

## **HELSINKI WATCH OVERVIEW**

### **Human Rights Developments**

**The optimism that attended the East European revolutions of 1989 had already dimmed somewhat by the end of 1990. Now, at the close of 1991, we are forced to conclude that some of our worst forebodings have become reality. If there is any room left for surprise, it is mainly at the speed with which the events we feared have come to pass.**

**The demise of communism in Europe has brought grave human rights problems in its wake. A fierce and brutal civil war is raging in Yugoslavia. The Soviet empire has come to an end with new and diverse republic governments now responsible for the protection of human rights. In Romania, vigilante miners, who last year supported the government by brutally suppressing demonstrators, this year smashed the Parliament building in violent protest against price increases and forced the government to resign. In Albania, the demise of communism has been a stormy one, resulting in considerable turmoil, an attempted mass exodus, and violence.**

**Turkey, a strongly anti-communist member of NATO, has long used the fear of a communist takeover to justify repression against its citizens. But the end of a "communist threat" has not eased repression in Turkey, where torture in police detention centers continues unabated. Indeed, violence has escalated in the country; in the past year we have reported on a significant number of deaths in detention and the murder of a human rights activist.**

**Communism is fast being replaced, both in Eastern Europe and in the former Soviet Union, by the ideology of nationalism. In some cases, communist leaders have merely traded in one mantle for the other. Nationalism, which often leads to ethnic conflicts, border disputes and discrimination against minorities, is potentially dangerous to the cause of human rights, as the violence in Yugoslavia and various republics of the former Soviet Union illustrates.**

**Czechoslovakia, Poland and Hungary, where new democracies are struggling to take hold, are also facing new problems in the process of de-communization and in addressing abuses of the past. It is ironic that in Czechoslovakia, where an enlightened president came to power in 1989 declaring that all citizens should take responsibility for what happened in the past, the Parliament has recently passed a law to prevent, among others, former communist officials and all those whose names are listed as collaborators in secret police files from occupying**

high-level administrative positions in the public sector. The law, which assumes guilt by association and considers people guilty until proven innocent, does not provide for due process and could unleash a witch hunt of considerable proportions. Similar legislation is also being considered in Poland and Hungary. In the three Baltic states that achieved their independence in 1991 — Estonia, Latvia and Lithuania — new kinds of human rights issues have become cause for concern: the rehabilitation of former war criminals, legislation restricting the right to citizenship and property, and discrimination against minorities.

The variety of problems that Helsinki Watch now faces has increased dramatically, as has the number of new independent states and regions that we now monitor. Before 1989, our major focus was on a region completely under Soviet hegemony, with a monolithic structure that made it possible to understand and respond to events in the various Warsaw Pact countries almost as if they were a single entity. Now, the countries in the region have not only taken on new individuality, but many are also fracturing into their constituent parts, and some of these constituent parts, in turn, may soon splinter further.

### **The Right to Monitor**

In such a time of turmoil, it has become increasingly important for Helsinki Watch to have contacts with local human rights monitors who are investigating and recording human rights abuses and issuing information that we know is reliable. But ironically, the sudden opening of many formerly closed societies has led to a diminution of indigenous human rights monitoring. In the formerly Soviet republics and Eastern Europe, where human rights monitoring (as well as the persecution of monitors) was a highly developed art, monitoring by citizens is now, at last, largely free of danger. But many of those previously active in the human rights movement are now involved in politics: they are either running their governments or active in the opposition. For the most part, new people have not emerged to take their place.

At the same time, Helsinki Watch now has unprecedented opportunities to send fact-finding missions to countries that were previously closed to us and where we were unable to travel openly for human rights purposes. We have seized the opportunity to send missions to far-flung places. We have also stationed our own representatives for long periods of time in Helsinki Watch offices in Bulgaria, Romania, Yugoslavia and, most recently, in Moscow. The ability to work in these countries on an extended basis has not only improved the quality of the information we are able to gather, but it has provided us with a network of

contacts in these countries and given us an organizational presence there. Part of the work of Helsinki Watch has been to discover new people interested in doing human rights work in their countries. We are now developing projects for training them, when necessary, in the skills of taking testimony and the methodology of human rights fact-finding.

In Turkey, the human rights monitoring situation remains a mixed one: human rights monitors are now formally allowed to function, but monitoring is not without risks. Monitors are routinely repressed and, during 1991, one human rights activist was killed.

### **U.S. Policy**

The U.S. government has always walked gingerly with regard to human rights criticism of Turkey, a valued NATO ally. Although the State Department in recent years has been forced by public pressure to acknowledge the existence of torture and other human rights abuses in Turkey, its expressions of concern have been, for the most part, in the realm of quiet diplomacy. The same has traditionally been true with regard to Yugoslavia, which successive U.S. administrations considered "our" communist country as distinct from "theirs" (i.e., the Soviet Union's).

With the breakup of the Soviet Union and the collapse of communism, such old distinctions no longer pertain. However, the result has not been beneficial to the cause of human rights. It was hoped that, with the end of the Cold War, the United States would be in a position to criticize human rights abuses wherever they occur. Instead, human rights protests have largely disappeared from the agendas of U.S. governmental bodies when it comes to the countries of the former Warsaw Pact. The State Department, to its credit, has been engaged in constructive human rights activities aimed at the building of democratic institutions in the former Eastern bloc, surely a worthy and necessary task. But the Department has been reluctant to criticize ongoing human rights abuses in the Soviet Union, Yugoslavia or elsewhere in Eastern Europe. Its main concern has been to shore up the faltering central governments in these countries; in the Soviet Union and Yugoslavia, this policy continued long after its futility became apparent.

As for Turkey, its ties to the U.S. government, if anything, are stronger than ever before, given Turkey's role in supporting U.S. positions during and after the Persian Gulf war. The United State has boosted its aid to Turkey and remains disinclined to raise delicate human rights issues, even in appropriate forums.

In September 1991, for example, the Conference on Security and Cooperation

**in Europe (CSCE) held a conference on human rights in Moscow. Before and during the conference, Helsinki Watch urged the U.S. delegation to raise human rights issues in countries that heretofore had been spared any human rights criticism in that forum. We argued that the breakdown of the blocs gave the Helsinki process an opportunity to become more than an East-West confrontation. We urged the U.S. delegation to raise publicly for the first time issues affecting Yugoslavia, Turkey and Western democracies. The U.S. ambassador to the Moscow meeting, Max Kampelman, after first expressing a disinclination to initiate such criticisms, later reversed himself, but his criticisms within the CSCE forum were mild. When one recalls Ambassador Kampelman's vociferous defense of imprisoned Helsinki monitors in Soviet bloc countries during the Madrid Review Conference, the contrast is striking.**

### **The Work of Helsinki Watch**

**The Soviet Union, as the largest and most complex of the countries with which we deal, has always been the main focus of our concerns in the region. In whatever form it ultimately assumes, it will continue to command our attention in the years to come. Well before the rapid move toward independence in the Soviet republics following the aborted August 1991 coup, Helsinki Watch had begun a program of dealing with each republic as a separate entity. This approach did not denote a position on sovereignty, only a recognition that it was the most realistic way to address the human rights issues of concern. Taking advantage of the access we now enjoy to republics that before were off limits to human rights activists, we embarked on a program of missions to and reports on various republics.**

**We focused on what is known in the region as "hot spots" — regions where there have been violent incidents involving the unwarranted use of armed force against civilians. Many of these regions were later cut off from the press and from human rights investigators for many months or even years. Unofficial and even official investigative commissions were often unable to publish their findings or found that their reports were ignored. Those responsible for civilians deaths and injuries were never punished.**

**Since May 1990, Helsinki Watch has sent missions to Armenia (twice), Azerbaidzhan (four times), Belorussia, Estonia, Georgia (twice), Kazakhstan (twice), Latvia, Lithuania, Moldavia, Tadjikistan (three times), Turkmenistan, Uzbekistan and, of course, Russia. Most of these missions have resulted in reports or newsletters on the incidents under investigation. In the course of our work, we**

**discovered that these incidents — even those that occurred some years before we got there — are still uppermost in the thoughts of people living in the republics, and that our interest in investigating such events put us in touch with local activists and served as a good example of how human rights work is conducted to people who are unaccustomed to the process. Our efforts produced considerable internal press coverage and helped establish Helsinki Watch as a respected presence on the Soviet scene.**

**In investigating Soviet "hot spots," we documented a pattern of violence under Gorbachev. When violence erupted in Lithuania and Latvia in January 1991, we pointed out that these events — which, unlike previous events, were covered by the international press — were part of a pattern of violence that had been established by Soviet and KGB forces as early as December 1986 in Kazakhstan.**

**Helsinki Watch has also been especially active in Yugoslavia, monitoring human rights abuses in the brutal struggle between Serbs and Croats in which both sides, and the Yugoslav army, are all guilty of egregious behavior. In early 1991, Helsinki Watch reported on the use of excessive force by Serbian police to quell demonstrations in Belgrade and by the Yugoslav army in suppressing demonstrations in Slovenia.**

**Helsinki Watch is engaged in preparing a series of reports on the problems of Gypsies in various countries that we monitor. In 1991, we published reports on Gypsies in Bulgaria and Romania, describing escalating violence and discrimination against Gypsies and a disinclination on the part of the authorities to protect Gypsies from such attacks. Helsinki Watch has sent missions to Germany and Czechoslovakia to gather information for reports on the situations of Gypsies in those countries.**

**Helsinki Watch continued to report on violence in Romania, following up on the June 1990 miners' attacks against civilian protestors in Bucharest and pointing to the failure to prosecute those responsible for abuses; months later, the miners attacked again, this time against the government that had failed to prosecute them.**

