

EUROPE AND CENTRAL ASIA OVERVIEW

HUMAN RIGHTS DEVELOPMENTS

Introduction

The continued expansion of European institutions in 2002 marked significant economic and political progress in many parts of the region. The North Atlantic Treaty Organization (NATO), a quintessential Cold War institution, once again stretched across old divides to extend membership invitations to the three former Soviet Baltic states of Estonia, Latvia, and Lithuania, as well as to Bulgaria, Slovenia, Romania, and Slovakia. The European Union (E.U.) and ten candidate countries made rapid progress toward their proposed 2004 admission to the E.U.

The remarkable pace of European integration could not mask continued serious human rights problems throughout the region, however. In fact, it accentuated the increasing disparity between the progress in Central and Eastern Europe and the deteriorating rights situation in much of the former Soviet Union. Continued integration also brought new human rights challenges to Western European states adjusting to their growing multicultural reality. Even as the European Union poised itself to become more diverse, it became less friendly to migrants and certain minority communities. The popularity of political parties touting anti-immigrant and nationalistic agendas drove more moderate politicians to embrace increasingly restrictive asylum and immigration policies that threatened the fundamental rights of migrants, asylum seekers, and refugees at both the national and the European Union level.

In some cases integration got ahead of reform, as when NATO offered to partner with Russia in a NATO-Russia Council, notwithstanding continued violations of human rights and humanitarian law committed by Russian troops in Chechnya. In a similar fashion, the Council of Europe admitted Bosnia and Herzegovina although it had achieved few of the conditions originally set for its admission. Such premature integration promised to strain European institutions and the principles on which they were founded.

Throughout the Europe and Central Asia region, repressive governments justified violations as necessary for the United States-led global fight against terrorism. Russia fought its abusive war in Chechnya, Uzbekistan continued its violent crackdown against independent Muslims, and Belarus gave its police Stalinesque powers of surveillance, all in the name of combating terrorism. Even former Yugoslav Pres-

ident Slobodan Milosevic sought advantage in the anti-terrorism discourse, defending himself against war crimes charges at the International Criminal Tribunal for the former Yugoslavia (ICTY) by arguing that his troops had been combating Muslim terrorists in Kosovo.

A Region Divided

While the prospect of European Union membership secured substantial improvements in candidate states, especially Turkey, progress in other parts of the region stalled, or reversed. The year saw a widening gap between those countries choosing European integration and democratization, and those—particularly among states of the former Soviet Union—opting for the brutal and repressive practices of the past.

Russia seemed to embrace reform with the entry into force of a new criminal procedure code, but this positive step was completely eclipsed by continued atrocities committed in Chechnya, which remained the region's most intense human rights crisis. Throughout the year, Russian troops brutalized Chechen civilians in the course of sweep operations. Purportedly searching for rebel fighters, Russian troops rounded up and detained thousands of civilians, many of whom faced torture. Hundreds last seen in Russian custody simply “disappeared” during the year. Some prosecutors opened inquiries into alleged abuses, but only a handful of servicemen were the subject of serious investigations or trial. Russia also made an unprecedented push to force persons displaced by the conflict out of their tent camps in Chechnya and Ingushetia. In June, the Russian authorities closed one camp, offering their inhabitants no viable alternative shelter and effectively forcing them to return home to the war zone. As this report went to press, Russian officials were threatening additional camp closures.

Chechen rebels also failed to respect the laws of war, shocking the world with the October hostage taking of seven hundred civilians in a Moscow theater. The Russian government's rescue operation left 128 dead from the consequences of inhaling a gas pumped into the theater to incapacitate the hostage-takers. The government's failure to provide victims adequate medical treatment raised questions about whether it had met its obligation to minimize the loss of civilian life. But no mishandling by the Russian authorities could obscure the severity of the crime against humanity committed by the hostage-takers.

The war in Chechnya spilled over into neighboring Georgia, where several thousand Chechen civilians sought refuge. Chechen rebels hid in their midst in the Pankisi Gorge, which they used as a rest and re-supply base in their military campaign against Russian armed forces. Under United States (U.S.) and Russian pressure, Georgian security forces undertook operations to counter Chechen rebel activity in the Pankisi Gorge. As of mid-November, Human Rights Watch had received reports of a number of arbitrary arrests and illegal detentions and deportations, as well as one extrajudicial execution, committed in the course of these operations.

The year also saw a deepening human rights crisis in Central Asia. The U.S. and its allies in the war in Afghanistan sought critical logistical support from the repres-

sive governments in the region, which in turn found new excuses to disregard their human rights commitments.

Turkmenistan remained one of the most repressive states in the world. The government tolerated no political opposition, no independent media, and no independent human rights activity. At this writing, there were grave fears of an impending intensified crackdown after a late-November assassination attempt against President Saparmurad Niazov.

In early 2002, Uzbekistan took a few halting positive steps, including the registration of one independent human rights organization and the trial and conviction of several law enforcement officers for two deaths in custody. In March, Uzbek President Islam Karimov visited U.S. President George W. Bush in Washington and signed an ambitious agreement to uphold human rights. But after that, forward progress appeared to halt, and human rights abuses continued unabated. Hundreds of independent Muslims were arrested, tortured, convicted, and sentenced to ten to twenty years in prison. In particular, the government targeted members of Hizb ut-Tahrir (Party of Liberation), a non-violent Islamic group that sought to establish a Caliphate, or Islamic state, in Central Asia. As of this writing, five people had died of injuries from apparent torture in Uzbek prisons during the year, and six human rights defenders were in prison or pre-trial detention, while a seventh was held in forced psychiatric hospitalization.

In Kazakhstan and Kyrgyzstan the governments demonstrated increasing intolerance of opposition views. Leading Kyrgyz and Kazakh opposition figures, journalists, and human rights defenders faced physical attacks, harassment, detention, arbitrary or spurious criminal charges, and imprisonment after unfair trials. Tajikistan's political opposition also faced obstruction, with repression focused particularly in the north of the country, where the government imprisoned a former governor and eighteen others after a closed trial. Uzbekistan's intolerance of Hizb ut-Tahrir seemed to catch on with Kazakh, Kyrgyz, and Tajik authorities, who stepped up their repression of the group, arresting, trying, and convicting dozens of members for distributing its leaflets and other non-violent activity.

