" DURING HUMAN RIGHTS WEEK IN DECEMBER 1996. BETWEEN MAY AND AUGUST, THE DIYARBAKIR, IZMIR, MALATYA, KONYA, URFA, MARDIN, AND BALIKESIR BRANCHES OF THE HRA WERE ORDERED CLOSED BY STATE AUTHORITIES; AS OF THIS WRITING, ONLY THREE HAVE BEEN ALLOWED TO REOPEN. IN MAY, DR. TUFAN KOSE WAS FOUND GUILTY OF "NEGLECTANCE IN DENOUNCING A CRIME" AND MUSTAFA CINKILIC, A LAWYER, WAS ACQUITTED OF "DISOBEYING THE ORDERS OF AUTHORITIES." THE CASE AGAINST BOTH MEN, REPRESENTATIVES OF THE HRFT ADANA BRANCH, STEMS FROM THEIR REFUSAL TO PROVIDE AUTHORITIES WITH THE NAMES AND RECORDS OF 167 VICTIMS OF TORTURE WHO SOUGHT TREATMENT IN ADANA. AS REVEALED IN FOREIGN MINISTRY DOCUMENTS LEAKED IN 1996, THE TRIAL WAS OPENED BECAUSE THE HRFT REPORTS WERE WIDELY USED AND QUOTED BY NEWS AGENCIES AND FOREIGN EMBASSIES AND GOVERNMENTS.

FOREIGN HUMAN RIGHTS GROUPS WERE GENERALLY ABLE TO TRAVEL TO TURKEY TO CONDUCT RESEARCH AND OBSERVE TRIALS. AMNESTY INTERNATIONAL'S RESEARCHER FOR TURKEY REMAINED BANNED FROM ENTERING THE COUNTRY, THOUGH AMNESTY WAS ABLE TO SEND OTHER RESEARCHERS AND TRIAL OBSERVERS. IN SEPTEMBER, THE YILMAZ GOVERNMENT LIFTED THE ENTRANCE BAN AGAINST TWENTY-ONE GERMAN CITIZENS, INCLUDING AN AMNESTY CONSULTANT DEPORTED IN JUNE 1995. NO JOURNALISTS, FOREIGN OR DOMESTIC, WERE ALLOWED FREE ACCESS TO NORTHERN IRAQ DURING TURKEY'S MAY INCURSION; SELECT FOREIGN CORRESPONDENTS WERE TAKEN UNDER MILITARY SUPERVISION IN A ONE-TIME PRESS POOL. IN GENERAL, ACCESS FOR JOURNALISTS AND HUMAN RIGHTS OBSERVERS TO RURAL AREAS OF SOUTHEASTERN TURKEY UNDER EMERGENCY RULE IS LIMITED, AND IT HAS PROVEN DIFFICULT TO ENTER TUNCELI PROVINCE, SCENE OF HEAVY FIGHTING BETWEEN SECURITY FORCES AND THE PKK. STEVEN KINZER, THE NEW YORK TIME'S ISTANBUL BUREAU CHIEF, WAS DETAINED OVERNIGHT AND QUESTIONED NEAR BATMAN PROVINCE IN FEBRUARY 1997.

The Role of the International Community

Europe

TURKEY CONTINUED TO HAVE TENSE RELATIONS WITH THE EUROPEAN UNION OVER A NUMBER OF ISSUES, INCLUDING HUMAN RIGHTS AND POSSIBLE E.U. MEMBERSHIP FOR TURKEY. ON DECEMBER 13, 1995, THE EUROPEAN PARLIAMENT RATIFIED A CUSTOMS UNION AGREEMENT INTENDED TO REDUCE TRADE BARRIERS AND TARIFFS BETWEEN TURKEY AND THE E.U. THE PARLIAMENT, HOWEVER, CONTINUED TO BLOCK PAYMENT OF SOME U.S.\$470 MILLION IN ADJUSTMENT FUNDS BECAUSE OF HUMAN RIGHTS CONCERNS. GREECE—AN E.U. MEMBER—HAD ALSO OPPOSED RELEASING THE FUNDS TO TURKEY.

THE E.U. SENT MIXED SIGNALS TO ANKARA CONCERNING FUTURE E.U. MEMBERSHIP. WHILE BRUSSELS CONTINUED TO RAISE CONCERNS OVER DEMOCRATIZATION, RESPECT FOR HUMAN RIGHTS, AND ECONOMIC DEVELOPMENT, IN 1997 TURKEY'S MUSLIM IDENTITY ALSO BECAME AN ISSUE. IN FEBRUARY, DUTCH FOREIGN MINISTER AND E.U. TERM PRESIDENT HANS VAN MIERLO STATED THAT, "THERE IS A PROBLEM OF A LARGE MUSLIM STATE. DO WE WANT THAT IN EUROPE? IT IS AN UNSPOKEN QUESTION." EVENTUALLY,

the E.U. lowered its cultural hurdle and stated that Turkey would be judged under the same criteria as other applicants.

The European Commission of Human Rights, which acts as a gatekeeper for the European Court of Human Rights, continued to review applications—primarily allegations of arbitrary detention, torture, forced village evacuations, disappearances while in custody, and unlawful death—brought by Turkish citizens under the right of individual petition. Between 1990–96, the commission registered 1,389 applications; it declared 133 admissible and 274 inadmissible. In September 1997, the court ruled that in 1993 the Turkish gendarmerie had raped and tortured an ethnic Kurdish woman in custody.

United States

The U.S. government maintained its policy of keeping human rights issues on the agenda while stressing the overall importance of Turkey as a strategic U.S. ally. During his July confirmation hearings as Secretary for European and Canadian Affairs, Marc Grossman, the previous U.S. ambassador to Turkey, stated that U.S. policy toward Turkey contained three dimensions: promoting democracy, getting “the right kind of a security relation,” and expanding trade. The Clinton administration at times did openly criticize the Turkish government: in February, Secretary of State Madeline Albright stated that, “there are things going on there which we do not approve of, certainly in the area of human rights.” In June she spoke against any direct intervention by the military. The embassy was active in monitoring human rights, including trials, and the State Department’s *Country Report on Human Rights Practices for 1996* was candid and well-informed.

The level of U.S. military loans (FMF) and economic support funds (ESF) remained steady. In 1997, U.S. \$22 million in ESF and \$175 million in FMF were appropriated for Turkey. The Turkish government had earlier rejected the ESF funds because of a dispute over two amendments passed by Congress. An additional \$1.5 million was appropriated under the International Military Education and Training program; much of that was used to conduct human rights training among Turkish forces.

The issue of weapons transfers again proved to be a controversial topic, especially in light of a congressionally-mandated report prepared by the Departments of State and Defense on the use of U.S. weapons in the conflict with the PKK. Released in July, it charged that the Turkish government had conducted a conscious policy of forced village evacuations.

Relevant Human Rights Watch report:

Turkey: Torture and Mistreatment in Pre-Trial Detention by Anti-Terror Police, 3/97

TURKMENISTAN

Human Rights Developments

The rigidly authoritarian government in Turkmenistan continued to prevent the exercise of virtually all civil and political rights in 1997. Turkmenistan’s autocratic ruler, President Saparmurad Niyazov, used security forces and heavy censorship to repress the citizens of Turkmenistan. As a result, with almost no information on human rights abuses, no opposition, no possibility of public debate, no freedom of assembly, no foreseeable movement toward democratization, and omnipresent security services to maintain repression, there was, ironically, a sense of public calm. This allowed human rights to be effectively removed from the agenda in Turkmenistan’s dialogue with outsiders keen to benefit from its hydrocarbon wealth.