**Helsinki Watch also reported on excessive force used by the police in Turkey to suppress demonstrations and to conduct raids on houses in which terrorists were suspected of hiding. We continued to monitor pervasive human rights violations in Turkey involving torture, including of children, deaths in detention, and the killing of a human right activist.**

**In 1991, Helsinki Watch sent its first mission to investigate the armed conflict in Northern Ireland, and published a detailed report on human rights abuses committed by both security forces and paramilitary groups in violation of international human rights and humanitarian law and standards.**

**Helsinki Watch is also closely watching the ways in which countries address abuses of the past. The question is a delicate one: on the one hand, we believe that it is important that there be full disclosure of such abuses and that the perpetrators of crimes be punished; on the other hand, caution must be taken so that whole groups of people are not persecuted for their past associations, including individuals who were not guilty of any crime. We have urged that more attention be paid to prosecuting those guilty of crimes under previous regimes in Romania, Bulgaria, Albania and elsewhere, and that the victims of such abuses be rehabilitated. At the same time, we have taken issue with new laws that were passed in Czechoslovakia and the newly independent Baltic nations that presume guilt by association and discriminate against whole groups of people because of their ethnicity or political beliefs.**

**In addition to new issues such as internal violence and the ways in which governments address past abuses, we have continued our traditional human rights work of monitoring issues such as freedom of expression and the press. In 1991, we published reports on free expression in the Soviet Union, Yugoslavia, Turkey, the United Kingdom and the United States.**

**We continued our monitoring of prison conditions. In 1991, we published reports on conditions in U.S., Soviet and Czechoslovak prisons, and sent missions to Romania, Spain and the United Kingdom to investigate prison conditions there.**

**We also continued our series on the treatment of ethnic minorities. In 1991, we issued reports on the Macedonians in Bulgaria and the Turks in Greece and are now preparing a report on the Greeks in Turkey.**

**We anticipate a significant increase in our work load in 1992. The disintegration of the Soviet empire has ramifications for the entire region, many of which are yet to be seen. It is both a fascinating and a worrisome time, one that poses great challenges for the Helsinki Watch board and staff in the years ahead.**

## **ALBANIA**

### **Human Rights Development**

**In 1991, Albania attempted to accelerate the reform process that has gradually brought an end to over four decades of communist rule and political isolation. But significant human rights problems remain, due in part to the near-**

**collapse of the economy and the desperate attempt of thousands of Albanians to flee the country.**

**During the previous two years, Albania made slow progress toward respect for human rights and the rule of law. There was a gradual abolition of the most repressive practices of the reign of long-time dictator Enver Hoxha, who died in 1985. In May 1990, under the leadership of President Ramiz Alia, the government rescinded several criminal laws that had been used for political persecution. In November 1990, the government restored the right to practice one's religion, began to release political prisoners, and authorized the provision of legal assistance to criminal defendants, which had been prohibited since 1967.**

**In December 1990, in response to large-scale protests, the government authorized multiparty elections for the first time under the ruling Albanian Labor Party. The next day, the government formally recognized the opposition Democratic Party, and the registration of other political parties followed. Elections were ultimately set for March 31, 1991.**

**The election campaign was marred by continuing restrictions on civil society that curtailed the ability of the opposition to transmit its message to Albania's 3.2 million people. The opposition parties faced a monumental task in attempting to overcome forty-six years of Labor Party domination. Although registered political parties were allowed to publish their own newspapers beginning in December 1990, the limited availability of newsprint and transportation made it difficult for the opposition to reach many Albanians, especially in the countryside, where the majority lives. Although formal campaign air time was allocated on an equal basis, government control of television and radio news programs presented an additional disadvantage for opposition parties.**

**Election observers from Europe and the United States, as well as a number of foreign journalists, were allowed to monitor and report on the elections. Official observers concluded that the elections fell short of internationally recognized standards because of the parties' unequal access to the media as well as intimidation of opposition candidates and political activists during the campaign. For example, a letter received by an opposition party polling monitor in the town of Burreli threatened her and her family with death and the destruction of their house if she did not publicly renounce the opposition.**

**The Labor Party won a landslide in the rural areas, while the Democratic Party secured a resounding victory in urban areas. According to the final tally, the Labor Party won 64.5 percent of the electoral districts and the Democratic Party captured 27 percent. The Greek minority won seats in three of the five electoral districts where it fielded candidates.**

Less than two months after the March 31 elections, the Labor Party government was forced to resign due to growing labor unrest and political protest. On June 10, the Labor Party held its tenth congress and, in an attempt to distance itself from the past, changed its name to the Socialist Party. Later in June, negotiations between the Socialist Party and the opposition yielded a "stability government" with representation from the five main political parties.<sup>1</sup> The opposition appointed seven of the twenty-four cabinet ministers, including the deputy prime minister. All cabinet members were required to give up their political affiliation.

On December 4, the Democratic Party, Albania's largest opposition party, withdrew from the coalition government to force early elections. Prime Minister Ylli Bufi resigned and was replaced by Wilson Ahmeti. In mid-December, President Alia was struggling to find a compromise between the main political parties so that a "stability government" could govern through the winter.

Periodic, unpunished official violence has scarred Albania's political transition. On February 22, a meeting of conservative officials took place at the Military Academy in Tirana. Responding to rumors of a possible coup attempt, a crowd of pro-democracy demonstrators gathered outside, some throwing rocks. Tensions mounted, and soldiers on the roof began shooting into the crowd below, killing four. One policeman was also killed. There was no known official response to the killings.

Only two days after the March 31 elections, official violence erupted again during a demonstration protesting election fraud in the northern city of Shkoder. Four people were killed and over fifty injured when the police fired into a crowd of peaceful demonstrators. Under growing pressure from the Democratic Party, the government announced a commission to investigate the violence. On July 29, after mounting domestic and international pressure, three police officials were put on trial for the shootings. On the third day of trial, proceedings were suspended to allow further investigation. No new trial date has been set.

Albanian security forces also used excessive force in responding to waves of would-be emigrants. On March 8, troops stormed some one thousand refugees perched on a ship in Durres harbor, and a few soldiers opened fire. According to testimony taken by Helsinki Watch the next day in Durres, at least two died and eight were wounded in the attack. On June 11, an Albanian naval patrol shot and killed two Albanian refugees and injured four others who were attempting to flee

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<sup>1</sup> The five were the Agrarian, Democratic, Republican, Social Democrat and Socialist Parties.



by boat. At least one civilian was shot during clashes between police and crowds trying to storm ships in Durres harbor on August 7, and there were unconfirmed reports from Albanian journalists that another civilian was shot by security forces during clashes with crowds in the port of Vlore on October 17.

There is no indication that the officials responsible for these shootings have been prosecuted. To the contrary, the Albanian government placed the port of Durres under army control, and Prime Minister Ylli Bufi announced in June that border guards are authorized to open fire on anyone trying to escape.

In early December, the political crisis in the Albanian government, as well as official statements that food supplies would last only one week, provoked three days of food riots throughout the country. Two people were reportedly killed in the city of Lac on December 8 when shots were fired during one such riot. The police and army took control of food distribution in the country, and on December 7 President Alia reportedly issued an emergency decree authorizing Albanian security forces to shoot if necessary to keep order and protect Albania's food supplies.

For many years, Albania had among the largest number of political prisoners in Europe. In late 1990, the government began to release these prisoners in substantial numbers. According to the government, 191 political prisoners were released in 1990, another 202 in January 1991, and 126 on March 17. On July 2, President Alia signed a decree granting amnesty to all prisoners convicted of espionage, sabotage, diversion and terrorist acts, as well as those convicted of slandering high state organs; approximately ninety prisoners were released following the decree. The Forum for the Defense of Human Rights in Albania, an independent monitoring organization, reported shortly thereafter that, according to its information, no political prisoners remain in Albania.

Though a tremendously important step, the mere release of these prisoners did not bring an end to the injustice they continue to suffer. Many have been freed without jobs, housing or even documents to verify their whereabouts during their years in detention.

During 1991, former political prisoners demanded that the Albanian government take specific steps to rehabilitate them. On September 21, a group of former political prisoners went on a hunger strike in the center of Tirana, demanding that they be declared innocent, that their confiscated property be restored, and that the government assist them in finding homes and jobs. On September 24, government representatives met with the strikers and created a commission to address their demands. The commission is responsible for, among other things, finding employment for former political prisoners on a priority basis,

providing economic support and housing assistance for them and their families, and identifying the graves of prisoners who died during detention and returning their bodies to their families. On September 30, the Parliament enacted an Amnesty Law recognizing the innocence of all who had been convicted of crimes of conscience under the previous regime. The Amnesty Law also established a method of compensation for former prisoners and included within its scope all persons deported or sent to internal exile for political reasons.

Even before the Amnesty Law, Albanian courts had begun to reconsider sentences passed under the previous regime. On August 10, the Supreme Court reviewed the cases of twenty-two citizens who had been sentenced to death by firing squad on charges of treason and acts of terrorism in 1951. The court found the verdicts unjust and overturned them.

While many of these prisoners were incarcerated for the peaceful expression of their views, all prisoners convicted before then in Albania, including those convicted for common crimes, were uniformly denied basic due process under the previous regime. Since criminal defense lawyers were outlawed until November 1990, none of the prisoners convicted before then received the benefit of independent counsel, and very few received any legal assistance at all. Because there was no independent judiciary, none received the benefit of a trial before an impartial tribunal. Many prisoners also told Helsinki Watch that they had been coerced to confess to their alleged crimes.