Human rights continued to deteriorate in Belarus, as President Alexander Lukashenka sought to consolidate his power by relentlessly persecuting his political opponents, independent civil society, and the media. Hopes of a thorough democratic transition also seemed to recede in Ukraine, as the government tightened its grip on independent media through arbitrary tax inspections and licensing procedures, censorship, harassment, and violence. The killings of three journalists in the past two years remained unsolved, and journalists faced repeated threats and beatings, in at least one case with police involvement.

The threat of instability posed by poor governance in the former Soviet Union became apparent during the year when security forces clashed with demonstrators in both Kyrgyzstan and Azerbaijan. In both countries, citizens who lacked other legitimate avenues for the expression of their grievances took to the streets, and governments intolerant of public criticism reacted with violence and repression. In Kyrgyzstan, police opened fire on demonstrators protesting the apparently politically motivated detention of a popular member of parliament; in Azerbaijan the police fired on protestors seeking improved economic conditions. During the year,

the authorities in Belarus, Uzbekistan, and Ukraine broke up similar demonstrations and jailed participants; in Armenia, protesters faced arrest, fines, and detention after demonstrations.

Stalled Peace Building in the Balkans

The Balkan states did not follow the course of many former Soviet countries backward toward the authoritarianism of the past, but neither did they unequivocally choose the rule of law, respect for human rights, and European integration. In contrast to much of the past decade, the year saw sustained peace in the Balkans, but disappointing progress on human rights. The continued failure of governments in the region to come fully to terms with the crimes committed during the wars of the Yugoslav break-up was a major problem, with a detrimental impact on refugee return, reconciliation, and political normalization.

In Croatia, President Stjepan Mesić argued forcefully for war crimes accountability and cooperation with the ICTY. Mesić had little authority to pursue cooperation, however, and the government adamantly refused to arrest two former senior Croatian generals sought by the ICTY.

More than half of the twenty-four individuals publicly indicted by the ICTY who were still at large in the region were believed to be harbored in Republika Srpska—the Bosnian Serb entity of Bosnia and Herzegovina—which continued to refuse to cooperate with the Hague tribunal. NATO troops arrested four indictees in Bosnia during the year, but Bosnian Serb wartime leader Radovan Karadžić remained at large there, and the Republika Srpska president and prime minister condemned NATO operations aimed at apprehending him.

The Federal Republic of Yugoslavia (F.R. Yugoslavia) also flouted its obligations to cooperate with the ICTY. Under pressure of a cut-off in U.S. aid, F.R. Yugoslavia arrested and transferred one indictee to The Hague and adopted a law on cooperation with the tribunal. This law contained a number of loopholes, however, and in a November statement to the United Nations (U.N.) Security Council, ICTY Prosecutor Carla Del Ponte complained that F.R. Yugoslavia was harboring Bosnian Serb wartime military commander Ratko Mladić and continuing to block access to documents she had requested.

The trial of former Yugoslav President Slobodan Milošević for crimes committed during the wars in Bosnia, Croatia, and Kosovo began in February. Defending himself, Milošević used the opportunity to advance a nationalist version of the war to the court of public opinion in F.R. Yugoslavia, and current Yugoslav and Serbian government leaders failed to offer the public an alternative version.

Other than the Milošević trial, progress on accountability for war crimes committed in Kosovo was also limited. Although the ICTY had opened investigations, it failed to indict any Kosovo Albanians for crimes committed during the war. Neither the U.N. Mission in Kosovo (UNMIK) nor the Serbian government took effective steps to hold lower-level Serbs accountable for war crimes. And when the U.N. began arresting Kosovo Albanian rebel leaders for crimes committed during and after the war, the Kosovo government protested that the arrests were politically motivated.

Finally, in Macedonia, under pressure from the U.S. and the E.U., the government adopted an amnesty for all crimes relating to the 2001 conflict other than those that would be prosecuted by the ICTY. Because the tribunal had limited capacity to pursue prosecutions in Macedonia, the practical effect of the law was immunity for serious violations committed by both sides during the conflict.

The authorities in Bosnia, Croatia, and Serbia all conducted local war crimes trials during the year, but in all three countries those proceedings were seriously flawed by evident witness tampering and a biased judiciary.

In sum, it became abundantly clear in 2002 that the Balkans was a region unrepentant to its wartime past. The result was a grave injustice to the thousands of victims of war crimes committed during the Yugoslav wars. It also had a profound effect on the region's reconstruction, reintegration, and political development. With each ethnic population still holding the others collectively responsible for wartime abuses, refugees and the internally displaced remained reluctant to return home to communities where they would be in the minority. Even if the displaced did not fear their neighbors, they often had no home to which to return. The lack of accountability for violations committed during the war helped sustain laws that stripped some refugees and internally displaced of their pre-war property rights, on the presumption that they had abandoned their homes voluntarily, rather than out of fear. As the year came to a close, more than 1.5 million refugees and internally displaced persons remained unable or unwilling to return to their pre-war homes in the region, and much of the wartime ethnic cleansing seemed increasingly irreversible.

The Challenges of European Union Expansion

At their December 2001 council meeting in Laeken (Belgium), E.U. heads of state agreed to convene a "Convention on the Future of Europe." Throughout the year, convention delegates from member state governments, parliaments, the European Parliament, and the European Commission debated how to restructure the E.U. to improve its effectiveness and pave the way for its planned expansion in 2004.

The prospect of a larger and more thoroughly integrated E.U. continued to have a profound effect on the human rights situation in both E.U. member and applicant states. Perhaps most remarkable were the developments in Turkey during 2002. After two years during which the draw of E.U. membership had had limited impact on the human rights situation in Turkey, the Turkish government seemed to get serious about showing the E.U. its reformist stripes in 2002. Significant reforms adopted in February and August included repeal of the death penalty, removal of some significant restraints on the use of the Kurdish language, and steps to address the persistent problem of torture by restricting the length of time detainees could be held without access to a lawyer. While these were welcome steps, much remained to be done to implement them and address other serious problems, including the plight of hundreds of thousands of Kurds displaced from the formerly war-torn southeast and continued restrictions on free expression that landed scores in jail for peaceful expression of their views.