One of the few documentable cases of abuse, reminiscent of the Soviet-era abuse of the psychiatric system, was that of Durdymurad Khojamammedov, co-chair of the banned Party of Democratic Development of Turkmenistan. He has reportedly been in mental hospitals since February 23, 1996, with no medical justification. Eight prisoners

OF CONSCIENCE, ARRESTED IN ASHGABAT ON JUNE 12, 1995 IN CONNECTION WITH A MARCH PROTESTING DETERIORATING ECONOMIC CONDITIONS, REMAINED IN JAIL IN 1997. THEIR NAMES ARE NOT KNOWN, EXCEPT FOR CHARYMURAD AMANDURDYEV. THE AUTHORITIES SHOWED NO SIGNS OF RELEASING TWO MEN SERVING LONG SENTENCES FOR AN ALLEGED, BUT AS YET UNPROVEN, PLOT TO ASSASSINATE PRESIDENT NIYAZOV. TWO MEN ASSOCIATED WITH THE EXILED OPPOSITION—MUHAMMEDKULI AYMURADOV AND KHOSHALI GARAEV, WHO WERE SENTENCED IN 1995 TO FIFTEEN AND TWELVE YEARS, RESPECTIVELY, IN STRICT-REGIME LABOR CAMPS—REMAINED IN PRISON. THERE IS NO INFORMATION ABOUT THEIR CURRENT CONDITIONS OF DETENTION.

TURKMENISTAN'S RUBBER-STAMP PARLIAMENT APPROVED A NEW CRIMINAL CODE ON JUNE 12. THE DEATH PENALTY IS PROVIDED FOR SEVENTEEN CRIMES, AND THE MAXIMUM CUSTODIAL SENTENCE IS TWENTY YEARS.

NO OFFICIAL MOVES TOWARD A GENERAL OVERHAUL OF THE POLICE, JUDICIAL AND PENITENTIARY SYSTEMS WERE REPORTED. IN ONE MOVE REFLECTING APPARENT DISSATISFACTION WITH THE PROSECUTION SERVICE, THE PRESIDENT REPLACED THE PROSECUTOR GENERAL, BAYRAMMURAD ASHYRLYEV, ON APRIL 3 WITH DEPUTY PROSECUTOR GURBANBIBI ATAJANOVA. IN FIRING ASHYRLYEV, PRESIDENT NIYAZOV LAUNCHED AN ATTACK ON PROSECUTION OFFICIALS, ACCUSING THEM OF INCOMPETENCE AND CORRUPTION AND OF PROSECUTING THE INNOCENT INSTEAD OF CRIMINALS. THREE DAYS LATER, HE CHASTISED POLICE AND SECURITY FORCES FOR FAILING TO UNDERSTAND THE REQUIREMENTS OF BUILDING A "LAW-GOVERNED DEMOCRATIC STATE"—WITHOUT DEFINING HOW HE HIMSELF PLANNED TO MOVE IN THAT DIRECTION. BY THE YEAR'S END IT WAS UNCLEAR WHETHER HIS CRITICISMS HAD EFFECTED ANY IMPROVEMENTS.

IN AN APPARENT ATTEMPT TO ALLEVIATE OVERCROWDING IN THE PRISONS, THE PRESIDENT REPORTEDLY RELEASED AT LEAST 5,000 PRISONERS IN TWO AMNESTIES IN DECEMBER 1996 AND JUNE 1997. UNDER THE JUNE AMNESTY, DEATH SENTENCES PASSED ON 222 PRISONERS WERE ALSO REPORTEDLY COMMUTED TO SENTENCES OF BETWEEN TEN AND TWENTY YEARS. NO FIGURES FOR THE NUMBER OF EXECUTIONS CARRIED OUT IN 1997 WERE AVAILABLE; THERE WERE AN APPALLING 400 IN 1996, MAKING TURKMENISTAN A WORLD LEADER IN PER CAPITA STATE EXECUTIONS.

A DEATH PENALTY CASE THAT HIGHLIGHTED THE ARBITRARY AND BIASED METHODS OF TURKMENISTAN'S CRIMINAL JUSTICE SYSTEM WAS THAT OF ASHIRGELDY SADYYEV. SADYYEV WAS SENTENCED TO DEATH FOR DRUG TRAFFICKING ON MAY 21. AMNESTY INTERNATIONAL AND OTHER SOURCES FAMILIAR WITH THE CASE REPORTED THAT THE CASE AGAINST HIM WAS FABRICATED.

The Right to Monitor

THE HARSH OPPRESSION THAT PERVADES TURKMENISTAN SOCIETY MADE COMPREHENSIVE MONITORING OF HUMAN RIGHTS VIRTUALLY IMPOSSIBLE. THERE ARE NO KNOWN LOCAL GROUPS DOCUMENTING VIOLATIONS OF CIVIL AND POLITICAL RIGHTS. IT IS ALMOST IMPOSSIBLE FOR FOREIGN GROUPS TO CONTACT LOCALS WITHOUT ENDANGERING THE LATTER WITH GRAVE CONSEQUENCES, SUCH AS HARASSMENT BY SECURITY FORCES OR ARREST. THE GOVERNMENT ESTABLISHED AN INSTITUTE FOR DEMOCRATIZATION AND HUMAN RIGHTS IN OCTOBER 1996, BUT SO FAR NO EVIDENCE SUGGESTS THAT IT HAS EVEN THE MOST LIMITED MANDATE TO SEEK THE TRUTH OR EFFECT CHANGE.

The Role of the International Community

THERE WAS VIRTUALLY NO PUBLIC CRITICISM OF TURKMENISTAN'S HUMAN RIGHTS RECORD BY INTERNATIONAL ACTORS. IN ONE EXCEPTION, THE U.S. DEPARTMENT OF STATE'S *COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1996*, PROVIDED A COMPREHENSIVE AND HIGHLY CRITICAL OVERVIEW OF ABUSES. FOREIGN GOVERNMENTS MADE NO KNOWN DEMARCHES ON HUMAN RIGHTS MATTERS. THIS IS NO DOUBT IN PART DUE TO THE LACK OF NEW INDIVIDUAL CASES IN SUCH AN ATMOSPHERE OF TOTAL REPRESSION. HOWEVER, THEIR SILENCE AND THAT OF INTERNATIONAL DONORS CREATES A SENSE OF IMPUNITY AMONG TURKMENISTAN'S ALREADY INSULATED LEADERSHIP.

UNITED
KINGDOM

Human Rights Developments

Northern Ireland

THE ELECTION OF A NEW LABOUR GOVERNMENT IN MAY 1997 AND THE RENEWAL OF THE IRISH REPUBLICAN ARMY (IRA) CEASE-FIRE ON JULY 20, 1997, REVIVED A MORIBUND NORTHERN IRELAND PEACE PROCESS. THE CEASE-FIRE AFFORDED SINN FÉIN, THE POLITICAL ARM OF THE IRA, A SEAT AT THE NEGOTIATING TABLE FOR PEACE TALKS THAT RESUMED ON SEPTEMBER 15, 1997. DESPITE THREATS BY THE ULSTER UNIONIST PARTY (UUP), THE LARGEST PROTESTANT POLITICAL PARTY, TO WITHDRAW FROM THE NEGOTIATIONS, THE UUP HAS REMAINED AT THE TABLE. A CAR BOMB EXPLOSION IN THE VILLAGE OF MARKETHILL ON SEPTEMBER 16, 1997, THREATENED TO DERAIL TALKS BEFORE THEY HAD EVEN BEGUN, BUT THE IRA IMMEDIATELY ISSUED A STATEMENT DENYING RESPONSIBILITY FOR THE ATTACK. A FRINGE REPUBLICAN PARAMILITARY GROUP, THE CONTINUITY IRA, CLAIMED RESPONSIBILITY FOR THE BOMBING. AS OF THIS WRITING, SUBSTANTIVE TALKS ARE UNDER WAY, WITH LOCAL AND INTERNATIONAL HUMAN RIGHTS GROUPS PRESSING FOR INTEGRATION OF HUMAN RIGHTS CONCERNS INTO THE PEACE PROCESS. THE TREATMENT OF PRISONERS, POLICE ABUSE, THE USE OF PLASTIC BULLETS, UNRESOLVED MISCARRIAGES OF JUSTICE, AND DELAYED GOVERNMENT RESPONSE TO FRESH EVIDENCE IN THE BLOODY SUNDAY KILLINGS BY SECURITY FORCES REMAIN OUTSTANDING HUMAN RIGHTS CONCERNS.