The Supreme Court is in the process of reviewing the cases of all those who claim that their conviction for a common crime was politically motivated or not supported by the evidence submitted at trial. The Chief Justice of the Supreme Court told Helsinki Watch in November 1991 that he had received requests to review approximately five hundred cases. (There are approximately 950 common prisoners currently in Albanian prisons.) The Amnesty Law discussed above also provides that former convicts, prisoners and people sent into internal exile who are not covered by the law may petition the Council of Ministers for review of their cases.

The Albanian government has not sought to hold accountable those responsible for gross human rights abuses committed during the decades of communist rule. There have been no trials of individuals charged with human rights abuses under the previous regime. Instead, several former high-ranking officials were prosecuted for economic crimes such as misuse of state funds. These included:

- o Manush Myftiu, a top communist official under the Hoxha regime, and Kino Buxheli, a state functionary, were arrested on August 31 and charged with

**misuse of state funds.**

- o Former Interior Minister Hekuran Isai, who was also arrested on October 7 for misusing state funds.**
- o Members of twenty-six families against whom legal proceedings have been brought following an investigation into the last three years of communist rule, according to current Finance Minister Genc Ruli.**
- o On December 5, Nexhmije Hoxha, widow of the former dictator, was arrested on charges of corruption and misappropriation of \$300,000 of state money.**
- o Rita Marko, a Politburo member for thirty-four years, was also arrested on December 5 on corruption charges.**

**There has been no investigation into the Sigurimi, the former Albanian secret police who terrorized the population for decades. The government has failed to provide any information about the whereabouts of former Sigurimi officers or to respond to calls for a thorough investigation into their past and present activities.**

**Albanian television and radio continues to be controlled by the government. As noted, during the first months of 1991, this control posed difficulties for opposition political campaigning. In late April, transitional legislation transferred control of the television and radio, as well as other official media, from the Executive to the Parliament. However, in late 1991, many political activists still complained of the continuing pro-government bias of the Albanian television and radio. In early November, employees of the state radio and television went on strike to demand the removal of former communists who still occupy senior posts. They demanded that sensitive media positions be filled by nonparty individuals and that the television and radio be completely restructured.**

**A wide range of opposition political parties, as well as groups representing the interests of minorities, were able to organize during 1991 without government interference. However, in October, Parliament passed a law prohibiting the formation of political parties along ethnic or religious lines. The law was enacted despite the vehement opposition of the Greek minority representatives in Parliament who viewed the law as an effort to prevent them from participating in the 1992 elections. Because the law violates the fundamental political rights of ethnic minorities, it has no place in a democratic society and should be repealed.**

**On April 10, the Albanian government published a new draft constitution — essentially a revision of the December 1990 draft — incorporating important**

safeguards for many basic liberties. However, Parliament was not able to reach agreement on the draft and, on April 30, passed transitional legislation to facilitate other legal reforms. Entitled "The Law on the Main Constitutional Provisions," the transitional legislation is to remain in effect until Parliament can agree on the text of a new constitution, presumably in the first quarter of 1992.

Article 2 of the transitional law states: "The Republic of Albania is a juridical and democratic state...The constitutional order, equality before the law, social justice, and pluralism are the foundations of this state..." The law also provides for the depoliticization of the government, including the president, who may not have any party affiliation. As noted, the law also places radio, television and other official media under the control of the Parliament.

In the course of 1991, Albania moved toward signing several significant human rights documents and joining related international organizations. On June 19, Albania became a full member of the Conference on Security and Cooperation in Europe (CSCE), pledging to honor political and economic freedoms. On October 4, Albania acceded to the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. On September 12, Albania signed the Final Act of the Helsinki Accords.

### **The Right to Monitor**

The Forum for the Defense of Human Rights and Fundamental Freedoms, the first independent human rights organization in Albania, was registered by the Albanian Ministry of Justice in January 1991 and has been able to conduct its work without open government interference, although Forum members received repeated anonymous telephone threats in the early months of 1991. In June, the Forum protested to the government that law-enforcement forces had failed to protect a warehouse owned by the Forum and the Albanian Red Cross when it was attacked by a large crowd of peasants who stole the goods inside. The warehouse had contained food and medicine for destitute people, former prisoners and victims of persecution. In August, a second independent human rights group was formed, the Association of Former Political Prisoners and Detainees.

Beginning with a visit in early March by a delegation of the Vienna-based International Helsinki Federation for Human Rights (IHF), in which Helsinki Watch participated, international monitoring organizations have been welcomed in Albania. A range of international monitors observed the March 31 elections.

### **U.S. Policy**

**The Bush Administration recognized that human rights problems continue to exist in Albania, and for the most part played a positive role in 1991 by raising human rights concerns with the Albanian government and releasing aid only as reforms proceeded. However, the Administration squandered an opportunity to press for freer elections in March by renewing diplomatic relations before the elections had been held, at a time when serious deficiencies were apparent in the campaign.**

**Diplomatic ties were renewed on March 15, after a break of over fifty years. According to U.S. government statements, the Bush Administration took the opportunity during prior negotiations to urge the Albanian government to speed reforms and to hold fair elections. In support of political pluralism in Albania, the Administration also received members of the Albanian opposition during the negotiation period.**

**State Department spokesman Richard Boucher, announcing the re-establishment of diplomatic ties between Albania and the United States, stated:**

**We have had a number of meetings with the Albanians...In these meetings we have emphasized the importance of increased respect for human rights. We've also noted the elections coming up on March 31st, and we believe it's important for Western countries to support and encourage the process of reform in Albania.**

**At the signing ceremony to re-establish diplomatic relations, Raymond Seitz, assistant secretary of state for European and Canadian affairs, remarked:**

**The United States supports and encourages the process of political and economic reform which has begun in Albania. This process will mark an important step forward when multiparty elections are held at the end of this month. We are pleased that Americans will be among foreign groups who will observe them. It will be important to the CSCE community of nations and to the world that these elections are both free and fair.<sup>2</sup>**

**The Bush Administration was critical of the first multiparty elections in Albania, but called on the Albanian people to work with the new government to build a democratic state. On April 3, State Department spokeswoman Margaret**

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<sup>2</sup> As reported in the State Department's *Dispatch*, March 25, 1991.

**Tutwiler assessed the elections as follows:**

**[The March 31st elections were the first step on the long road to democracy in Albania...A partial foundation has been laid for political pluralism and democracy.**

**Based on reports from U.S. observers and other international election monitors, it appears that the electoral process fell short in several key areas of CSCE standards for free and fair elections.**

**There are also credible reports of widespread intimidation against opposition party candidates and activists during the campaign and on election day...We call upon authorities to investigate fully and openly all charges of electoral abuses and to propose appropriate measures to redress legitimate grievances.**

**She also noted the problem of unequal access to the media.**

**The State Department had been less critical of the same electoral conditions in advance of the balloting. Secretary Seitz, in the above-noted speech, failed to mention the limitations on opposition campaigning that were already fully apparent, suggesting instead that a technically correct balloting would suffice to guarantee free and fair elections.**

**However, the State Department was outspoken in urging restraint during the tense emigration crisis in the weeks before the election. As thousands of Albanians waited on ships hoping to go to Italy, the State Department urged the Albanian government to refrain from violence. Spokesman Boucher stated: "Albanian authorities should guarantee respect for basic human rights, they should exercise restraint, and they should refrain from the use of violence in responding to the present situation." Troops stormed ships in Durres harbor on March 8, resulting in at least two deaths. In response, Boucher stated on March 11, "We regret the injury and as before we condemn the use of deadly force."**

**The Bush Administration publicly criticized the post-election violence in the city of Shkoder. On April 4, the Administration officially protested the use of force against peaceful demonstrators and urged a full investigation. On April 19, spokesman Boucher stated:**

**The head of the U.S. team in Albania has urged the Albanian government that the investigation [into events in Shkoder] be thorough and that its conclusions be released promptly...We remain strongly opposed to the use of force against peaceful demonstrators who are exercising basic**

**human rights, including the right to peaceful assembly, and we would again call on the Albanian authorities to investigate these acts of violence thoroughly and promptly.**

**On June 22, Secretary of State James Baker visited Albania, the first such visit ever by a U.S. secretary of state. During his visit, Secretary Baker called publicly for additional reforms in Albania, including the release of all political prisoners, full respect for religious and minority rights, and the elimination of the repressive secret police, the Sigurimi.**

**During Secretary Baker's visit, he announced \$6 million in aid for Albania, including two thousand tons of powdered milk and other foods, \$1 million in medicine, and \$250,000 in cash for the Albanian Red Cross. According to news reports, Baker made further aid contingent on continued economic and political reforms, including a government that contains representatives of the opposition.**

**In late August, William Ryerson, who was appointed U.S. ambassador to Albania in late 1991, reported that military cargo planes from the Persian Gulf had delivered foodstuff to Albania and that additional deliveries were planned. This assistance was in addition to the aid package announced during Secretary Baker's June visit. In October, the United States also pledged \$10.5 million to Albania as part of an aid package drawn up by the Group of 24 Western industrialized countries.**

**Other positive Administration initiatives included sending technical teams to assist in drafting the new constitution and resolving other legal issues, as well as a series of U.S. Information Agency programs on journalism, market economics and education. Given Albania's long isolation, such programs are especially useful and welcome.**

### **The Work Of Helsinki Watch**

**With Albania's first contested elections under Communist rule scheduled for March 31, Helsinki Watch took part in an IHF fact-finding mission from March 7 to March 12 as part of the first team of independent human rights investigators known to have officially visited the country. The delegation met with senior government officials, including President Ramiz Alia; toured several prison and labor camps; conducted confidential interviews with current and former prisoners convicted of both political and common crimes; spoke extensively with members of opposition political parties and other newly founded independent organizations; and investigated several recent killings by Albanian security forces.**