On the eve of its December summit in Copenhagen, it was unclear whether the

E.U. would set a date for membership negotiations with Turkey. E.U. officials acknowledged the significant strides Turkey had taken in 2002, but nonetheless noted accurately that Turkey still did not meet the Union's political criteria for membership, a prerequisite for negotiations to begin. Some European leaders voiced other objections, suggesting that the European Union would never welcome a predominantly Muslim country into its midst. Most significantly, in November the president of the Convention on the Future of Europe, Valéry Giscard d'Estaing, gave an interview in which he was reported to say that the admission of Turkey would be "the end of the European Union," alluding to Turkey's Muslim population and distinct culture. E.U. officials scrambled to distance themselves from his comments and emphasize that Turkey was a candidate on equal footing with others, eligible for admission upon satisfaction of the conditions set for all applicant states. By introducing other cultural and political considerations into what should have been a transparent assessment of human rights progress, Giscard d'Estaing's comments threatened to undermine the Turkish authorities' confidence in the process and distract them from pressing forward on critical reforms. As this report went to press, a newly elected government with Islamist roots was working hard to establish its Western-oriented credentials. With the appropriate encouragement from the European Union, it appeared likely to continue to progress toward greater respect for human rights and the rule of law.

Giscard d'Estaing's remarks on Turkey's E.U. candidacy also highlighted the most significant human rights challenge the E.U. itself faced: ensuring tolerance and respect for the rights of minorities in a growing and increasingly multicultural community of states. Throughout the E.U. and its candidate states, minorities continued to suffer serious violations of their rights. In the countries of Central and Eastern Europe, Roma in particular faced persistent problems of police abuse, racist violence, and official discrimination in obtaining access to housing, health care, education, and other public services. The European Union continued to press for progress in the treatment of Roma in applicant states, but often failed to apply the same scrutiny within the Union, where their situation also often fell short of international standards.

The year also saw an alarming growth in incidents of anti-Semitic violence in Western Europe, with widespread reports of harassment, personal attacks, and vandalism of Jewish property. Synagogues were torched in Belgium and France. Initial responses from a number of governments were disappointing. Local authorities stepped up security, opened investigations, and promised to hold those responsible accountable, but national and regional bodies were slow to exercise political leadership, or develop a coherent policy, to respond to the problem. French officials in particular seemed at least initially to explain the violence as the understandable response of Arab immigrants to the Middle East conflict.

The most worrying expressions of growing xenophobia in Europe came in the field of immigration. As hundreds of thousands of migrants and refugees continued to arrive in Western Europe in 2002, the region saw a surge of "Fortress Europe" politics, with far-right political parties using virulently anti-immigrant platforms to garner increasingly broad support at the polls. Governments throughout the region adopted rhetoric of intolerance toward migrants and pushed through new

immigration laws with restrictions threatening refugees' and migrants' rights at both the national and E.U. level.

In many cases, officials conflated the policy debate on immigration control with discussion of terrorism, drug trafficking, and crime—fueling public perceptions of immigration as a major factor in many social ills. Indeed, both security and migration ranked top on the Spanish E.U. Presidency's agenda for the Seville summit in June, where governments pressed forward to develop common E.U. border controls and decided to link the E.U.'s aid and trade relationships to governments' cooperation in controlling migration.

E.U. member states continued to back away from their commitments under the 1951 Convention Relating to the Status of Refugees, with a number of justice and home affairs ministers openly calling for a redrafting of the convention. As this report went to press, E.U. member states were close to agreement on a proposed common interpretation of the convention. Refugee advocates expressed concern that in the context of the global anti-terror effort, the E.U. would adopt a common interpretation that would broaden the scope of those who could be excluded from refugee protection on national security grounds, and would erode protections against refoulement.

Even where the letter of the law on immigration controls met international standards, practice often fell far short. Detention conditions for migrants and refugees in a number of Western European countries remained substandard, despite repeated criticism from the European Committee for the Prevention of Torture and the U.N. Committee against Torture. To illustrate this widespread problem, Human Rights Watch reported on the detention of migrants under severely substandard conditions in an old airport terminal on the Canary Islands. The Spanish authorities regularly detained more than three hundred migrants in the facility, which the Red Cross said was fit for fifty. Sanitation and health care was grossly inadequate, and opportunities for the migrants to get fresh air and exercise were non-existent. The Spanish authorities argued the arrangement was a temporary, emergency response to a new migration phenomenon, but took no meaningful steps to improve the conditions. Violations suffered by migrants in detention were not limited to substandard conditions. A September 2002 report by Amnesty International and the International Helsinki Federation (IHF) stated that migrants and asylum seekers detained in holding centers in Greece faced threats, beatings, and sexual abuse by law enforcement officers.

Throughout the region, the deportation of migrants was characterized by persistent rights violations, including inadequate information and translation services, insufficient access to legal representation during detention, and lack of judicial oversight or opportunities for migrants to appeal their expulsions. Following the Seville summit, the E.U. undertook an explicit policy of linking its aid to countries to their willingness to enter into readmission agreements committing them to accept the return of migrants who had entered the union through their territory. The web of readmission agreements effectively shifted the burden of immigration control and refugee protection from E.U. member and applicant states to their eastern and southern neighbors, which had markedly fewer resources to devote to it. As evidence of the concerns raised by these readmission agreements, Human Rights

Watch documented the regular expulsion from Spain of migrants, including unaccompanied children, by the Spanish police pursuant to an ad hoc procedure that seemed to turn on the whims of the local authorities. Thousands of migrants were returned to Morocco on the basis that they were Moroccan or had transited Morocco to Spain, with little regard for the Moroccan authorities' capacity or willingness to absorb the migrants, provide adequate services and protection for unaccompanied children, or protect refugees against return to a country where they faced a threat of persecution.