ON NOVEMBER 20, 1996, ROISIN MCALISKEY, THE TWENTY-FIVE-YEAR-OLD DAUGHTER OF CIVIL RIGHTS ACTIVIST BERNADETTE MCALISKEY, WAS ARRESTED AND DETAINED UNDER NORTHERN IRELAND'S EMERGENCY LAWS. MCALISKEY WAS FOUR MONTHS PREGNANT, ASTHMATIC, AND SUFFERING FROM AN EATING DISORDER AT THE TIME OF ARREST. THE ARREST WAS MADE ALLEGEDLY ON THE BASIS OF AN EXTRADITION WARRANT ISSUED BY GERMAN AUTHORITIES IN CONNECTION WITH AN IRA MORTAR ATTACK ON A BRITISH ARMY BASE IN OSNABRUCK, GERMANY, IN JUNE 1996. MCALISKEY WAS INTERROGATED AT THE NOTORIOUS CASTLEREAGH HOLDING CENTRE IN BELFAST; SHE ALLEGES THAT THE MORTAR ATTACK WAS NOT MENTIONED BY ROYAL ULSTER CONSTABULARY (RUC) DETECTIVES UNTIL THE SIXTH DAY OF INTERROGATION. SHE WAS REMANDED IN CUSTODY TO LONDON AND PLACED IN HOLLOWAY PRISON, A WOMEN'S PRISON. ON NOVEMBER 30, 1997, MCALISKEY WAS TRANSFERRED TO BELMARSH PRISON—AN ALL-MALE, HIGH SECURITY DETENTION FACILITY—AND KEPT IN ISOLATION. AFTER AN INTERNATIONAL OUTCRY, MCALISKEY WAS TRANSFERRED BACK TO HOLLOWAY AND PLACED IN SOLITARY CONFINEMENT AS THE ONLY CATEGORY A HIGH SECURITY RISK INMATE.

MCALISKEY WAS PROHIBITED FROM ASSOCIATION WITH OTHER PRISONERS, SUBJECTED TO FREQUENT STRIP SEARCHES, AND PERMITTED "CLOSED" VISITS ONLY—VISITS WHERE NO PHYSICAL CONTACT BETWEEN PRISONER AND VISITOR IS PERMITTED. MOST DISTURBING WERE CREDIBLE REPORTS THAT MCALISKEY WAS DENIED APPROPRIATE OBSTETRIC CARE DESPITE MEDICAL REPORTS THAT HER FETUS WAS UNDERWEIGHT. AFTER INTERNATIONAL PROTESTS AGAINST THE U.K. GOVERNMENT FOR VIOLATIONS OF THE PROHIBITION AGAINST CRUEL, INHUMAN OR DEGRADING TREATMENT, MCALISKEY'S CLASSIFICATION WAS CHANGED AND HER CONDITIONS OF DETENTION IMPROVED. AFTER REPEATED DENIALS OF BAIL, MCALISKEY WAS RELEASED ON BAIL TO A LONDON HOSPITAL WHERE SHE GAVE BIRTH TO A BABY GIRL ON MAY 26, 1997. ON JUNE 3, SHE WAS GRANTED CONDITIONAL BAIL ON MEDICAL GROUNDS AND TRANSFERRED TO A HOSPITAL WITH A MOTHER AND BABY UNIT. MCALISKEY'S EXTRADITION HEARING HAS BEEN ADJOURNED REPEATEDLY BECAUSE SHE IS TOO ILL TO ATTEND, AND THE JUDGE REFUSES TO HOLD THE HEARING IN HER ABSENCE. THE NEXT HEARING IS SCHEDULED FOR NOVEMBER 10, 1997. DISTURBING QUESTIONS HAVE ARISEN ABOUT THE QUALITY OF THE EVIDENCE THAT THE GERMAN AUTHORITIES POSSESS ALLEGEDLY CONNECTING MCALISKEY WITH THE OSNABRUCK ATTACK, INCLUDING AN ADMISSION ON GERMAN TELEVISION BY AN ALLEGED GOVERNMENT WITNESS THAT HE HAD NEVER SEEN MCALISKEY.

IRA VIOLENCE, WHICH RESUMED IN FEBRUARY 1996 AFTER A SEVENTEEN-MONTH CEASE-FIRE, CONTINUED INTO 1997. IN DECEMBER 1996, AN IRA GUNMAN SHOT AND INJURED AN RUC OFFICER GUARDING A UNIONIST POLITICIAN VISITING HIS SON IN THE HOSPITAL. AN IRA SNIPER SHOT AND KILLED A TWENTY-THREE-YEAR-OLD BRITISH INFANTRYMAN AT A CHECKPOINT IN THE VILLAGE OF BESSBROOK IN FEBRUARY 1997. IN APRIL 1997, A PART-TIME POLICEWOMAN WAS SHOT BY AN IRA SNIPER WHILE ON GUARD DUTY OUTSIDE THE LONDON/DERRY CROWN COURT. THESE ATTACKS CULMINATED WITH THE MURDERS OF TWO POLICE OFFICERS IN LURGAN ON JUNE 16, 1997, BY TWO MASKED IRA GUNMEN IN THE PRESENCE OF SEVERAL EYEWITNESSES.

ON JUNE 23, 1997, COLIN DUFFY—who had publicly accused the RUC OF COLLUSION WITH LOYALIST PARAMILITARIES IN THE PAST—WAS ARRESTED FOR THE MURDERS OF THE LURGAN POLICE OFFICERS. DUFFY HAD BEEN ACQUITTED ON APPEAL FOR THE MURDER OF A FORMER SOLDIER IN SEPTEMBER 1996 AFTER IT WAS DISCOVERED THAT THE KEY PROSECUTION WITNESS, LINDSAY ROBB, HAD BEEN CONVICTED FOR ILLEGALLY PROCURING ARMS FOR A LOYALIST PARAMILITARY GROUP. DUFFY WON HIS APPEAL

BASED ON ROBB'S INHERENT UNRELIABILITY AS A WITNESS. THE CASE STRONGLY SUGGESTED THAT THE RUC KNEW ABOUT ROBB'S PARAMILITARY ASSOCIATIONS AND WAS COMPLICIT WHEN ROBB TESTIFIED UNDER OATH THAT HE HAD NO CONNECTIONS WITH LOYALIST PARAMILITARIES. AFTER DUFFY'S ARREST FOR THE MURDERS OF THE POLICE OFFICERS, NUMEROUS WITNESSES STATED THAT HE WAS NOT AT THE SCENE OF THE CRIME. EYEWITNESS DESCRIPTIONS OF THE GUNMEN DID NOT MATCH DUFFY'S PHYSIQUE, AND THERE WAS NO FORENSIC EVIDENCE CONNECTING DUFFY TO THE MURDERS. THE ONLY WITNESS AGAINST COLIN DUFFY—A WOMAN HELD IN PROTECTIVE POLICE CUSTODY—WAS DESCRIBED BY THOSE WHO KNOW HER WELL AS A HABITUAL LIAR AND EMOTIONALLY UNSTABLE. OTHER EYEWITNESSES CLAIM THAT SHE WAS NOT PRESENT WHEN THE MURDERS OCCURRED, BUT ARRIVED ON THE SCENE AFTER THE GUNMEN FLED. DUFFY WAS DENIED BAIL THREE TIMES. HUMAN RIGHTS ORGANIZATIONS MADE REPRESENTATIONS TO THE POLICE, THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP), AND THE U.N. WORKING GROUP ON ARBITRARY DETENTIONS SEEKING DUFFY'S IMMEDIATE RELEASE. ON OCTOBER 3, 1997, THE CHARGES AGAINST COLIN DUFFY WERE DISMISSED FOR LACK OF EVIDENCE AND HE WAS RELEASED AFTER SPENDING FOUR MONTHS IN CUSTODY. COLIN DUFFY HAS BEEN HARASSED ROUTINELY BY THE POLICE SINCE HIS RELEASE. THE DUFFY CASE IS A FOCAL POINT FOR HUMAN RIGHTS ADVOCACY EFFORTS TO REFORM THE HIGHLY ABUSIVE FEATURES OF THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND.