**Helsinki Watch issued a newsletter on March 27 concluding that despite the dramatic opening that had occurred in Albania since the December 1990 decree authorizing multiparty elections, significant human rights concerns remained. Helsinki Watch found that ongoing shortcomings — particularly in the area of press freedom — would affect the fairness of the elections, and recommended that opposition parties be given extensive access, on an equal basis with the Labor Party, to the national television and radio during the final days of the campaign.**

**Helsinki Watch also urged the Albanian government to release all prisoners held for the peaceful expression of their views — approximately ninety such prisoners were still detained at the time of the newsletter — and, in the case of prisoners convicted of common crimes, to release or retry them in proceedings that meet all international requirements of due process. Helsinki Watch called on the government to reexamine the sentences of all those convicted of politically motivated common crimes and to rehabilitate released political prisoners. Finally, Helsinki Watch expressed concern about the apparent willingness of the Albanian authorities to resort to lethal force in the face of peaceful dissent, and urged that those who have used such force without justification be prosecuted and punished.**

**Following the elections, Helsinki Watch analyzed their shortcomings in an article published in *The Nation*. On June 17, Helsinki Watch wrote Secretary of State James Baker, urging him to raise ongoing human rights concerns with the Albanian government during his visit to Albania on June 22. Helsinki Watch expressed concern about the continued detention of political prisoners, the failure of the Albanian government to release or retry those charged with common crimes, and the need for vigorous scrutiny, prosecution and punishment of those who have used force without justification. The letter concluded:**

**Helsinki Watch recognizes the significant progress made by the Albanian government toward respect for human rights over the last six months. However, the issues discussed above pose continuing human rights concerns that must be addressed if this process is to continue. The CSCE conference and your visit to Albania — the first by an American Secretary of State — provide valuable opportunities to raise these issues with the Albanian government.**

**Helsinki Watch closely monitored human rights developments in Albania throughout the year and developed contacts with civic and political groups in the country. In November, a Helsinki Watch representative conducted a follow-up**



mission to Albania to evaluate the human rights situation. Meetings were held with the Forum for the Defense of Human Rights, the chief justice of the Supreme Court, the legal adviser to President Ramiz Alia, staff members of the Prosecutor's Office, and representatives of the Association of Former Political Prisoners and the Greek and Gypsy minorities. Interviews were also conducted with numerous political leaders, journalists and lawyers.

In December, Human Rights Watch honored Arben Puto, head of the Forum for the Defense of Human Rights, at its annual dinner honoring human rights monitors from around the world.

## **BULGARIA**

### **Human Rights Developments**

Despite a consolidation of many human rights achievements, Bulgaria experienced continuing political tensions. As minorities faced important obstacles to the enjoyment of equal rights, legal reforms did not sufficiently address minority concerns, and bills in Parliament to extend human rights to minorities received little support.

The National Assembly approved a new Constitution on July 12, which provides broad protection of fundamental liberties. The Constitution significantly curtails the powers of the executive and establishes a Constitutional Court to interpret the Constitution and rescind laws determined to be unconstitutional. However, many Bulgarians view the Constitution as far from perfect, and the final vote was marked by heated debate and protests, especially regarding its provisions on minorities.

Among the Constitution's deficiencies is its ban on registering political parties organized along ethnic, racial or religious lines. Both as drafted and as applied, this prohibition violates the right of peaceful association. For example, on August 7, the largely ethnic Turkish Movement for Rights and Freedoms (MRF) organized a parallel political party, which was denied registration by the Sofia City Court. The court claimed that the Rights and Freedoms Party was unconstitutional because it would "pursue a political division of the citizens of this country into communities on an ethnic, religious and language basis." The Supreme Court upheld the City Court's decision on August 28.

The Constitution also bans associations or religious societies that have

political aims or engage in political activity. Again, such a narrow view of freedom of association has no place in a democratic society. Although the MRF ran in the June 1990 elections as a "movement," fears were expressed that this constitutional provision could be interpreted to prevent it from running in future elections. Rejecting the complaint filed by fifty-four members of parliament opposing the participation of the MRF in the October 1991 elections, the Supreme Court approved MRF's registration on September 20. However, organizations representing the concerns of Macedonians and Gypsies were not allowed to participate in the elections.

The Macedonian organizations Ilinden and Ilinden Internal Macedonian Revolutionary Organization (IMRO)-Independent, both named after the Ilinden uprising of August 12, 1903, have been denied registration because the Supreme court determined that they are separatist organizations that threaten the security of Bulgaria. The decision restricted their ability to gather petition signatures and precluded them from participating in the October 13 elections. However, these organizations specifically disavow the use of violence and state that they respect the territorial integrity of Bulgaria. Helsinki Watch takes the position that organizations cannot be prohibited from advocating territorial autonomy for ethnic or national minorities, unless these organizations use or incite violence to achieve their purpose.

Although the Bulgarian Constitution guarantees the right of all citizens to study their mother tongue, the Turkish minority's demand that Turkish be taught in public schools was adamantly contested by nationalist groups. Blockades and hunger strikes occurred after the Minister of Education announced that experimental Turkish classes would start in March. The National Assembly backed away from its initial schedule and, on March 8, voted to postpone Turkish language classes until September. On October 1, the National Assembly passed a law prohibiting the teaching of minority languages in Bulgarian schools. Alternative legislation to make Turkish classes optional was rejected.

Shortly after the October 13 elections, Bulgaria's departing coalition government lifted the ban on Turkish language education. This step was taken in an effort to reduce ethnic tensions in areas with a large Turkish minority where many Turkish children had been boycotting classes since the beginning of the school year on September 15. On November 21, the newly elected government issued a decree that minority students in the third through eighth grades may receive minority language instruction as an optional subject four hours a week.

In 1989, at the height of the campaign in Bulgaria to assimilate ethnic Turks, thousands of ethnic Turks fled to Turkey to escape persecution. Many of these Bulgarian citizens are now returning, but their property has been sold by the

government to ethnic Bulgarians, and their jobs are no longer available. In July, the government announced that it will provide financial compensation in the amount of approximately 170-180,000,000 leva (\$9,000 to \$10,000) to ethnic Turks who have returned to Bulgaria and taken up permanent residence.

A "Bill Against Ethnic Discrimination," introduced by the environmental group EcoGlasnost in January 1991, has not been adopted and is unlikely to be passed by the current Parliament. The bill includes provisions which track international human rights law.

Gypsies continue to be the targets of discrimination in contemporary Bulgaria, as they have been throughout the country's history. Most Gypsies attend segregated schools where they are denied an equal opportunity to learn the Bulgarian language and, in turn, to advance through the university system. Gypsies also suffer from discrimination in employment, housing and public services, and from the prohibition on political parties formed along ethnic lines.

By and large, Bulgarians enjoy freedom of the press. A wide range of newspapers and journals flourish without governmental censorship. However, the Bulgarian Socialist Party has been accused repeatedly of using its influence to limit access to newsprint by the opposition press.

A Parliamentary Committee for Radio and Television was organized in early 1991 to draft new legislation for restructuring and regulating the national broadcast media. The committee has been deadlocked over such issues as whether a parliamentary committee or the government itself should have ultimate control over radio and television. In July, the committee announced that it would listen to all radio broadcasts that month to evaluate journalists' competency "to work in the national mass media." Independent journalists viewed this step as an effort to intimidate the press and restrict its freedom.

No member of the former government of Todor Zhivkov was tried during 1991 for serious human rights violations under Zhivkov's rule. Instead, former high-level officials were tried for their abuse of power and accumulation of wealth. In June, for example, Stoyan Ovcharov, former minister of the economy, was convicted of illegally arranging university study in Switzerland for Zhivkov's grandson, and was sentenced to two years in prison. Meanwhile, those responsible for serious violations of human rights, such as the forced assimilation of ethnic Turks during 1984 and 1985, and the government's violent suppression of peaceful demonstrations by ethnic Turks in 1989, are not being prosecuted.

The trial of Zhivkov, the former communist dictator, began on February 26 and soon revealed that the Bulgarian government was not committed to investigate and prosecute crimes of serious human rights abuse. Rather than being charged,

for example, with crimes related to the harsh imprisonment of dissidents in concentration camps in the late 1950s or to the forced assimilation of ethnic Turks, Zhivkov was charged with misappropriating state funds and abusing state power by granting favors to friends and relatives. The testimony of the many witnesses called during the first two months of the trial focused on the standard of living of top officials in the Zhivkov government. The trial was postponed in April due to Zhivkov's poor health, and was resumed only on October 23.

In May, the Bulgarian Socialist Party refused to hand over documents from its archives relating to the period between 1944 and 1948, when thousands of Bulgarians were killed for their opposition to the Communist Party. The files would also be likely to shed light on the identity of bodies found in mass graves in the country and the circumstances surrounding their death. There is no public indication that the prosecutor's office has sought a subpoena or other judicial means to obtain these documents for an investigation into these mass murders.

Some Bulgarians were troubled by a section of the new Constitution which provides that the only crimes for which there is no statute of limitations are crimes against "peace and humanity." This provision was interpreted as making the prosecution of lesser abuses more difficult.

On October 13, the Union of Democratic Forces (UDF), which had been the strongest opposition party in Parliament after the June 1990 elections, won 34.8 percent of the vote. The Socialists won 32.9 percent and the Turkish minority Movement for Rights and Freedoms won 6.9 percent. The UDF selected as premier Felip Dimitrov, a thirty-six-year-old lawyer who favors radical economic reform and is a champion of strengthening democratic institutions. He formed the first Bulgarian government since World War II that is free of Communists.