While member states pursued migration policies and practices that violated international standards, E.U. joint action to combat immigration failed to specify any concomitant joint obligations to respect migrants' rights. The European Commission's Green Paper and Communication proposing a community return policy merely suggested that detention conditions and return procedures were subjects on which the E.U. might choose to articulate common standards in the future. The resultant E.U. Return Action Plan adopted in late November prioritized operational cooperation in returning unwanted immigrants through measures such as closer contacts among member state law enforcement agencies and deportation operations via joint charter flights. It neglected the need for common standards for such operations, putting the development of such standards off to the indefinite future.

HUMAN RIGHTS DEFENDERS

Human rights activists continued to experience the brunt of much of the persistent authoritarianism in the region. Repression in Turkmenistan was so severe that activists remained largely underground. Defenders in Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, and Uzbekistan worked under the constant threat of harassment, violent attack, arrest, torture, and imprisonment on trumped-up charges. In Georgia, defenders were beaten by a paramilitary mob. And in Azerbaijan, Belarus, and Ukraine, the authorities erected significant obstacles to human rights work in the form of onerous and sometimes arbitrary registration, licensing, funding, or taxation rules and procedures for defender organizations. Although human rights defenders in the Balkans operated relatively freely, some of their activities drew exceptionally hostile commentary from government officials in Albania, Croatia, Macedonia, and Serbia.

Against the backdrop of these challenges, the strength, resilience, and creativity of the human rights movement was again evident in the region in 2002, as groups forged new alliances to support one another and confront new challenges. For example, international human rights organizations joined together to provide constructive commentary on the Council of Europe's draft human rights guidelines for the war against terrorism. Some fifty human rights, democracy, and conflict prevention nongovernmental organizations (NGOs) came together to offer a submission to the Convention on the Future of Europe, identifying ways in which the convention should address human rights within the E.U. and strengthen the E.U.'s global role. More than fifty groups campaigned together around plans of the Euro-

pean Bank for Reconstruction and Development (EBRD) for its 2003 annual meeting in Tashkent. (See below.) At their November general assembly, the International Helsinki Federation network of human rights groups throughout the region adopted an "Action Plan on Chechnya" aimed at keeping the abusive conflict high on the international agenda in 2003. And on two occasions during the year, the IHF convened activists in the region to support Turkmen dissidents and strategize on promoting change in that most closed society.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

Once again, Russia's conduct in Chechnya proved one of the most controversial issues before the U.N. Commission on Human Rights, but for the first time in three sessions, the commission failed to adopt a resolution condemning this conduct. The resolution came to a vote only after E.U.-led negotiations on a consensus-based chairman's statement failed (by one vote, with twenty-two states abstaining). The E.U. and U.S. blamed each other for the resolution's failure, but in fact both contributed richly to the outcome. The E.U. was clearly reluctant to see the resolution go to a vote, even when the Russian government refused to cooperate on the chairman's statement. Hoping to maintain maximum flexibility to withdraw the resolution, the E.U. discouraged other states from co-sponsoring the resolution and excluded them from discussions about Chechnya. The U.S., for its part, used its non-membership in the commission as an excuse to sit on the sidelines, and waited until the day before the vote to co-sponsor.

U.N. treaty bodies provided some of the only official documentation of human rights abuses in the former Soviet Union, making apparent the need for greater U.N. engagement in the region. Georgia was one of the few countries of the former Soviet Union to issue standing invitations to U.N. human rights monitoring mechanisms; meanwhile, citing security concerns, the Russian government postponed a scheduled visit of the U.N. special rapporteur on violence against women and the special representative of the secretary-general on internally displaced persons to Chechnya. Secretary-General Kofi Annan's trip to Central Asia reinvigorated the Uzbek government's promise to invite the special rapporteur on torture to visit the country. But the secretary-general's silence on human rights during a visit to Turkmenistan was a bitter disappointment to many.

The U.N. continued to play a significant role in peace building in the Balkans. After facing criticism for mismanagement and inefficiency, in 2002 the ICTY took steps to improve its performance and aim to wind up its work by 2008. Its efforts were substantially undermined, however, by the continued failure of the authorities in the former Yugoslavia to cooperate, as well as NATO's failure to apprehend indictees who remained at large in Bosnia. Pressure mounted on the ICTY to consider referring cases back to national courts for trial. In a June report, the ICTY accepted in principle that it could refer cases involving middle-ranking commanders, but it identified reforms that would first be necessary to ensure fair trials in

national courts. By year's end, little progress had been made by the international community or regional governments to undertake those reforms.

The U.N. continued to face significant challenges in Kosovo, which essentially functioned as a U.N. protectorate. During the year, UNMIK arrested a number of former commanders of the ethnic Albanian Kosovo Liberation Army on charges of wartime crimes, as well as several Serbian extremists charged with post-conflict attacks against the U.N. and interethnic violence. These efforts came late, however, and were as yet insufficient to fully restore the faith of Kosovars in the rule of law and the authority of the U.N. justice system.

International Financial Institutions

The international financial institutions were actively engaged in Central Asia notwithstanding the lack of political and economic reforms in the region. The decision by the EBRD—unique among financial institutions for its embrace of political pluralism and the rule of law as a condition for engagement—to hold its 2003 annual meeting in Uzbekistan dramatically exposed this deficit of reform. This year, Human Rights Watch joined fifty-three other NGOs in a campaign to urge the bank to press the Uzbek government for specific human rights improvements as a condition for the 2003 meeting, arguing that failure to do so would grant the Uzbek government undeserved political prestige and financial benefit.

Challenged with the apparent breach of bank principles, EBRD President Jean Lemierre stated that Tashkent's selection was "an incentive to make progress, and not an endorsement." As of this writing, though, Human Rights Watch was not aware of any specific efforts by the bank to encourage such progress in advance of the meeting.

The EBRD was more forthright in its response to Belarus and Turkmenistan. Bank strategies for both countries made clear that engagement would be strictly limited to the private sector until they made progress on political pluralism, human rights, and market reforms.