IN JULY 1997, GOVERNMENT-SPONSORED NEGOTIATIONS AIMED AT REACHING A COMPROMISE BETWEEN NATIONALIST RESIDENTS OF THE GARVAGHY ROAD AND MEMBERS OF THE PROTESTANT ORANGE ORDER SEEKING TO MARCH DOWN THE PREDOMINANTLY CATHOLIC ROAD FAILED, RESULTING IN A DECISION BY MARJORIE MOWLAM, SECRETARY OF STATE FOR NORTHERN IRELAND, TO ALLOW THE JULY 6 ORANGE MARCH TO PROCEED UNDER HEAVY POLICE AND MILITARY GUARD. RUC CHIEF CONSTABLE RONNIE FLANAGAN CLAIMED THAT ALLOWING THE MARCH TO PROCEED WAS THE LESSER OF TWO EVILS, INDICATING THAT THE GOVERNMENT AND POLICE SUBMITTED TO THREATS OF VIOLENCE FROM SUPPORTERS OF THE ORANGE ORDER, RESULTING IN A BREAKDOWN IN THE RULE OF LAW. A POLICE OPERATION COMMENCED ON THE GARVAGHY ROAD IN THE EARLY HOURS OF JULY 6 DURING WHICH RESIDENTS AND INTERNATIONAL MONITORS REPORTED THAT POLICE AND BRITISH SOLDIERS USED EXCESSIVE PHYSICAL FORCE TO CLEAR PEACEFUL PROTESTERS FROM THE ROAD. NATIONALIST OUTRAGE WAS EXACERBATED BY A CONFIDENTIAL GOVERNMENT MEMO DATED JUNE 20 AND LEAKED TO THE PRESS ON JULY 7 WHICH STATED THAT, IN THE ABSENCE OF LOCAL ACCOMMODATION BETWEEN THE GARVAGHY ROAD RESIDENTS AND THE ORANGE ORDER, ALLOWING THE MARCH TO PROCEED WAS "THE LEAST WORST OUTCOME." VIOLENCE EXPECTED TO ERUPT THE FOLLOWING WEEK DURING JULY 12 MARCHES WAS ECLIPSED BY AN ANNOUNCEMENT BY A NUMBER OF ORANGE LODGES THAT MANY CONTENTIOUS MARCHES WOULD BE CANCELED OR REROUTED.

APPROXIMATELY 2,500 PLASTIC BULLETS WERE FIRED BY THE POLICE AND ARMY IN THE AFTERMATH OF THE GARVAGHY ROAD MARCH. NUMEROUS PEOPLE WERE SERIOUSLY INJURED, INCLUDING A THIRTEEN-YEAR-OLD GIRL WHO WAS HIT IN THE MOUTH BY A PLASTIC BULLET ON HER WAY HOME FROM A DISCO AND A FOURTEEN-YEAR-OLD BOY WHO WAS IN COMA FOR SEVERAL DAYS DUE TO A HEAD WOUND FROM A PLASTIC BULLET. THE EUROPEAN PARLIAMENT, AND NUMEROUS HUMAN RIGHTS GROUPS, INCLUDING HUMAN RIGHTS WATCH, HAVE CALLED FOR A BAN ON PLASTIC BULLET USE IN NORTHERN IRELAND. ARGUMENTS FOR A BAN WERE FORTIFIED BY U.K. MINISTRY OF DEFENSE REVELATIONS IN JUNE AND AUGUST 1997 THAT DEFECTIVE PLASTIC BULLETS WERE DEPLOYED DURING CIVIL DISTURBANCES ARISING FROM THE 1996 AND 1997 MARCHING SEASONS, INCREASING THEIR INACCURACY AND THE LIKELIHOOD OF INJURY. MOREOVER, IMPORTANT DISPARITIES IN THE GUIDELINES FOR PLASTIC BULLET USE AMONG THE RUC, THE BRITISH ARMY IN NORTHERN IRELAND, AND BRITISH POLICE FORCES HAVE LED TO CRITICISM OF THE WEAKNESSES IN THE CURRENT MECHANISMS FOR ACCOUNTABILITY.

ON JUNE 20, 1997, PATRICK KANE, ONE OF THE CASEMENT THREE CONVICTED IN 1989 FOR THE MURDERS OF TWO BRITISH ARMY CORPORALS, WAS RELEASED AFTER SERVING EIGHT YEARS IN PRISON. THE COURT OF APPEAL DESCRIBED KANE'S CONVICTION AS "UNSAFE" BECAUSE THE TRIAL JUDGE DID NOT HAVE ACCESS TO MEDICAL EVIDENCE CONCERNING KANE'S DIMINISHED MENTAL CAPACITY AT THE TIME HE WAS INTERROGATED BY POLICE IN THE ABSENCE OF A GUARDIAN OR LEGAL COUNSEL. SEAN KELLY AND MICHAEL TIMMONS REMAIN INCARCERATED DESPITE STRONG EVIDENCE THAT THEIR CONVICTIONS WERE THE RESULT OF INADEQUATE OR FAULTY LEGAL PROCEDURES INCLUDING TRIALS IN JURYLESS DIPLOCK COURTS, VIOLATION OF THE RIGHT TO REMAIN SILENT, RELIANCE UPON POOR-QUALITY VIDEO FOOTAGE FOR IDENTIFICATION PURPOSES, AND CONFUSED APPLICATION OF THE DOCTRINE OF COMMON PURPOSE. THE NORTHERN IRELAND SECRETARY OF STATE REFUSED TO SEND THE TWO CASES BACK TO THE COURT OF APPEAL FOR REVIEW, BUT THE CASES HAVE BEEN SUBMITTED TO THE CRIMINAL CASE REVIEW COMMISSION, ESTABLISHED IN 1997 TO EVALUATE AND MAKE RECOMMENDATIONS REGARDING MISCARriage OF JUSTICE CASES. ON OCTOBER 27, 1997, THE NORTHERN

IRELAND LIFE SENTENCE REVIEW BOARD (LSRB) HELD THAT TIMMONS AND KELLY WOULD BE PERMITTED LEAVES FROM PRISON FOR WEEKEND AND HOLIDAY VISITS WITH FAMILY AND THAT THE TWO MEN WOULD BE ALLOWED TO WORK OUTSIDE THE PRISON BEGINNING IN THE SPRING OF 1998.

NEW REVELATIONS REGARDING THE CONDUCT OF BRITISH PARATROOPERS AND SOLDIERS WHO OPENED FIRE ON UNARMED CIVILIANS KILLING THIRTEEN PEOPLE ON BLOODY SUNDAY, JANUARY 30, 1972, AND THE TAMPERING WITH EVIDENCE SUBMITTED TO THE WIDGERY TRIBUNAL—TASKED WITH INVESTIGATING THE EVENTS OF THAT DAY—HAVE LED TO RENEWED CALLS FOR A FAIR AND TRANSPARENT PUBLIC INQUIRY. THE BRITISH GOVERNMENT IS CURRENTLY CONSIDERING WHETHER TO QUASH THE FINDINGS OF THE ORIGINAL TRIBUNAL.

POSITIVE DEVELOPMENTS DURING 1997 INCLUDE GOVERNMENT PLANS TO INTRODUCE LEGISLATION TO INCORPORATE THE EUROPEAN CONVENTION ON HUMAN RIGHTS INTO BRITISH LAW AND THE REPEAL OF INTERNMENT LEGISLATION.