The elections were monitored by many foreign and Bulgarian monitors who reported that they were fair and free, and that minor irregularities provided no basis for questioning their validity. However, two U.S.-based monitoring organizations, the National Democratic and Republican Institutes, reported from Bulgaria that some attempts had been made to prevent Bulgarian Turks from voting.

### **The Right to Monitor**

Human rights organizations that were not ethnically based were able to operate freely in Bulgaria in 1991. Bulgarian and international monitoring organizations were able to conduct fact-finding investigations without government interference. Helsinki Watch is unaware of any human rights monitor

**who was threatened or prevented from carrying out his or her activities. However, as noted above, organizations such as Ilinden, which are organized to promote the rights of specific ethnic minorities, continue to face considerable obstacles.**

### **U.S. Policy**

**Relations between Bulgaria and the United States grew warmer during 1991. There were numerous high-level contacts as the two countries established closer trade relations, and Bulgaria was granted Most Favored Nation (MFN) trading status on June 25. Still, the Bush Administration continued to pay close attention to human rights, noting improvements and demonstrating occasional concern.**

**Vice President Dan Quayle visited Bulgaria in June to assess the democratic reforms in the country and to discuss closer economic relations. On July 22, the vice president received the Bulgarian deputy prime minister in Washington for further discussions of economic ties. The next day, State Department spokesman Richard Boucher described U.S. policy toward Bulgaria:**

**The United States welcomes the progress that the Republic of Bulgaria has made in establishing a democratic system of government and a free market-oriented economy. Bulgaria has left behind its totalitarian past; it has shown that it is committed to genuine reform, including respect for pluralism, the rule of law, human rights, and fundamental freedoms...The United States encourages Bulgaria to continue working to build strong, democratic institutions in order to safeguard the progress it has made and will strongly support those efforts.**

**The United States announced the establishment of the Bulgarian-American Agriculture/Agribusiness Enterprise Fund, with an initial allocation of \$5 million, to promote development of Bulgaria's private sector. In September, during a visit to Washington by Bulgarian President Zhelyu Zhelev, Vice President Quayle also announced additional assistance for Bulgaria in the areas of health care and training of government officials.**

**Despite these warming relations, the Bush Administration publicly indicated its disapproval of the law prohibiting political parties organized along ethnic lines. Ambassador Max M. Kampelman, head of the U.S. delegation to the Moscow meeting of the Conference on Security and Cooperation in Europe, stated on September 16:**

**There is strong evidence that the Bulgarian Government is determined to complete the difficult journey toward a firmly anchored democracy. At the same time, we join those who have noted with concern Bulgaria's new constitutional provision prohibiting ethnic or religiously based political movements.**

**Bush Administration officials also expressed interest and concern that the October 13 elections be conducted in a free and open atmosphere. The United States sent a delegation of election monitors, which concluded that the elections had been a success with only a few irregularities, and emphasized the dramatic positive changes that have occurred in Bulgaria since the earlier elections of June 1990.**

### **The Work of Helsinki Watch**

**Helsinki Watch continued to focus its efforts on protecting minority rights. In January, Helsinki Watch investigated the treatment of Macedonians in Bulgaria and issued a newsletter entitled *Destroying Ethnic Identity: Selective Persecution of Macedonians in Bulgaria*. The newsletter concluded that the changes wrought by the revolution of 1989 have been largely illusory for Macedonians, whose rights — particularly their freedom of association — continue to be repressed by the Bulgarian government. Helsinki Watch urged the adoption of a law that explicitly allows groups to engage in activities without registering if they so choose; the purpose of registration should be limited to such matters as according special legal status to a group for the purpose of opening a bank account.**

**Helsinki Watch conducted fact-finding missions to Bulgaria in October 1990-January 1991 and March-April 1991 to examine the treatment of Gypsies. Helsinki Watch representatives conducted several hundred interviews with Bulgarian Gypsies, and met with a wide range of governmental leaders, Gypsy representatives, mayors and local councils, teachers and police officers. The investigations culminated in a report, published in June, entitled *Destroying Ethnic Identity: The Gypsies of Bulgaria*, which concluded that Gypsies continue to be the targets of disparate treatment in housing, education and employment. Most Gypsies attend segregated schools where they receive an inferior education and are typically channeled into technical training with little opportunity to advance to university studies.**

**Helsinki Watch also sent a mission to Bulgaria in February to observe the first week of the Zhivkov trial. The observer concluded that there was little**

**commitment to a thorough investigation and prosecution of serious human rights under the previous regime. Instead, Zhivkov and a few close colleagues were being charged with minor financial crimes.**

**A Helsinki Watch staff person maintained an office in Sofia during the first half of 1991, enabling Helsinki Watch to monitor human rights developments closely. Helsinki Watch representatives maintained contact with Bulgarian human rights groups, minority rights groups, and organizations and individuals involved in legal reform and constitutional drafting. Helsinki Watch reports on Bulgaria were translated and published in the Bulgarian press, and interviews with Helsinki Watch staff appeared in Bulgarian publications.**

## **ESTONIA, LATVIA AND LITHUANIA<sup>3</sup>**

### **Human Rights Developments**

**After more than fifty years of rule by the Soviet government, Estonia, Latvia and Lithuania gained international recognition as independent, sovereign states in late August 1991.<sup>4</sup> The Kremlin followed suit on September 6. All three new nations were admitted to the Conference on Security and Cooperation in Europe (CSCE) and participated in the Moscow CSCE conference in September. In October, they were admitted to the United Nations, and later that month they became associate members of NATO.**

**The Baltic states quickly made their presence felt on the international human rights scene. For example, Lithuania expressed its interest in ratifying the U.N. Covenant on Civil and Political Rights. Estonia acceded in December to the optional protocol of that covenant, thereby allowing reporting of individual violations to the U.N. Human Rights Committee. In May 1990, before international recognition of its independent status, the Latvian government acceded to some 50 international treaties, including those on human rights.**

**An important human rights issue in all three Baltic states is the status of national minorities who were Soviet citizens when the Soviet Union was a single political entity. Many of these minorities may have to fulfill new naturalization requirements to become citizens of the states in which they reside. Proposed new citizenship laws became the focus of intense debate. These questions reached a head in fall of 1991 when all three Baltic states issued new laws or official guidelines on citizenship.**

**The laws and principles on citizenship in the three Baltic states share**

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<sup>3</sup> This chapter addresses human rights developments in the Baltic states following international and Soviet acceptance of their independence in late August and early September 1991. Events in these states earlier in the year are treated as part of the separate chapter on the Soviet Union.

<sup>4</sup> On August 22, Iceland became the first country to recognize the independence of the Baltic states. Denmark followed on August 24; Argentina and Norway on August 25; Canada, Malta and Czechoslovakia on August 26; and the European Community, on August 27. The United States granted recognition on September 2, the thirty-second country to do so.



certain features. They grant citizenship automatically to those who were citizens or residents of their respective states at the time of Soviet occupation — 1940 — and to their direct descendants. These laws and principles also establish certain residency and language requirements for naturalization, define criteria for ineligibility, and — with the exception of Latvia which changed its law on November 27 — forbid dual citizenship. The ban on dual citizenship has met a hostile reception from emigres who would like to return or take up citizenship in one of the Baltic states but do not want to give up their adopted citizenship in other countries.

Lithuania was the first to produce a law on citizenship, promulgating it in November 1989. (Subsequently, Lithuania issued a new citizenship law on December 10, 1991; at this writing Helsinki Watch has only obtained oral translations of some portions of its text by the Lithuanian Embassy.) The 1989 law automatically extends citizenship to those who can prove they were permanent residents, and were legally employed, in Lithuania for at least ten years before the law entered into force. Those who could meet this requirement, were given two years — until November 1991 — to opt for Lithuanian citizenship. The new law ends this "grace period" for selecting citizenship for those who do not meet the ten-year residency/employment requirement.

Other naturalization conditions state that individuals may be naturalized in the future if they have been permanent residents in Lithuania for ten years with legal employment or a source of legal support, know the Lithuanian language, and know the basic provisions of the Lithuanian Constitution. (The law thus distinguishes between two groups of people: those who had settled in Lithuania ten years before it became a sovereign state, and those who migrated to Lithuania more recently or after the law's adoption. (The preliminary information that Helsinki Watch has obtained on the 1991 Lithuanian citizenship law did not shed light on the key issue of the rights of permanent resident aliens.)

Two provisions in the Lithuanian law violate international human rights standards. Under its provisions on naturalization, citizenship would be denied to recent migrants who, among other things, have been sentenced to imprisonment for "a serious, deliberate crime" or who are alcoholics and drug addicts. Denying citizenship to persons whose criminal conviction took place before the law's adoption adds an additional, *ex post facto* penalty to their punishment, a condition forbidden by international standards set forth in Article 15 of the International Covenant on Civil and Political Rights. Excluding from naturalization permanent residents who are alcoholics and drug addicts is particularly pernicious because it would likely discourage them from seeking needed treatment. (These conditions still seem to stand in the 1991 Lithuanian citizenship law.)