During his visit to Central Asia, World Bank President James Wolfensohn met with civil society leaders but otherwise did little to publicly acknowledge the region's stunning lack of reform. The World Bank, the International Monetary Fund (IMF), and several donor states promised an aid package of U.S.\$700 million to Kyrgyzstan, without apparent regard for the deteriorating rights situation there. The IMF, under apparent pressure from the U.S. government, returned in 2002 to Uzbekistan (having suspended lending in 1996 and essentially withdrawn in 2001), even though no reform standards had been met.

Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) continued to play an important role, though its impact on human rights conditions often seemed to fall short of its potential. The performance of its missions continued to vary widely, with the mission in Kosovo setting the best example through its thorough and publicly available reports on minority rights and the judiciary. Though

operating on a more confidential, low-key basis, the Assistance Group in Chechnya also did important proactive monitoring and reporting, which OSCE member states unfortunately made little use of in their multilateral and bilateral dialogues with Russia. OSCE election monitoring missions continued to provide an important check against electoral abuses, including through a first-ever mission to Turkey for the November elections. The Office for Democratic Institutions and Human Rights (ODIHR), the high commissioner on national minorities, and the representative on freedom of the media all continued their efforts to articulate human dimension standards and develop specific recommendations to member states on how to meet those standards. ODIHR was particularly active in efforts to combat trafficking in human beings and received high marks for this work from NGOs in the region.

Unfortunately, the recommendations flowing from the OSCE's missions, election monitors, and human dimension institutions were ignored more often than not, as noncompliance had limited consequences for offending states. While the E.U., the U.S., and the EBRD rhetorically conditioned aid relationships on compliance with OSCE norms, these linkages were not effectively or consistently enforced, particularly where they competed with other political, economic, and military agendas.

Perhaps more than any other international organization, the growing variance in human rights conditions across the region strained the OSCE, which purports to unite the countries in the region through common commitments in the politico-military, economic, and human dimensions of security. Countries of the former Soviet Union that were on the receiving end of much human rights scrutiny and criticism from the OSCE were increasingly emboldened to attack the organization as disproportionately preoccupied with its "human dimension," particularly in the eastern half of the region. The organization responded by appropriately increasing its scrutiny of human rights problems in the more developed democracies of Western Europe and North America, but also by increasing its economic and politico-military dimension activities, unfortunately too often neglecting important linkages to respect for human rights and the rule of law. In particular, the OSCE highlighted its role in the global effort to combat terrorism, the theme of both its 2001 and 2002 ministerial meetings as well as regular smaller seminars and official gatherings throughout the year. As an organization committed from its beginning to addressing human rights as an essential element of security, the OSCE was uniquely positioned to ensure that the war against terrorism was conducted in a manner that comported with and promoted human rights. Although OSCE officials and member states made repeated reference to the importance of respect for human rights in the war against terrorism, much remained to be done to mainstream and implement human rights monitoring, reporting, and promotion within the organization's expanding anti-terror agenda.

North Atlantic Treaty Organization

Undertaking an historic step toward expansion eastward during 2002, the North Atlantic Treaty Organization (NATO) had an important opportunity to promote

respect for human rights and democratic principles in the region. Its impact was most keenly felt in the states invited to join in November. For example, Bulgaria and Slovakia were eager to meet E.U. and NATO standards and took steps to tighten their weapons trade controls, albeit more work remained to be done. In states outside the 2002 expansion, however, NATO seemed to fall short of its potential to effect change. The most glaring lapse was the creation of the NATO-Russia Council, according to Russia a special relationship notwithstanding Russian troops' ongoing serious humanitarian law violations in Chechnya. At year's end, it remained to be seen whether the council would become an effective forum for addressing the substandard conduct of the Russian military in Chechnya.

NATO continued to play an important role in peace implementation in the Balkans. The NATO-led Stabilization Force in Bosnia apprehended four war crimes suspects during the year, but its continued failure to bring Radovan Karadzic and other at-large indictees to justice was a disappointment.

Council of Europe

The Council of Europe continued its expansion, even as its institutions were strained by the demands of monitoring, promoting, and enforcing standards in states previously admitted despite having seriously substandard human rights records. In June, Bosnia and Herzegovina became the council's forty-fourth member state, although key conditions on cooperation with the ICTY and the return of refugees remained unfulfilled. In September, the Parliamentary Assembly (PACE) recommended that the council also admit the F.R. Yugoslavia, which agreed to undertake a long list of reforms upon admission. The Committee of Ministers postponed Yugoslavia's formal admission until its constituent republics Serbia and Montenegro ratified a new constitutional framework.

Meanwhile, Council of Europe institutions were busy attending to the serious human rights problems in a number of its newer members, including Russia, Ukraine, and the southern Caucasus states. Nearly all Council of Europe institutions remained actively engaged on Chechnya, but to no tangible result. The human rights work of Council of Europe experts in Chechnya continued to depend on the Russian authorities who essentially served as their hosts. The Council of Europe experts' mandate was enlarged to include education and judicial reform, raising fears that the expansion would come at the expense of efforts to promote accountability for human rights abuse.

Council of Europe engagement on the southern Caucasus was principled and courageous. Representatives of the PACE monitoring committee refused to be bullied by the Azerbaijani government into backing away from their trenchant reporting on the human rights situation there. Several Council of Europe institutions took the Georgian government to task for its indulgence of religious violence.

Council of Europe institutions also remained actively engaged with Turkey's human rights problems in 2002. The Committee for the Prevention of Torture visited the country twice, and its observations and recommendations served as an important benchmark for progress Turkey needed to make to advance its E.U. application. A PACE rapporteur examined the plight of Turkey's internally dis-

placed population and his recommendations were reinforced by new judgments against Turkey at the European Court of Human Rights. In November, at the invitation of the government of Turkey, the Council of Europe sent its first-ever election-monitoring mission to Turkey.