Racially-backed Violence

THE U.K. HAD ONE OF THE HIGHEST LEVELS OF RACIALLY-MOTIVATED VIOLENCE AND HARASSMENT IN WESTERN EUROPE IN FISCAL YEAR 1995-96. BETWEEN 1989 AND 1996, THE NUMBER OF RACIALLY-MOTIVATED ATTACKS INCREASED BY 275 PERCENT, FROM 4,383 TO 12,199, SUGGESTING AN ONGOING CRIME WAVE PERPETRATED BY SOME BRITISH WHITES, INCLUDING MEMBERS OF RADICAL NATIONALIST PARTIES, AGAINST ETHNIC MINORITY GROUPS. MOST DISTURBING ARE NUMEROUS REPORTS OF POLICE BRUTALITY—RESULTING IN DEATHS IN CUSTODY AND SEVERE PHYSICAL AND PSYCHOLOGICAL ILL-TREATMENT OF NON-WHITE DETAINEES—THAT ITSELF APPEARS TO BE RACIALLY-MOTIVATED. DESPITE THE INTRODUCTION IN OCTOBER 1997 OF A NEW GOVERNMENT POLICY OF LONGER SENTENCES FOR RACIALLY-MOTIVATED CRIMES, THERE IS WIDESPREAD EVIDENCE THAT POLICE AND INVESTIGATORS FAIL TO INVESTIGATE EFFECTIVELY RACIALLY-MOTIVATED CRIMES AND THAT MECHANISMS FOR POLICE ACCOUNTABILITY, SUCH AS THE POLICE COMPLAINTS SYSTEM, ARE INEFFECTIVE CHECKS ON POLICE MISCONDUCT.

The Right to Monitor

GOVERNMENT AND LAW ENFORCEMENT OFFICIALS COOPERATED WITH THE EFFORTS OF LOCAL AND INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS TO MONITOR POLICE ACTION DURING THE 1997 MARCHING SEASON IN NORTHERN IRELAND. THERE WERE NO REPORTED VIOLATIONS OF THE RIGHT TO MONITOR IN THE U.K.

The Role of the International Community

United Nations

IN RESPONSE TO CONCERNS RAISED BY HUMAN RIGHTS GROUPS ABOUT THE PERSISTENT HARASSMENT AND INTIMIDATION OF DEFENSE LAWYERS BY RUC DETECTIVES AND ALLEGATIONS OF POLICE COLLUSION IN THE LOYALIST PARAMILITARY MURDER IN 1989 OF CATHOLIC DEFENSE LAWYER PATRICK FINUCANE, THE U.N. SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF LAWYERS AND JUDGES MADE AN OFFICIAL VISIT TO THE U.K. AND NORTHERN IRELAND IN OCTOBER 1997. THE SPECIAL RAPPORTEUR PUBLICLY CALLED FOR AN INDEPENDENT INQUIRY INTO THE MURDER OF CATHOLIC DEFENSE LAWYER PATRICK FINUCANE AND CRITICIZED THE RUC FOR FAILING TO ADDRESS THE SERIOUS ISSUE OF LAWYER INTIMIDATION AND HARASSMENT IN NORTHERN IRELAND'S HOLDING CENTERS. THE SPECIAL RAPPORTEUR'S REPORT WILL BE SUBMITTED TO THE U.N. HUMAN RIGHTS COMMISSION IN MARCH 1998.

United States

THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS OF THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS HELD CONGRESSIONAL HEARINGS ON "HUMAN RIGHTS IN NORTHERN IRELAND" ON JUNE 24, 1997. THE CLINTON ADMINISTRATION WAS CRITICIZED BY MEMBERS OF THE SUBCOMMITTEE FOR FAILING TO SEND AN INVITED REPRESENTATIVE TO THE HEARING, SIGNALING A FAILURE ON THE PART OF THE U.S. GOVERNMENT TO HIGHLIGHT THE CRITICAL IMPORTANCE OF HUMAN RIGHTS GUARANTEES AND ACCOUNTABILITY FOR PAST ABUSES TO A JUST AND LASTING PEACE. ON JUNE 27, THE SUBCOMMITTEE SENT A LETTER CALLING ON THE RUC TO BAN THE USE OF PLASTIC BULLETS. REPRESENTATIVE CHRIS SMITH, CHAIRPERSON OF THE SUBCOMMITTEE, LED A

HUMAN RIGHTS FACT-FINDING MISSION TO NORTHERN IRELAND IN AUGUST 1997. THE SUBCOMMITTEE SPONSORED AN OPEN MEETING ON OCTOBER 9, 1997, AT WHICH NONGOVERNMENTAL ORGANIZATIONS BRIEFED HOUSE MEMBERS ON THE HUMAN RIGHTS DIMENSION OF THE NORTHERN IRELAND PEACE PROCESS.

THE U.K. SECTION OF THE U.S. STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996* CITED NUMEROUS HUMAN RIGHTS CONCERNS WITH RESPECT TO NORTHERN IRELAND INCLUDING INTERNATIONAL CRITICISM OF PLASTIC BULLET USE, RESTRICTIONS ON DUE PROCESS RIGHTS ARISING FROM EMERGENCY LEGISLATION, SERIOUS IRREGULARITIES IN THE INVESTIGATIONS INTO THE MURDERS OF PATRICK FINUCANE AND PATRICK SHANAGHAN, U.N. TREATY BODIES' CONCERNS ABOUT THE MISTREATMENT OF DETAINEES IN NORTHERN IRELAND'S INTERROGATION CENTERS, AND ABUSIVE POLICE ACTION DURING THE 1996 MARCHING SEASON WHICH "DAMAGED THE RUC'S REPUTATION AS AN IMPARTIAL FORCE."

THE REPORT ALSO NOTED THE CONCERN OF THE U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD) THAT A DISPROPORTIONATE NUMBER OF MINORITIES IN THE U.K. WERE VICTIMS OF DEATHS IN POLICE CUSTODY AND THAT POLICE BRUTALITY ALSO APPEARED TO AFFECT RACIAL AND ETHNIC MINORITIES DISPROPORTIONATELY.

Relevant Human Rights Watch Reports:

TO SERVE WITHOUT FAVOR: POLICING, HUMAN RIGHTS AND ACCOUNTABILITY IN NORTHERN IRELAND, 5/97

RACIST VIOLENCE IN THE UNITED KINGDOM, 4/97

UZBEKISTAN

Human Rights Developments

HUMAN RIGHTS OBSERVANCE IN UZBEKISTAN IN 1997 WAS MARKED BY A SHARP DEPARTURE FROM GOVERNMENT PROMISES MADE IN 1996 TO IMPROVE ITS PERFORMANCE. INITIAL HOPES WERE CONFOUNDED BY A SERIES OF RETROGRADE ACTIONS BY THE GOVERNMENT, AND SOME RECENT IMPROVEMENTS, SUCH AS THE RELEASE OF TWELVE PRISONERS OF CONSCIENCE UNDER AMNESTY IN 1996, WERE NOT REPEATED IN 1997. THE GOVERNMENT CONTINUED TO VIOLATE MOST CIVIL AND POLITICAL RIGHTS AND ACTIVELY HARASSED OR PROSECUTED ISLAMIC FIGURES AND HUMAN RIGHTS ACTIVISTS. (THE GOVERNMENT HAD LIQUIDATED THE POLITICAL OPPOSITION BY 1995.) IN LIGHT OF THIS, THE INTRODUCTION OF NEW LEGISLATION COVERING VARIOUS ASPECTS OF HUMAN RIGHTS THIS YEAR APPEARED MORE SYMBOLIC THAN DESIGNED TO YIELD ACTUAL IMPROVEMENTS.

THE MEDIA REMAINED SUFFOCATED BY STATE CONTROLS, IN VIOLATION OF THE CONSTITUTION'S BAN ON CENSORSHIP. HOPES WERE RAISED IN JANUARY BY THE PUBLICATION OF A NEW NEWSPAPER, *HURRIYAT* (FREEDOM), UNDER AN EDITOR, KARIM BAHRIEV, WHO DEFIED OFFICIAL DISPLEASURE BY PUBLISHING UNCENSORED MATERIAL. HOWEVER, BY THE TIME THE NEWSPAPER'S SIXTH ISSUE CAME OUT ON FEBRUARY 12, MOUNTING PRESSURE FROM SENIOR MEDIA AND GOVERNMENT OFFICIALS HAD FORCED BAHRIEV OUT OF HIS POSITION, AND THE NEWSPAPER WAS TRANSFORMED INTO YET ANOTHER FAME, CENSORED VOICE OF OFFICIALDOM.