**On October 15, the Latvian Supreme Council (parliament) issued a conceptual framework to guide future legislation on citizenship in Latvia. This legal framework has been attacked by Latvian emigres, who eventually managed to reverse its initial ban on dual citizenship; by the Latvian radical right, who claim that the present Supreme Council lacks the needed legal authority to issue it; and by groups representing various segments of the non-Latvian half of the population. It is likely that these questions will be the subject of many more debates before the new Latvian citizenship law achieves its final shape.**

**The framework first affirms the validity of the 1919 Latvian citizenship law, in effect in pre-Soviet Latvia. The framework also states that many Soviet citizens settled in Latvia as a result of the long and illegal Soviet annexation of the republic. It points out that one purpose of this law is to "liquidate the consequences of the Soviet Union's occupation and annexation of Latvia" and renew the legal rights of citizens of the Republic of Latvia. Therefore, it revokes the 1940 Soviet law on citizenship for Latvia.**

**The Latvian government's desire to try to put right the wrongs of Soviet rule are understandable. Even so, some of the categories of those ruled ineligible for Latvian citizenship are overly broad: those convicted for attempting to undermine or overthrow by unconstitutional methods the independent and democratic Latvian republic, its parliamentary system or its government; those serving in the ranks of the Soviet military, MVD or KGB forces and those who settled in Latvia after 1940 upon retirement from these forces; common criminals and those convicted of crimes against humanity; those convicted of disseminating chauvinist, fascist, communist or totalitarian ideologies; those sent to Latvia after June 17, 1940, as Communist Party and Komsomol officials; and registered alcoholics, addicts and those without a legal source of income.**

**The legal framework states that those who were citizens or legal residents of Latvia before 1940 and their descendants must register for a Latvian passport by July 1, 1992. In general, anyone living in Latvia and wanting to become a citizen can expect to be naturalized if he or she submits an application by July 1, 1992. Such applicants must show: knowledge of spoken Latvian; proof that he or she is no longer a citizen of another country; proof of a minimum of sixteen years' residency in Latvia; acquaintance with the Latvian Constitution; and willingness to swear allegiance to the republic of Latvia.**

**While most non-Latvian residents of the republic can meet the sixteen-year residency requirement, some fear discriminatory application of the Latvian language competency exam. According to the 1989 census, only one-fourth of the non-Latvian population speaks Latvian. Protests from various segments of the non-Latvian community were loud.**

**The Estonian Supreme Council discussed a draft citizenship law on October 15 which would grant citizenship to those who had it before 1940 and to their descendants. It also offers Estonian citizenship to those who later moved to Estonia, can show knowledge of the Estonian language, and have lived in Estonia for at least three years. Language instruction free of charge would be offered to those who have applied for citizenship. The draft law also bars dual citizenship and sets a one-year deadline for Estonians living abroad to choose between renewing Estonian citizenship or retaining foreign citizenship.**

**The Estonian government issued a call to the republic's political parties to offer suggestions on the draft citizenship law. Conflicting views were expressed on such key points as whether permanent residents should be granted citizenship, the length of the minimum residence requirement, application of the language competence requirement, and whether to allow dual citizenship. Given the wide range of opinion, it seems likely that the debate in Estonia over the citizenship issue will be lengthy and heated.**

**On September 10, Lithuanian officials disbanded popularly elected local councils in the Salcininkai region and the town of Snieckus, both of which have large ethnic Polish populations, and in Polish-dominated parts of Vilnius. The Lithuanian government tried to justify the action by claiming that these councils had supported the August coup in Moscow. That other motives may have been at play is suggested by the government's replacement of the heads of the councils with Lithuanians.**

**The action raised renewed concern about the rights of Lithuania's Polish minority, which accounts for seven percent of Lithuania's population. The government responded to criticism by announcing its willingness to receive international experts to investigate the situation of its ethnic minorities. It claims that Poles enjoy the same rights and freedoms as Lithuanians, including the right to study in their native language.**

**In late August, the Estonian government stopped the activities of the city councils and city administrative units of Kohtla-Jarva, Sallamae and Narva in northeastern Estonia — all towns with large ethnic Russian populations. The councils were alleged to have expressed support for the coup in Moscow and a criminal investigation was begun against the council heads. The Estonian government set a date in October for new elections to the town councils. A Helsinki Watch inquiry of Estonian diplomats in the United States produced no further information on the subject.**

**After the adoption of the Lithuanian rehabilitation law in 1990, the Lithuanian Supreme Court issued more than 22,000 certificates rehabilitating people who had been convicted and deported by Soviet courts for a variety of political crimes.**

**The purpose of the law was to exonerate those who had been arrested on false charges, denied due process or forced to confess. Although the law on rehabilitation prohibits exonerating war criminals, among those who were rehabilitated were people convicted by Soviet courts of crimes against humanity for, among other things, participating in Nazi crimes against Jews during World War II. The government denied rehabilitations to 450 applicants who "[had] blood on their hands."**

**Under intense pressure from the international community, the Lithuanian government in September admitted that it had not gathered adequate information on those who had been exonerated, but said that guilt would have to be proven on a case-by case basis before rehabilitation would be revoked. The Lithuanian government maintains that the mistaken rehabilitation of war criminals was inadvertent. Five such cases are currently being investigated. To facilitate the process of gathering information on possible war criminals, the Lithuanian government offered to collaborate with the Israeli Parliament and the U.S. Justice Department. In addition, on October 25, the Presidium of the Lithuanian Supreme Council adopted a resolution to create an Office of Special Investigations to collaborate with counterpart agencies around the world in the investigation of crimes against humanity. The Latvian government has also recently indicated its willingness to cooperate with the Office of Special Investigations on war crimes cases.**

## **The Right to Monitor**

**Helsinki Watch is not aware of any instance in which human rights or other independent monitors have been hindered in their work by any of the new governments of the Baltic states. Political pluralism, certainly in public expression of various viewpoints, has, for the most part, prevailed in Latvia, Lithuania and Estonia in 1991.**

## **U.S. Policy<sup>5</sup>**

**The United States formally recognized the Baltic republics on September 2, the thirty-second country to do so, and strongly endorsed membership of all three Baltic states in the CSCE process. President Bush supports extending Most Favored Nation trading status to the Baltic republics and exempting them from the Jackson-Vanik Amendment, which limits access to that status.**

**The Bush Administration reacted strongly to the rehabilitation of possible war criminals in Lithuania. At a September 5 press briefing, State Department spokesman Richard Boucher expressed strong concern, and promised that the State Department would gather more information to follow up on the Lithuanian actions. Both President Bush and Secretary of State James Baker raised the issue of rehabilitation in their separate mid-September meetings with Lithuanian President Vytautas Landsbergis. The U.S. Justice Department's Office of Special Investigation is providing access to its archives to help ensure that questionable rehabilitations are handled correctly.**

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<sup>5</sup> See the section on the Soviet Union for pre-August treatment of U.S. policy issues in the Baltic states.

## **The Work of Helsinki Watch<sup>6</sup>**

After the Baltic states gained wide international recognition of their independent status in the fall of 1991, Helsinki Watch continued its work on certain human rights issues. Helsinki Watch arranged a discussion at the Moscow CSCE conference in September of the January incidents of lethal force. Discussion participants included witnesses to the events and officials from the Baltic republics.

The new citizenship law of Latvia has been of particular concern to Helsinki Watch. The organization sent a detailed letter to Latvian officials with copies to Estonian and Lithuanian leaders setting forth its criticisms of the new law.

The rehabilitation by the Lithuanian government of Nazi war criminals was another focus of Helsinki Watch concern. The organization expressed its concerns about this issue to Lithuanian officials in writing and also discussed the problem with the Lithuanian procurator general who participated in the September Helsinki Watch conference in Moscow on lethal force.

As part of an annual Human Rights Watch series of events honoring human rights monitors from various countries, Helsinki Watch brought Latvian parliamentarian and veteran human rights activist Ints Calitis to the United States.

## **ROMANIA**

### **Human Rights Developments**

In 1991, Romania continued to struggle with the legacy of its totalitarian past. Violent incidents persisted, especially against Romania's large ethnic minorities, although the violence received less attention in the Western press than in 1990, creating the misleading impression that the human rights situation was improving. In fact, significant ongoing human rights violations have been compounded by continuing political and economic instability, which has put in

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<sup>6</sup> See the section on the Soviet Union for description of Helsinki Watch activities in and on the Baltic states before August 1991.

jeopardy the human rights gains made since the revolution.

The Romanian police in 1991 responded with excessive force and violence to demonstrators and appeared to target journalists in particular. On January 11, during a large demonstration in the center of Bucharest, ten journalists covering the demonstration were beaten by the police. The next day, nine journalists standing in front of the National Theater and apparently separate from the demonstrators were seriously beaten by the police after they showed their press identification cards. Andre Iliescu, a journalist for Agence France-Presse, was hospitalized for injuries he sustained at the hands of the police. Four journalists were beaten by the police on January 13 under similar circumstances. On February 4, Minister of Interior Doru Viorel Ursu acknowledged that excessive force had been used by the police during the demonstrations. Five individuals responsible for the violence were removed from the police force. However, no officer was prosecuted for this excessive use of force.

In general, members of groups critical of the Romanian government continue to be the targets of threats and intimidation. During 1991, Helsinki Watch obtained numerous reports from journalists and opposition activists who had received threatening telephone calls and letters. Individuals working directly with Helsinki Watch received threatening calls referring to specific Helsinki Watch projects in Romania. Helsinki Watch's correspondence to Romania was tampered with on several occasions during the year. Many other Romanians reported that their mail was opened regularly. Some believe, but cannot prove, that their telephones are tapped. Virgil Magureanu, director of the Romanian Information Service (RIS), acknowledged to Parliament in late 1990 that unidentified parties were continuing to wiretap telephones and open correspondence. Helsinki Watch has received no information that any individual has been investigated and prosecuted for illegal surveillance.

Intimidation occasionally became violent, as several well-known members of the opposition discovered. For example, on January 3, Banu Radulescu, editor-in-chief of the independent journal *Memoria*, was attacked by two men who hit him in the mouth and kicked him after he fell to the ground. Although he dropped his bag, neither assailant tried to steal it. Ten days before the attack, Radulescu had received two threatening telephone calls following a newspaper announcement that the first issue of *Memoria* would appear shortly. The attack occurred after that issue was released.