European Union

The E.U. replicated its poor performance on Chechnya at the U.N. Commission on Human Rights in its bilateral relations with Russia. Throughout the year European heads of state muted nearly all criticism of Russia's conduct of the war in Chechnya.

The E.U. confined its human rights engagement in Central Asia and the Caucasus to forthright statements at such venues as the OSCE Permanent Council. Casting itself in a role secondary to the U.S. in the region, it effectively forfeited important opportunities for leverage, such as its Partnership and Cooperation Agreements and its voice at the EBRD.

The E.U. remained intensively engaged in the Balkans, which was an important arena for proving the capacity of its Common Foreign and Security Policy. Its takeover of the international policing operation in Bosnia from the U.N. in 2003 was seen as a significant pending test of E.U. capabilities. The E.U. was increasingly insistent that the governments of Bosnia, Croatia, and F.R. Yugoslavia cooperate with the ICTY, but it continued to refuse to link its aid program for the region directly to such cooperation.

As mentioned previously, the E.U. accession process proved an important catalyst for reform in Turkey, although nagging questions about whether the E.U. was genuinely committed to the process threatened to undermine that important opportunity for change. While the E.U. had in recent years focused considerable attention on Roma rights in candidate states, it remained to be seen whether this scrutiny would continue as the candidate states neared E.U. membership, highlighting the need for E.U. scrutiny of conditions for Roma in member states as well as beyond.

United States

The Bush administration made repressive governments in the former Soviet Union allies in the global campaign against terrorism, without a consistent policy for checking their proclivity for human rights violations. The U.S. established a military presence in Uzbekistan, Kyrgyzstan, and Tajikistan, and it pressed for greater support of these countries with international financial institutions. In recognition of their cooperation, President Bush met with the leaders of three Central Asian states, an unprecedented amount of attention to what was once a U.S. foreign policy backwater. The region's new prominence opened new avenues for effective U.S. engagement on human rights issues. Yet it seemed increasingly likely that the United States would find it hard to dissociate itself from its new allies' abuses.

In some cases, particularly Uzbekistan, the U.S. pressed for specific improve-

ments, such as the registration of human rights organizations and political parties and the release of political prisoners. But in approving aid recently conditioned by the U.S. Congress on human rights progress, the Bush administration exaggerated the impact of small, positive steps made by the Uzbek government. Overall the U.S. failed to take full advantage of many opportunities to use its influence with Central Asian governments. Concerns were raised diplomatically. But with few exceptions, such as the cancellation of a trade delegation to Kyrgyzstan over its reluctance to allow an independent printing press, the United States did not make clear that there would be consequences for failure to make real improvements.

In Georgia, U.S. military ties expanded to include in situ anti-terror training for Georgian forces. And yet the U.S. expressed no outward concern about the arbitrary or brutal methods used by Georgian security agencies in anti-terror operations and detentions in and around the Pankisi Gorge.

The Russian government repeatedly cast its war in Chechnya in the rhetoric and imagery of the U.S.-led war on terrorism. This should have prompted the U.S. to speak and act unequivocally about continuing abuses. At times, the U.S. government did so, but many opportunities were missed to take a strong stand, particularly at the U.N. Commission on Human Rights.

In the Balkans, the U.S. undermined its longstanding significant investment in building the rule of law when it apprehended six terror suspects in Bosnia in January, circumventing formal extradition proceedings and disregarding the rulings of Bosnian courts. Likewise, there were reports of extralegal extraditions of terror suspects from Georgia to U.S. territory; the Bush administration would neither confirm nor deny the allegations. To some in Georgia, the U.S. approach to the issue contributed to an atmosphere in which “disappearances” were tolerated. A similar dynamic emerged when U.S. efforts to promote the jurisdiction of the ICTY in the Balkans were undermined by the pressure it put on governments in the former Yugoslavia to agree that they would not surrender U.S. soldiers to the International Criminal Court.

THE WORK OF HUMAN RIGHTS WATCH

Throughout the year, Human Rights Watch investigated the persistent and deepening human rights problems in the former Soviet Union. In three missions to Ingushetia, we documented and reported on the alarming pattern of “disappearances” in neighboring Chechnya and the Russian government’s utter failure to bring those responsible to account. We also closely monitored the government’s efforts to pressure displaced Chechens to return home from Ingushetia, although the security conditions in Chechnya remained perilous. We took our reporting on Chechnya to relevant international bodies and Russia’s bilateral partners, including the OSCE, the Council of Europe, the U.N. Commission on Human Rights, the U.N. Committee on the Elimination of Discrimination against Women, the U.N. Committee on Economic, Social, and Cultural Rights, the E.U., and the U.S. administration. In numerous letters and in-person briefings, we urged these international actors to step up monitoring and reporting in Chechnya and to insist that Russia rein in its

troops and hold those responsible for abuses accountable. Seeing the war in Chechnya begin to slip from the international spotlight, in 2002 we made extra efforts to raise awareness of our findings among members of the press. We issued a statement unequivocally condemning the Chechen hostage-taking in October, underscoring that no amount of suffering by civilians in Chechnya could justify such an atrocity. Human Rights Watch also monitored the fallout of this tragedy, documenting a significant increase in harassment of Chechens and members of other ethnic minorities in Moscow and a new abusive crackdown by Russian troops in Chechnya.

Chechnya was not Human Rights Watch’s only focus in Russia, however. During the course of the year we commenced a multi-year investigation into abuses suffered by soldiers in the army, and we published a subset of our findings in a November report on the annual forced conscription of hundreds of young men, arbitrarily detained in Moscow and St. Petersburg and then immediately shipped off to the army. We also looked into trumped-up charges of espionage pressed by the Russian security services against several academics and a journalist.

The year saw our first ever investigation into human rights conditions in Ukraine, where we documented the presidential administration’s campaign to control the television media through informal censorship of news broadcasting. Human Rights Watch researchers also visited Belarus for a preliminary investigation in anticipation of a more substantial research project in 2003.