NONGOVERNMENTAL HUMAN RIGHTS ACTIVISTS STRUGGLED TO ORGANIZE, BUT THE GOVERNMENT REFUSED TO GRANT THEM REGISTRATION. THE IMPROVED ATMOSPHERE SURROUNDING AN ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE-SPONSORED HUMAN RIGHTS SEMINAR IN SEPTEMBER 1996 HAD LED MANY TO BELIEVE THAT THE GOVERNMENT WOULD FINALLY REGISTER THE NONGOVERNMENTAL HUMAN RIGHTS SOCIETY OF UZBEKISTAN; INDEED, PRESIDENT ISLAM KARIMOV INVITED THE SOCIETY'S CHAIRMAN ABDUMANNOB POLAT TO VISIT THE COUNTRY AFTER THREE AND A HALF YEARS IN EXILE. HOWEVER, THE JUSTICE MINISTRY REJECTED THE SOCIETY'S APPLICATION IN JANUARY 1997, CITING A NUMBER OF TECHNICAL PROBLEMS IN THE SUBMITTED DOCUMENTATION, BUT A DULY REVISED APPLICATION MET A FINAL REJECTION IN JULY. THE INDEPENDENT HUMAN RIGHTS ORGANIZATION HELD A FOUNDING MEETING IN TOSHKENT ON AUGUST 2, 1997. THE TOSHKENT CITY COUNCIL REFUSED EVEN TO RESPOND TO THE GROUP'S APPLICATION TO HOLD THIS SMALL PUBLIC GATHERING, A LEGAL STIPULATION THAT IN ITSELF INDICATES HOW LITTLE FREEDOM OF ASSEMBLY EXISTS IN UZBEKISTAN. NEVERTHELESS, IT HELD THE MEETING AND LODGED AN APPLICATION

for registration with the Justice Ministry on August 29.

By 1995, the government had ceased the arbitrary arrest of political opponents and independent Islamic figures on the almost standard charges of illegal possession of arms and narcotics. But the lull in arrests was broken this year with two new arrests on precisely these charges. Rahim Otoqulov, who appears to have been targeted because he taught Islam to pupils at home, was convicted on June 10 and given a three and a half year sentence for possession of drugs and pistol cartridges. Almost a textbook case of politically motivated arrest, his trial in the town of Margilan raised considerable questions of due process. In a very similar case, on June 19, a court sentenced Olimjon Ghofurov, a teacher of Islam from Namangan, to one year in prison for arms and drugs possession.

A leading Islamic figure, Tashkent teacher Obidkhon Nazarov, was subjected to constant pressure from state security agents through the first half of 1997. Beginning in 1996, local authorities repeatedly attempted to evict his family from their home, and on April 23 the city prosecutor brought criminal charges against him for alleged slander, based on the flimsy evidence of one cassette recording of unknown provenance and authenticity. As of this writing, no further action had been taken against him, but the charges appeared to be designed to deter him from further exercising his free speech rights.

The Muslim community as a whole was affected by restrictive moves undertaken by the authorities, including curbs on the use of loudspeakers for the call to prayer, steps to prevent female students from wearing Islamic headscarves in schools and colleges, and the closure of official as well as unofficial Islamic teaching establishments (*madrāsas*). Although government officials claimed these closures were temporary measures pending a legal reorganization, none had reopened as of this writing.

Muslims were not the only community to suffer from government curbs on their right to worship. A Baptist preacher in the region of Karakalpakstan, Rashid Turibaev, was charged with conducting illegal church services, facing a possible sentence of three years. His congregation, the Full Gospel Christians, was prevented from holding further meetings and was reportedly placed under surveillance. In a move to counter what they regard as illegal proselytizing by predominantly Protestant groups, the Uzbekistan authorities announced in January that they had confiscated 25,000 copies of the New Testament in Uzbek translation, seized while being imported by rail the previous month.

The Law on Political Parties, passed on December 23, 1996, came into effect on January 7. According to the law, a party must submit the signatures of at least 5,000 members across eight or more of the country's thirteen regions, an almost impossible task, given the repressive atmosphere in which few would dare label themselves as potential opposition members. Other more liberal legislation introduced in the course of 1997 included laws upgrading the parliamentary commissioner for human rights into an ombudsman, enshrining the public's right to access information, and securing journalists' rights (all three passed on April 24). These laws could potentially strengthen citizens' rights, but, since positive aspects of previous legislation are routinely ignored by the highest authorities in Uzbekistan, these new laws look suspiciously like windowdressing to please western donors and investors.

After fighting around the Afghan city of Mazar-i-Sharif, where a camp for refugees from Tajikistan is located, Uzbekistan closed its border with Afghanistan in May and refused to allow through its territory the repatriation of refugees to Tajikistan. Following high-level interventions from U.N. officials, including Secretary General Kofi Annan, the Uzbekistan authorities eventually allowed some of the refugees passage, but closed the border again in September.

Human Rights Watch received scores of reports of police abuses this year. Victims reported systematic physical mistreatment and torture to obtain confessions. In one of the few cases to be raised by a local organization, a lawyer reported being attacked and beaten up in her home in June by uniformed and plainclothes police of Hamza district, Tashkent. Although such cases are rarely pursued, in this case, the regional attorneys' association to which the lawyer belongs lodged a complaint with the Justice Ministry. As of this writing they had

RECEIVED NO REPLY.

PRISON CONDITIONS CONTINUED TO BE ATROCIOUS: FORMER INMATES AND THEIR RELATIVES DESCRIBED OVERCROWDING, UNCHECKED DISEASE, AND VIOLENCE BY WARDENS AS SOME OF THE PROBLEMS IN THE PRISONS. KAHRAMAN HAMIDOV'S DEATH FROM TUBERCULOSIS IN PRISON ON JUNE 12 SUGGESTED APPALLING CONDITIONS OF DETENTION AS WELL AS THE FREQUENTLY ARBITRARY AND UNJUST REASONS FOR INCARCERATION. HAMIDOV WAS LEADER OF HUMANITY AND HUMAN VALUES (ODAMIYLIK VA INSONPARVARLIK), A MUSLIM-ORIENTED POPULAR MOVEMENT OPERATING IN KOKAND FROM 1988 UNTIL HIS ARREST AND CONVICTION IN 1992 ON APPARENTLY FABRICATED CHARGES OF ASSAULT.

The Right to Monitor

THERE WAS NO REPORTED INTERFERENCE IN MONITORING ACTIVITIES CARRIED OUT BY FOREIGN OBSERVERS, INCLUDING A HUMAN RIGHTS WATCH REPRESENTATIVE. HOWEVER, PERHAPS THE MOST OUTSPOKEN AND ACTIVE LOCAL HUMAN RIGHTS ADVOCATE, MIKHAIL ARDZINOV, WAS SUBJECTED TO OVERT POLICE SURVEILLANCE ON AT LEAST TWO OCCASIONS. IN ADDITION, WHEN HE APPLIED FOR AN EXIT VISA IN DECEMBER 1996, THE INTERIOR MINISTRY CONFISCATED HIS PASSPORT WITHOUT EXPLANATION. COMPOUNDING THESE ACTIONS, THE MINISTRY OF FOREIGN AFFAIRS SENT MR. ARDZINOV A LETTER INFORMING HIM THAT HE WAS ON AN OFFICIAL LIST OF MENTALLY DISTURBED PERSONS AND MUST UNDERGO PSYCHIATRIC TESTING IN ORDER TO RECEIVE A VISA. POLICE MADE MR. ARDZINOV'S PASSPORT AVAILABLE TO HIM ONLY AFTER A DELEGATION FROM THE EUROPEAN PARLIAMENT RAISED THE MATTER WITH FOREIGN MINISTRY OFFICIALS IN MAY. ARDZINOV RECEIVED NEITHER A VISA NOR A REASON FOR ITS REFUSAL.