Similarly, Petru Cretia, a professor and a member of the Group for Social Dialogue, was attacked on the street on February 12 by unidentified men after receiving several threatening telephone calls to his house. The circumstances of the attack were similar to the Radulescu case. There was no attempt to steal

**Cretia's belongings.**

**It is difficult to determine which groups or individuals are behind efforts to intimidate the Romanian opposition. Such attacks and threats are by their nature difficult to document and prove. However, most opposition leaders believe the intimidation is the work of former Securitate members who may have ties to individuals within the reorganized security police, the Romanian Information Service.**

**Substantial evidence has emerged that former Securitate agents participated in violent events during 1990 and 1991. For example, some Romanians reported that they were able to identify former Securitate officers among the miners rampaging through Bucharest in June 1990, an incident which is described below. However, the Romanian government continues to ignore calls for a public investigation into the role played by the Securitate in Romanian society.**

**In May 1991, journalists discovered several thousand partially shredded Securitate documents that had been buried near the town of Berevoiesti in mid-1990. The Romanian Information Service admitted that its officers had buried the files but claimed that this was done without the knowledge of RIS head Magureanu. Western and Romanian journalists reported that the files contain information on the Securitate's surveillance of the opposition after the 1989 revolution. State prosecutors announced in late May that they had begun an investigation into the burial, but no indictment has resulted.**

**The violent events in Bucharest of June 1990 continued to reverberate in 1991. President Ion Iliescu responded to violent anti-government demonstrations on June 13, 1990, by appealing for assistance, which led to a violent rampage by miners on June 14 and 15. Thousands of miners terrorized opposition groups and newspapers, attacked opposition party headquarters and members, assaulted Gypsies, and committed random acts of violence against other innocent citizens.**

**The trials of those arrested for the June 1990 anti-government violence continued into the spring of 1991. From the outset, there were irregularities in the handling of these cases. In many circumstances, arrest warrants were not issued until a week after individuals were detained, and detainees were denied their right to immediate access to counsel. What is more, many of those arrested were seized by miners, rather than legitimate police forces. The evidence of criminal conduct was often weak.**

**By contrast, no miner was tried for the violent rampage through Bucharest. Nor was any soldier or police officer prosecuted for joining in the violence. No investigation was conducted into the role of former and current security police in the June events.**



The majority of defendants charged in connection with the anti-government riots were either acquitted or given suspended sentences.<sup>7</sup> Nevertheless, the trials have had a chilling effect on opposition activity, especially for those who lack international stature. Although no formal restrictions were placed on the former detainees' activities, the authorities advised all of them on their release not to attend opposition demonstrations or political meetings. Several have complained that uniformed police continue to visit their families and their neighbors. Many lost their employment and are having difficulty finding new jobs, possibly because of discrimination by pro-government factory directors against those involved in the anti-government demonstrations.

In mid-January 1991, the parliamentary commission established to investigate the June 1990 violence issued majority and minority findings. Although the commission left many important questions unanswered, one conclusion is inescapable: the Romanian government, including President Iliescu, must accept responsibility for the violence by the miners. The majority report presents unrefuted evidence that prior to the events the government considered the use of extralegal force, and neither President Iliescu nor former Prime Minister Roman registered opposition. The report also presents evidence that high-level members of the government, including Secretary of State Adrian Sirbu, who is an assistant to the prime minister, and the minister of transportation were involved in organizing trains for the miners to travel to Bucharest.

The government's failure to prosecute those responsible for the June 1990 miners' rampage had an ironic effect in September 1991, when miners went to Bucharest to protest the government's policies. The miners fire-bombed government buildings, rioted through the streets, and forced the government of Petre Roman to resign. A new prime minister, Teodor Stolojan, was appointed on October 1 and, on October 16, the Romanian Parliament approved a new cabinet, including representatives of the National Liberal Party, a traditional democracy party. Helsinki Watch received information that the Prosecutor General's Office was investigating approximately eighty people for their role in the September violence. However, by year's end no one had been arrested for taking part in the violence.

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<sup>7</sup> On January 28, 1991, six defendants were acquitted and five given suspended sentences in the "File 2" trial. On April 15, thirteen defendants were acquitted, eleven were given suspended sentences, three were sentenced to "mandatory work" for periods ranging from two years to two years and eight months, and one who had a previous record was given a prison sentence.

**Violent attacks on Gypsies and the central government's utter failure to respond was another serious human rights problem in Romania in 1991. The Ethnic Federation of Roma, a federation of Gypsy organizations, estimates that over one hundred Gypsy homes were burned and one Gypsy killed in at least eight separate attacks in 1991. Since the 1989 revolution, over 250 Gypsy homes are estimated to have been burned and five Gypsies killed in at least twenty separate attacks.**

**In Bolintin Deal, for example, following the stabbing death of a Romanian villager by a Gypsy, villagers burned twenty-two Gypsy homes and destroyed another five on April 7. Helsinki Watch received eyewitness reports that the mayor and local priest were direct instigators of the arson attack. There is also substantial evidence that the mayor knew of the plan to burn the Gypsies' houses several hours before the attack occurred and, while he warned the Gypsies to flee, he did nothing to protect their property.**

**The central government has abdicated all responsibility for protecting the rights of Gypsies, despite a need for intervention. In Bolintin Deal, as in every other incident investigated by Helsinki Watch, the local police did nothing to protect the homes and property of Gypsy citizens. Nor have local authorities taken any steps to guarantee the safety of Gypsies who want to rebuild their homes. Several local leaders expressed a desire to prevent Gypsies from ever returning to their villages. Other local authorities implied that they were afraid to take a stronger stand in support of Gypsies because of the intense anti-Gypsy sentiment among Romanian villagers.**

**None of the various acts of vigilante violence against Gypsies has been punished. Helsinki Watch did not learn of a single Romanian villager who had been arrested or tried for attacks on Gypsy communities. Villagers' increasing confidence that they will not be held accountable for violence against Gypsies creates an atmosphere that only fosters further attacks.**

**During 1991, tensions continued to mount between the ethnic Hungarian minority and Romanian majority. Anti-Hungarian sentiment was prevalent in the Romanian press and broadcasting media. Human rights groups in Romania reported that Hungarian defendants were increasingly unable to obtain a fair trial, especially in areas of high ethnic tension such as Tirgu Mures, where violence erupted in 1990 between ethnic Hungarians and Romanians. Helsinki Watch also received reports from lawyers that their ethnic Hungarian clients were beaten and mishandled by the police solely because they were speaking Hungarian within hearing distance of police officers.**

**Government censorship of the press has been largely eradicated in Romania.**

**Newspapers critical of the government flourish without government interference. However, the press continues to encounter serious economic difficulties due to problems of distribution and a lack of affordable paper and printing technology. On March 29, the Romanian government announced a sharp increase in the cost of newsprint. This was followed, on April 27, with a fifty percent increase in the fee charged for distributing newspapers. Opposition newspapers have accused the government of economic censorship by granting subsidies to the pro-government press that ensure its access to newsprint and printing technology. The increased costs have forced many independent newspapers and journals out of business, but the increases appear to have had relatively little effect on the pro-government press.**

**The Romanian Television, which is decidedly pro-government in tone, is the only television station with national broadcasting ability. Its political bias continued to be a focus of protest and controversy in 1991. In early February, its leadership announced a cut in broadcasting hours for financial reasons. However, instead of cutting programming across the board, the leadership reduced the air time for only opposition and minority programming. In addition, a portion of the Hungarian-language programming was transferred to a second channel, which is not received in Transylvania where the largest segments of the Hungarian minority live.**

**This reduction of minority programming underscored once again the necessity of establishing an independent television station in Romania. On September 11, after much delay, the Society for an Independent Television received authorization to broadcast one hour per day, four days a week, on Romanian Television. Several independent local television stations with limited broadcast range were also established in 1991. However, an independent national television station is still a distant goal.**

**In February, for the second time in the course of six months, the Romanian government introduced a draft press law which would have severely restricted freedom of the press. The draft, which had been approved by Prime Minister Petre Roman, provided, "Defamation in the media of the President of Romania, the judicial bodies, the courts, the government, the army, or any other public authority is punishable by a prison term of two to five years or a fine of between 200,000 lei and 500,000 lei [the equivalent of approximately \$700 to \$1,900]." After international and domestic protests, the government withdrew the draft law on March 19.**

**The Romanian Constituent Assembly completed its work on a draft constitution on July 9. On November 22, the Romanian Parliament approved the new constitution by a vote of 414 in favor, 95 against and 1 abstention, with the**

main opposition parties opposing the charter. A referendum was held on December 8 to approve the charter, amid protests by opposition political leaders that there had not been enough time for preparation. Some political leaders also protested that a referendum had not been called on whether Romania should have a republican or monarchical form of government. The Constitution is a considerable improvement over previous versions. In most respects it guarantees individual freedoms, but it weakens this protection by adding unnecessary and overly broad exceptions. For example, Article 23(4) provides that a person cannot be kept under arrest for more than thirty days, and adds that "an extension of the period of confinement shall be approved only by a court of law." But no limitation is set on the number of extensions that the court may grant or the circumstances under which an extension is permitted. Article 27 guarantees the inviolability of one's domicile and place of residence, but it also contains an extensive list of exceptions, including for any "defense against a common danger."

Legislative efforts to restrict intelligence gathering and surveillance have been inadequate. For example, while the Law on National Security requires a warrant from the prosecutor's office before telephones or mail can be monitored, the grounds for such a warrant are very broad. For example, telephones or mail can be monitored if there is a "threat to national security," defined to include "initiating, organizing, committing or supporting in any way, totalitarian acts, of a communist, legionnaire or fascist, racist, anti-Semitic, revisionist, or separatist type." Furthermore, the law provides that the Ministries of Interior, Justice and Defense may conduct their own intelligence gathering, without defining the scope of these activities. Such legislation has obvious potential for abuse, particularly given Romania's history of suffering at the hands of an unrestrained security police.