Our Tbilisi office actively monitored a range of issues in the southern Caucasus. Our chief priority was documenting the Georgian government’s indulgence of dozens of violent attacks against religious minorities. We repeatedly pressed the Georgian government to curb the violence and raised our concern with international actors, especially the U.S. ambassador at large for international religious freedom and the U.S. Commission on International Religious Freedom, both of which committed to follow developments in Georgia closely. We asked the Council of Europe to track the issue more closely as well. Throughout the year we monitored the trial of Vasili Mkalavishvili and Petre Ivanidze, the only people indicted on charges of religious violence.

In March, Human Rights Watch wrote to the U.N. Human Rights Committee in anticipation of its review of Georgia’s implementation of the International Covenant on Civil and Political Rights, highlighting in particular our concerns about religious violence and widespread and persistent torture. In April, we held a press conference, jointly with three Georgian human rights NGOs, to publicize the committee’s concluding observations, which took the extraordinary step of giving Georgia one year to report back on measures it had taken to improve its deplorable treatment of prisoners and detainees. In meetings with Georgian government officials we continued to press for criminal procedure code reform that would advance human rights protections.

Our work on Armenia and Azerbaijan also focused on abuses by law enforcement agencies. In late 2001, we investigated government efforts to hold accountable those responsible for beating to death Poghos Poghosian, killed in a Yerevan nightclub in September after he allegedly insulted Armenian President Robert Kocharian. Several of Kocharian’s bodyguards were implicated in the killing, but only one of them faced a relatively minor involuntary manslaughter charge after

investigators characterized the death as an accident. In a December 2001 statement, Human Rights Watch decried the investigation, saying it sent “a chilling message to the Armenian people that state security personnel can kill with virtual impunity.”

In response to the June 3-4, 2002 police shootings in Nardaran, Azerbaijan, Human Rights Watch wrote a letter to President Heidar Aliiev, calling upon the government to refrain from using unnecessary or disproportionate force in response to public protests.

Central Asia remained a major priority for Human Rights Watch. Our office in Tashkent was on the front line of responding to the Uzbek government’s crackdown on independent Muslims. Our staff there documented hundreds of cases of abuses, sought legal counsel for political and religious prisoners, monitored trials, and briefed the international community resident in and visiting Tashkent.

A mid-year research mission in Kazakhstan documented the human rights aspects of the burgeoning HIV/AIDS epidemic in Kazakhstan, to be detailed in a 2003 report. U.N. AIDS experts had reported that the spread of the disease in the former Soviet Union was the fastest growing AIDS problem in the world. Human Rights Watch found that, even more clearly than in other parts of the world, the epidemic in Central Asia is driven by human rights abuses that prevent vulnerable populations, primarily injecting drug users, from obtaining the information, protection, and treatment they need. In Kazakhstan, Human Rights Watch also monitored and reported on the increased repression of the independent media, particularly the harassment and mistreatment of journalist Sergei Duvanov. In Kyrgyzstan, we monitored the state reaction to a wave of public demonstrations and called on the government to account for police use of excessive force that resulted in the shooting deaths of five civilian protesters in the south.

In September, we raised the alarm when Turkmen opposition figure Gulgeldi Annaniyazov was detained in Kazakhstan pending imminent deportation to Turkmenistan where he would have most certainly faced persecution. Our intervention with U.S. officials in Washington and Almaty, with the United Nations High Commissioner for Refugees (UNHCR), and—through collaboration with the Norwegian Helsinki Committee—with the Norwegian government, helped block the deportation and secure Annaniyazov refuge in Norway.

Throughout the year, Human Rights Watch sought opportunities to bring the human rights situation in Central Asia to the attention of international actors and to encourage them to press the governments in the region for specific reforms. We worked with sympathetic members of Congress to craft legislation that conditioned U.S. aid to Uzbekistan on progress toward implementing the human rights commitments President Karimov made to President Bush in February, and we urged that the U.S. link security assistance to Uzbekistan to concrete improvements in its human rights record. In the same vein, we called on the U.S. to press the governments of Uzbekistan and Turkmenistan to improve their performance on religious freedom or face censure under the U.S. International Religious Freedom Act. Such U.S. conditionality did in fact yield the only bright spots in Uzbekistan’s record during the year—the registration of one human rights NGO in late 2001 and a visit by the U.N. special rapporteur on torture in late 2002.

The international financial institutions were also increasingly a focus of our

advocacy on Central Asia. We briefed World Bank President Wolfensohn on human rights in the region prior to his April visit, and we worked with his staff to identify civil society representatives with whom he should meet there. In May, a Human Rights Watch team, including our Tashkent-based researcher, attended the annual meeting of the EBRD in Bucharest, and, on behalf of fifty-four NGOs from most of the bank’s shareholder states, we launched a campaign to press for reform in Uzbekistan in advance of the May 2003 annual meeting to be held in Tashkent. In meetings with EBRD President Lemierre, bank board members, and staff, Human Rights Watch argued that prior to the 2003 meeting the bank should seek specific reforms in Uzbekistan in order to avoid embarrassment. In follow-up meetings at the EBRD in London in September, we updated President Lemierre and his staff on the human rights situation in Uzbekistan and elaborated ideas for promoting more openness in Uzbekistan in the lead-up to and during the May 2003 meeting. In particular, we emphasized the importance of unfettered civil society participation in the meeting, and an agenda for the meeting that emphasized the bank’s mandate to invest only in countries committed to multi-party democracy.

In the Balkans, Human Rights Watch remained focused on the imperative of justice for war crimes. In June, former Human Rights Watch researcher Fred Abrahams testified in the Milosevic trial about Human Rights Watch’s investigation into war crimes in Kosovo. He told the court that during the war Human Rights Watch had repeatedly sent Milosevic information about the crimes being committed under his command—a crucial link in the prosecutor’s case that Milosevic had command responsibility for those crimes. Our staff regularly monitored the Milosevic trial and provided valuable background information and analysis to journalists trying to explain the proceedings to the public in the Balkans and beyond. Our Belgrade-based researcher published a number of editorials and letters to the editor in the Belgrade press, excoriating the media to report on the Milosevic proceedings in a balanced and accurate manner, and urging the Serbian political elite to publicly embrace the tribunal proceedings as an important part of Serbia’s effort to put the Milosevic era definitively behind it.