WHILE REFUSING TO REGISTER THE HUMAN RIGHTS SOCIETY OF UZBEKISTAN, IN VIOLATION OF ITS PLEDGES TO DO SO, THE GOVERNMENT NEVERTHELESS DID NOT ACTIVELY IMPEDE ITS MONITORING ACTIVITIES.

The Role of the International Community

United Nations

ON JULY 12, 1997, THE UNITED NATIONS DEVELOPMENT AGENCY AND THE UZBEKISTAN GOVERNMENT FORMALLY AGREED TO IMPLEMENT A PROGRAM ON DEMOCRATIZATION AND GOVERNANCE, ALTHOUGH IN REALITY SOME ELEMENTS OF THE PROGRAM BEGAN IN 1996. THE EFFORT EMPHASIZES ASSISTANCE TO LAW ENFORCEMENT AGENCIES AND OTHER AREAS OF GOVERNMENT THAT HAVE AN IMPACT ON HUMAN RIGHTS. UNFORTUNATELY, THE U.N. HAS NOT INCORPORATED ANY EFFECTIVE MEANS OF ACCOUNTING PUBLICLY FOR THE WAY THESE ORGANIZATIONS USE THE ASSISTANCE. FOR INSTANCE, SUBSTANTIAL FUNDING HAS GONE TO THE OFFICE OF THE NEW OMBUDSMAN AND TO THE NATIONAL CENTER FOR HUMAN RIGHTS, NEITHER OF WHICH CAN OR WILL PURSUE POLICIES INDEPENDENT OF THE OFFICIAL GOVERNMENT STANCE.

Organization for Security and Cooperation in Europe

THE OSCE MISSION GAINED A NEW OFFICER CONCERNED PURELY WITH HUMAN DIMENSION ISSUES. IT HELD A HUMAN RIGHTS TRAINING SESSION IN MAY AND INVITED OFFICIAL ORGANIZATIONS, INCLUDING THE NATIONAL SECURITY SERVICE, THE PROSECUTOR'S OFFICE, THE POLICE AND THE JUSTICE MINISTRY, AS WELL AS TWO OF THE THREE NONGOVERNMENTAL HUMAN RIGHTS GROUPINGS. THE OSCE, HOWEVER, MADE NO KNOWN INTERVENTIONS ON ANY HUMAN RIGHTS CASES IN UZBEKISTAN. BY IGNORING SPECIFIC HUMAN RIGHTS ABUSES AND ASSISTING THE ORGANIZATIONS THAT COMMIT THEM WITHOUT CALLING THEM TO ACCOUNT, THE OSCE IS EFFECTIVELY CONDONING SUCH BEHAVIOR.

European Union

AFTER THE EUROPEAN UNION SIGNED A PARTNERSHIP AND COOPERATION AGREEMENT (PCA) WITH UZBEKISTAN ON JUNE 22, 1996, THE EUROPEAN PARLIAMENT AND ITS COMMITTEE ON FOREIGN AFFAIRS, MADE SERIOUS EFFORTS TO ENSURE UZBEKISTAN WAS HONORING THE PCA'S PROVISIONS ON DEMOCRATIZATION AND HUMAN RIGHTS. A DELEGATION OF FOREIGN AFFAIRS COMMITTEE MEMBERS VISITED UZBEKISTAN IN MAY, MET WITH GOVERNMENT AND NGO ACTORS IN THE HUMAN RIGHTS SPHERE, AND CONCLUDED

that ratification of the PCA should be suspended until the end of 1997, by which time it hoped to observe some improvement in human rights. The Parliament will reevaluate the situation in the spring of 1998, although an interim agreement will go into effect before that, rendering the temporary suspension of ratification a symbolic and thus ineffective gesture.

United States

The U.S. government was, as in previous years, the major source of pressure on the Uzbekistan government. It also offered direct assistance to nascent human rights bodies. In June the U.S. embassy and the U.S. Information Service disbursed \$10,000 each to four organizations—the official parliamentary commission for human rights, the national center for human rights, the nongovernmental human rights society of Uzbekistan and the committee for the protection of personal rights. The grants were given in the form of computer and Internet equipment and had no strings attached.

Embassy officials raised a number of individual cases of abuse with senior government officials. The Commission for Security and Cooperation in Europe published a letter on June 12 condemning the trial of pastor Turibaev and the confiscation of 25,000 Bibles. The State Department produced a highly critical assessment of the human rights situation in Uzbekistan in its *Country Report on Human Rights Practices for 1996*. However, the U.S. government failed to match its condemnation with sanctions or otherwise insist on compliance with its demands and therefore won almost no concessions from the Uzbekistan authorities.

Relevant Human Rights Watch Report:

Uzbekistan—Violations of Media Freedom: Journalism and Censorship in Uzbekistan,

7/97

THE RIGHT TO ASYLUM IN THE EUROPEAN UNION

Human Rights Developments

The trend toward increased restrictions on the right to asylum in European Union (E.U.) member states continued in 1997. After several years of steady decline, the number of asylum applications stabilized and even grew in some states. Meanwhile, the percentage of asylum seekers recognized as refugees under the 1951 Convention relating to the Status of Refugees (Refugee Convention) remained low, as many E.U. member states implemented new restrictions on the rights of asylum seekers and refugees.

In most E.U. member states, asylum seekers were given only limited access to asylum procedures once their asylum claims were deemed either “manifestly unfounded” or the responsibility of a “safe third country,” defined as any country where the asylum seeker would be admitted and protected against persecution or refoulement. Inspired by resolutions adopted by E.U. member states in 1992, these policies gave immigration officials substantial discretion to deny asylum after little or no substantive review of the asylum claim. Moreover, the right to appeal a negative decision was in many such cases rendered meaningless because the asylum seeker had no right to remain in the country while the appeal was pending.

“Safe third country” rules posed an especially acute problem, subjecting many asylum seekers to a chain of deportations from one country to another. Even the most cautious E.U. states can be complicit in chain deportations when they deport an asylum seeker to a “safe third country,” which may then deport him or her to yet another country, safe or not, without any prior review of the merits of the asylum claim. The risk of chain deportations grew in 1997 as E.U. member states negotiated an ever-widening web of readmission agreements, committing their eastern and southern neighbors to readmit illegal aliens, without any specific provisions for the protection of asylum seekers and refugees.

SEVERAL E.U. MEMBER STATES CONTINUED TO APPLY AN UNDULY STRICT INTERPRETATION OF THE REFUGEE CONVENTION, ESPECIALLY AS IT RELATED TO PERSECUTION BY NON-STATE ACTORS. OF PARTICULAR CONCERN WAS JURISPRUDENCE CONCLUDING THAT AN ASYLUM SEEKER MAY ONLY ACQUIRE REFUGEE STATUS IF HE CAN SHOW THAT HIS GOVERNMENT'S AUTHORITIES ARE COMPLICIT IN THE FEARED PERSECUTION. SOME STATES GAVE TEMPORARY PROTECTION OR RESIDENCE PERMITS ON HUMANITARIAN GROUNDS TO ASYLUM SEEKERS WHO FELL AFOUL OF THIS RESTRICTIVE INTERPRETATION OF THE REFUGEE CONVENTION. IN FRANCE, FOR EXAMPLE, MANY ALGERIANS FLEEING PERSECUTION BY ISLAMIST GROUPS RECEIVED TEMPORARY RESIDENCE PERMITS IN LIEU OF REFUGEE STATUS. THESE PERMITS, HOWEVER, WERE VALID ONLY FOR RENEWABLE THREE- OR SIX-MONTH PERIODS AND OFTEN PROVIDED NO RIGHT TO WORK. SUCH POLICIES REFLECTED A GROWING INCLINATION TO SUBSTITUTE LIMITED, TEMPORARY SOLUTIONS FOR THE TRADITIONALLY MORE COMPLETE AND DURABLE PROTECTION MANDATED BY THE REFUGEE CONVENTION.

THE INADEQUACY OF TEMPORARY PROTECTION WAS ILLUSTRATED BY THE HUNDREDS OF THOUSANDS OF BOSNIANS WHO REMAINED IN E.U. MEMBER STATES FOR MORE THAN FIVE YEARS AFTER HAVING FLED HOSTILITIES IN THE FORMER YUGOSLAVIA. ONGOING HUMAN RIGHTS ABUSES IN BOSNIA PREVENTED MOST REFUGEES FROM RETURNING HOME (SEE SECTION ON BOSNIA-HERCEGOVINA). THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES REPORTED THAT 28,000 VOLUNTARILY RETURNED IN THE FIRST QUARTER OF 1997. A TOTAL OF 200,000 RETURNS WERE EXPECTED BY YEAR'S END, LEAVING ANOTHER 600,000 STILL DISPLACED OUTSIDE OF BOSNIA. DESPITE REPEATED THREATS FROM HOST STATES, FORCED REPATRIATIONS WERE LIMITED IN 1997: GERMANY, FOR EXAMPLE, FORCIBLY REPATRIATED APPROXIMATELY 650 BOSNIAN REFUGEES IN THE TWELVE MONTHS PREVIOUS TO THIS WRITING. SOME E.U. MEMBER STATES GAVE UP ON REPATRIATION ALTOGETHER AND GAVE BOSNIANS PERMANENT RESIDENCE PERMITS.

DETENTION OF ASYLUM SEEKERS WAS WIDESPREAD IN E.U. MEMBER STATES IN 1997. DETENTION OF REJECTED ASYLUM SEEKERS AND ILLEGAL ALIENS AWAITING DEPORTATION WAS PARTICULARLY PREVALENT. BECAUSE OF DIFFICULTIES MANY MEMBER STATES EXPERIENCED IN ENFORCING DEPORTATION ORDERS, MANY FOREIGNERS LANGUISHED IN EUROPEAN DETENTION CENTERS FOR MONTHS. TOO OFTEN THEY WERE HELD INTERMINGLED WITH COMMON CRIMINALS OR UNDER A REMAND REGIME INAPPROPRIATE TO THEIR STATUS AS ADMINISTRATIVE DETAINEES.

The Role of the International Community

MANY OF THE ASYLUM POLICIES PURSUED BY E.U. MEMBER STATES IN 1997 WERE INSPIRED BY RESOLUTIONS, RECOMMENDATIONS, AND JOINT DECISIONS ADOPTED AT THE E.U. LEVEL IN RECENT YEARS. THE E.U. EFFORT TO HARMONIZE ASYLUM POLICIES CONTINUED IN 1997 AND THE RESTRICTIVE TREND SHOWED LITTLE SIGN OF ABATING.

THE MOST SIGNIFICANT DEVELOPMENT AT THE E.U. LEVEL WAS THE OCTOBER 2, 1997, SIGNING OF THE AMSTERDAM TREATY, REVISING THE 1992 MAASTRICHT TREATY THAT ESTABLISHED THE E.U.. ACCORDING TO THE NEW TREATY, THE E.U. WILL ADOPT KEY ASYLUM AND IMMIGRATION MEASURES WITHIN FIVE YEARS OF THE TREATY'S ENTRY INTO FORCE, EXPECTED IN 1999. THE AGENDA INCLUDES ESTABLISHING CRITERIA FOR DETERMINING WHICH STATE WILL HAVE RESPONSIBILITY FOR AN ASYLUM APPLICATION; DEFINING THE SCOPE OF REFUGEE, HUMANITARIAN, AND TEMPORARY PROTECTION; AND IDENTIFYING MINIMUM STANDARDS FOR ASYLUM PROCEDURES AND RECEPTION CONDITIONS. BECAUSE MEASURES MUST BE ADOPTED UNANIMOUSLY, ADVOCATES FOR REFUGEES AND ASYLUM SEEKERS FEAR THAT THIS NEW INITIATIVE WILL ONLY RESULT IN FURTHER CODIFICATION OF THE LOWEST COMMON DENOMINATOR OF MEMBER STATES' POLICIES AND PRACTICES.

IN A WIDELY CRITICIZED MOVE, E.U. MEMBER STATES ADOPTED A SPAIN-SPONSORED PROTOCOL TO THE AMSTERDAM TREATY. THE PROTOCOL ASSERTS THAT, WITH SOME NARROW EXCEPTIONS, MEMBER STATES WILL NOT ACCEPT ASYLUM APPLICATIONS FROM NATIONALS OF OTHER MEMBER STATES. RECOGNIZING THAT THIS RULE WOULD VIOLATE THEIR OBLIGATIONS UNDER THE REFUGEE CONVENTION, OFFICIALS FROM SEVERAL MEMBER STATES ASSERTED THAT THEY WOULD CONTINUE TO ACCEPT ALL ASYLUM APPLICATIONS. HOWEVER, ONLY BELGIUM APPENDED A DECLARATION TO THE PROTOCOL MAKING EXPLICIT ITS COMMITMENT, IN ACCORDANCE WITH THE REFUGEE CONVENTION, TO CARRY OUT AN INDIVIDUAL EXAMINATION OF ALL ASYLUM CLAIMS SUBMITTED BY MEMBER STATE NATIONALS.

IN A SIGNIFICANT DEVELOPMENT FOR E.U. "SAFE THIRD COUNTRY" POLICIES, THE DUBLIN CONVENTION CAME INTO EFFECT ON SEPTEMBER 1, 1997. THE CONVENTION ESTABLISHES RULES AND PROCEDURES FOR DETERMINING ONE AND ONLY ONE MEMBER STATE THAT WILL BE RESPONSIBLE FOR ADJUDICATING EACH ASYLUM CLAIM. IT REPLACED THE SIMILAR ASYLUM-RELATED PROVISIONS OF

the Schengen agreement, which had been in effect among a subset of E.U. member states for nearly three years. The Dublin Convention represents an improvement in that it provides an institutional framework for ensuring that asylum seekers sent from one E.U. member state to another will actually be admitted to the asylum procedure in the receiving state. On the other hand, nothing in the agreement prevents the receiving state from concluding in the course of its asylum procedure that the asylum seeker should be sent to a "safe third country" outside the E.U.

Moreover, a 1992 E.U. resolution commits member states to look outside the E.U. for a responsible "safe third country," before considering a potentially responsible E.U. member state under the Dublin rules. The Dublin Convention also risks dividing families while their asylum claims are pending, sending, for example, a woman to one member state and her father, husband, and children to another. Faced with similar problems under the Schengen agreement, in 1997 signatories of that agreement adopted guidelines to keep families together during the procedure. These guidelines limit the definition of family to spouses and dependent children, however, and fail therefore to meet the needs of, for example, aged parents.

In another important E.U. development, the European Commission submitted a draft joint action on temporary protection of asylum seekers to the Council of Ministers and the European Parliament. The commission's proposal would give beneficiaries of temporary protection a high level of social rights. On the other hand, it also called for the suspension of refugee determination proceedings for up to five years of temporary protection, sparking criticism that temporary protection was being designed to supplant rather than complement refugee protection under the Refugee Convention. At this writing, the temporary protection proposal was still under debate in the Council of Ministers and Parliament.

E.U. member states also moved toward a common policy on treatment of unaccompanied foreign children present in their territories. A non-binding resolution adopted in May 1997 established guidelines for special accommodation and procedural arrangements for minor asylum seekers. The resolution provided further that unaccompanied children with no legal right to remain in an E.U. member state, should not, in principle, be deported unless there will be adequate reception and care available upon the child's arrival in the receiving country.

In another non-binding resolution, the E.U. committed to an annual review of implementation of its policies in the asylum field. The resolution foresees contributions from UNHCR and nongovernmental organizations, promising an opportunity for those groups to point out problems encountered with restrictive asylum policies adopted in recent years. Many of these problems were also cited in a critical resolution adopted by the Parliamentary Assembly of the Council of Europe in April 1997.

Relevant Human Rights Watch reports:

France: Toward a Just and Humane Asylum Policy, 10/97

Uncertain Refugee: International Failures to Protect Refugees, 4/97