In November, Human Rights Watch published a report on trafficking of women and girls to Bosnia and Herzegovina for forced prostitution. The report documented corruption among local police and complicity by certain actors within the international community as significant aspects of the trafficking problem. Throughout the year we monitored continued impediments to minority return in Croatia and at the year’s end were finalizing a substantial report on that subject.

In Kosovo, we conducted a three-week investigation into impunity for wartime and post-war ethnic and political violence. Our findings—due for publication in 2003—highlighted important lessons learned about how NATO and the U.N. might better ensure security and the rule of law in post-war settings.

In June, we released a major report highlighting serious violations of media freedom in Albania, including harassment, threats, and violence against journalists, often with police involvement; discriminatory allocation of government advertising and subsidies; and crippling criminal and civil defamation suits brought against journalists by government officials subjected to critical media attention. We released the report in a press conference in Tirana and presented our key recom-

mendations to relevant government and international officials there. Throughout the rest of the year, we sought opportunities to raise our concerns further with relevant international actors, including the European Commission, European Parliament, and the Council of Europe Parliamentary Assembly Monitoring Committee.

Turkey was the focus of intensive research and advocacy in 2002, as we sought to capitalize on the human rights demands put on Turkey as part of its E.U. membership bid. Human Rights Watch's researcher on Turkey made regular trips to Brussels to brief E.U. officials on human rights developments and to urge them to champion several specific significant reforms. Curbing torture was a major focus of these efforts and in numerous letters to E.U. and Turkish officials, editorials, and press releases, we emphasized the importance of amending Turkish law to give lawyers access to all detainees from the first moments of detention. Our efforts were rewarded when, on the eve of the E.U.'s publication of its annual report on applicant states, the Turkish government prepared a new draft law on access for lawyers.

In November, Human Rights Watch honored Turkish freedom of expression activist Sanar Yurdatapan at its annual dinners in New York City, Los Angeles, and San Francisco. The dinners and the attendant media attention and meetings with U.S. government officials gave us an important opportunity to outline human rights priorities for the new Turkish government, particularly in the realm of free expression.

The expansion of NATO and the E.U. presented an important opportunity to press for arms trade reforms in candidate countries, which we did with particular vigor in 2002. Through the work of our Arms Division, we monitored, encouraged, and reported on reform efforts in Central and Eastern Europe, and also highlighted continued areas of concern. In meetings, letters, and briefing papers, we encouraged E.U. and NATO decision makers to use their leverage to maximum advantage to secure needed improvements in candidate countries. We focused efforts to promote change in particular on Slovakia, carrying out new research in the country in April, May, and October.

In Western Europe, we focused our monitoring and advocacy on Spain, which had the E.U. presidency in the first half of 2002, and on Greece, which was due to have the presidency for the first half of 2003. In Spain, we published three reports based on research carried out in late 2001. They addressed extremely poor conditions of detention for migrants in the Canary Islands; mistreatment of unaccompanied children arriving in the Spanish cities of Ceuta and Melilla; and arbitrary implementation of Spain's new immigration law. The reports, which were widely covered in the Spanish media, were the subject of several Human Rights Watch meetings with responsible Spanish government officials.

In Greece, we monitored developments relating to its efforts to combat trafficking in human beings and offered written comments on draft anti-trafficking legislation, urging that it be amended to include protections for victims. We submitted information on Greece's anti-trafficking efforts to the U.N. Committee on Economic, Social and Cultural Rights, which was due to review Greece in 2003. We also continued to gather information regarding Greece's treatment of migrants and asylum seekers, the subject of three reports we had published in 2000 and 2001.

At the E.U. level, we drew on our country research to draft critiques of E.U. pro-

posals on a common short-term residence permit for trafficking victims and on a common policy for returning migrants to the countries from which they have come. We formally submitted our concerns about the return policy to the European Commission and European Parliament at a July hearing. In November, we met with commission and council officials to discuss our recommendations further and how they could be addressed through implementation of the action plan on return that member states were expected to adopt at the end of November.

ALBANIA

HUMAN RIGHTS DEVELOPMENTS

Following a series of political crises, by mid-year Albania entered a period of what appeared to be more stable and inclusive governance. Nonetheless, impunity for police abuse, failures of various government branches to uphold the rule of law, trafficking in human beings, and widespread violations of children's rights continued to be major concerns. The government's desire to cast Albania as part of the European mainstream made it unfortunately more reluctant to acknowledge and address the country's human rights problems.

In early 2002, political life was dominated by a dramatic split within the governing Socialist Party (SP), triggered by chairman Fatos Nano's campaign against what he described as the party's "moral crisis" of corruption, nepotism, and criminal connections. Nano's attacks focused on then-Prime Minister Ilir Meta and his top ministers, who reciprocated by making similar allegations against Nano and his faction. The scathing cross-accusations led to Meta's resignation in January 2002.

The tensions within the SP, and the return of the opposition Democratic Party (DP) to Parliament despite its continuing refusal to recognize the outcome of the 2001 parliamentary election, shaped a situation that led to Prosecutor General Arben Rakipi's impeachment. Meta's parliamentary faction accused Rakipi of abusing his powers to support Nano's campaign, and the opposition, which had long been demanding Rakipi's resignation, joined votes to initiate his impeachment. Acting on Parliament's proposal—adopted at the end of a swift, one-day debate, without even giving Rakipi a chance to respond—the President of the Republic dismissed Rakipi and quickly appointed a new prosecutor general. Rakipi took the case to the Constitutional Court, claiming violations of his rights to be informed of the charges and to defend himself. The court ruled that the impeachment had indeed run afoul of constitutional due process and remanded the case to Parliament "for reconsideration."

The ruling was met with strong criticism, including from the president, parliamentary speaker (who resigned in protest), and opposition leaders, some of whom went as far as calling for the Constitutional Court's dissolution. Parliament took no action whatsoever to comply with the ruling, dealing a severe blow to the