On September 4, the Romanian Parliament considered a bill which would ban public demonstrations that, among other things, propagate totalitarian, fascist or chauvinistic ideas or "any other action running counter to national security, infringement on public order, security or morals, on civic rights and liberties or endangering of citizens' health." The draft law is troubling because it would prohibit citizens from organizing peaceful demonstrations solely because of the ideas being espoused, thus restricting a whole range of speech that is protected under international law.

### **The Right to Monitor**

Human rights organizations were not formally barred from operating in

Romania during 1991. These groups, including Helsinki Watch, were able to maintain staffs in Romania for extended periods without open government interference. Fact-finding missions were conducted by international and Romanian human rights monitors. Nevertheless, as discussed above, human rights leaders received threatening telephone calls and letters in 1991. Individuals working with Helsinki Watch were threatened over the telephone to stop working on issues concerning minority rights. The Bucharest-based League for Human Rights continued to receive death threats in the mail and over the telephone.

### **U.S. Policy**

In many respects the Bush Administration has supported the cause of human rights in Romania by keeping pressure on the Romanian government to improve its human rights record. Relations between the Bush Administration and the Romanian government cooled decidedly after the miners' rampage in June 1990 and remained icy until the middle of 1991. On several occasions in early 1991, the Bush Administration publicly expressed serious reservations about the human rights record of the Romanian government. For example, on March 13, State Department spokesman Richard Boucher said that the U.S. government had questioned the necessity of a press law in Romania, and added that the Bush Administration was concerned about recent statements by Romanian officials that appeared designed to intimidate the independent press. Interpreted by Romanian and foreign journalists as a symbolic gesture, Vice President Dan Quayle did not visit Romania during his tour of Eastern Europe in early June.

Secretary of State James Baker received Prime Minister Petre Roman in Washington on April 16. During a press conference following the meeting, Secretary Baker announced that he had used the occasion "to encourage the Romanian government in [its] efforts toward reform and the efforts that [it is] making toward political pluralism and to establishing a free market economic system."

However, the Bush Administration has failed to raise publicly the violent attacks against the Gypsy minority in Romania. Given the extent of the violence and the frequency of its occurrence, this omission is troubling. The violence against Gypsies, like the miners' violence in June 1990 and September 1991, is in part a direct consequence of the Romanian government's inability or unwillingness to apply the law equally to all segments of society.

As the year progressed, relations between the two countries gradually

improved and contacts increased. Visits to Romania in early July by U.S. Permanent Representative to the United Nations Thomas Pickering and Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Schifter seemed to indicate a thaw in U.S.-Romanian relations. During his visit, Secretary Schifter met with President Ilescu and later stated, "I can say that America will change its attitude towards Romania in the very near future."

The Romanian government continued to raise the question of Most Favored Nation (MFN) trading status. By late July, Administration officials were beginning to hint that Romania could expect to receive MFN status in the near future. During a visit to Bucharest on July 30, John Robson, U.S. deputy secretary of the Treasury, stated, "I'm optimistic that the restrictions can be waived in a matter of weeks, not months." Finally, on October 28, representatives from the United States and Romania signed a new commercial agreement in Washington granting Romania MFN status. The agreement must still be ratified to take effect.

The U.S. Embassy in Bucharest has maintained contact with a wide range of Romanian citizens and has worked to support human rights groups and civil society. U.S. financial assistance to Romania has been directed largely to support democratic institutions and political pluralism. In August, the U.S. Information Agency sponsored a workshop in Romania which brought together American and Romanian judges to discuss freedom of the press, criminal procedure and other legal issues. Two lawyers arrived in Bucharest in mid-October under the auspices of the State Department to spend a year working with local lawyers and judges. The National Democratic and Republican Institutes actively worked with Romanian political parties in preparation for the constitutional referendum and the elections now scheduled for early 1992.

In fiscal year 1991, the United States appropriated \$40 million worth of food assistance and \$1.5 million for assistance to institutionalized children in Romania. Fourteen Peace Corp volunteers also serve in Romanian orphanages.

### **The Policy of the Council of Europe**

The Council of Europe has played a positive role in supporting respect for human rights in Romania and has exhibited a commitment to continued monitoring of human rights issues. Throughout 1990, the Romanian government sought observer status in the Council but consideration of the application was delayed due to Romania's poor record on human rights. In June 1990, the Council representatives reported that they had outlined to the Romanian government the Council's human rights concerns. Members of the Council paid several visits to

Romania during 1990. According to statements made by Council envoys in Bucharest, they continued to raise human rights issues with the government.

In January 1991, the Romanian parliamentary commission investigating the June 1990 events released its findings, satisfying one of the Council's conditions for considering Romania's application. On February 1, the Council granted Romania observer status but amended its rules to provide for periodic review of human rights developments in Romania. As one Council member reported, members were aware that "Romania was not up to the Council's mark when it came to democratic reform and the implementation of human rights."<sup>8</sup>

### **The Work of Helsinki Watch**

Helsinki Watch closely monitored human rights developments in Romania during 1991. Helsinki Watch sent four missions to Romania during the year and stationed a staff member in the country for extended periods.

Helsinki Watch began the year by reviewing the human rights situation in Romania one year after the revolution. A report entitled *Since the Revolution* was issued in March 1991. It concluded that the human rights situation in Romania did not meet the high expectations that existed after the violent overthrow of the Ceausescu government and that Romanians continued to live in fear that they might lose their fragile freedoms. The report documented numerous violent events during 1990, and criticized the Romanian government's failure to seek accountability for gross human rights abuses committed under the Ceausescu government and its failure to clarify the status of former Securitate members.

Two Helsinki Watch representatives visited Romania during February and March 1991 to follow up on the aftermath to the violent events of June 1990 and the parliamentary commission's report on that violence. In May, Helsinki Watch issued a newsletter entitled *Aftermath to the June Violence*, which provided additional testimony on the treatment in detention of those who had been arrested in June. The newsletter criticized the Romanian government for having failed to investigate the role of the police and army, as well as the many acts of violence committed during the rampage by miners and unidentified people in plainclothes.

Helsinki Watch focused much of its efforts in 1991 on the treatment of Gypsies in Romania. In May and July, Helsinki Watch conducted missions to Romania to interview Gypsies who had been victims of violent attacks. Helsinki

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<sup>8</sup> Radio Free Europe, February 22, 1991.

Watch representatives also met with government officials at the local and national level, as well as with police and parliamentarians responsible for minority issues. In October, Helsinki Watch issued *Destroying Ethnic Identity: The Persecution of Gypsies in Romania*. The report concluded that violent attacks against the homes and persons of Gypsies, and the failure of the Romanian authorities to provide protection against such violence, are a serious human rights concern. Helsinki Watch reported that police and local officials played a questionable role in many of the attacks and apparently participated in several attacks by calling villagers together and urging them on. Helsinki Watch called on the Romanian government to guarantee the security of all persons from bodily harm regardless of ethnic origin, including Gypsies who want to return to their villages and rebuild their homes. Helsinki Watch also called on the Romanian authorities to conduct an investigation into the official failure to protect Gypsies under attack and into each incidence of violence against the Gypsy community.

In October, Helsinki Watch sent a mission to investigate conditions in Romania's prisons. Representatives visited eight prisons, a reform school for juveniles, and several police lock-ups. They also met with representatives from the Ministry of Justice and members of the Directorate of Prisons. In addition, they conducted interviews with lawyers, current and former inmates, and human rights groups monitoring prison conditions in Romania. A report on the mission's findings will be issued in early 1992.

A Helsinki Watch staff person was in Romania for extended periods during 1991, to monitor human rights developments firsthand and to keep in regular contact with local human rights organizations, as well as minority rights groups and civic associations. Helsinki Watch representatives raised human rights concerns during numerous meetings with Romanian government officials. Helsinki Watch reports were discussed in the Romanian media, and interviews with Helsinki Watch representatives were broadcast in Romania. Helsinki Watch's office in Bucharest also tried to facilitate the dissemination of information on human rights abuses by working with other international organizations interested in Romania. In December, Helsinki Watch honored Nicolae Gheorghe, a sociologist and Gypsy leader from Romania, at its annual events honoring human rights monitors from various parts of the world.



## SOVIET UNION<sup>9</sup>

### Human Rights Developments

The year 1991 saw the destruction of the Soviet Union as a political entity, a process that seemed to be culminating at year's end. The strong pro-independence vote in the Ukrainian referendum on December 1, following the failure of Soviet President Gorbachev in his various efforts to create a new political union, led to a meeting on December 8 involving Russian President Boris Yeltsin, Belorussian Supreme Soviet Chairman Stanislau Shushkevich, and Ukrainian President Leonid Kravchuk at which they established a commonwealth of independent states open to all republics of the former USSR.

The new commonwealth will strive for coordination in foreign policy, development of a common economic space, customs and migration policies, transport and communications, ecology and the struggle against crime. Although Soviet President Gorbachev promptly declared this proclamation illegal, within days the parliaments of the three Slavic republics had ratified the commonwealth, and the four Central Asian republics plus Kazakhstan said they wanted to join the commonwealth. At the time of this writing, Yeltsin had announced that ten of the 12 remaining republics would join the commonwealth by the end of the year, and that President Gorbachev had no place in the new commonwealth structure.

The three Slavic republics that launched the commonwealth, as founding

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<sup>9</sup> This chapter includes developments in all of the geographic entities that were seen as part of the Soviet Union for most of 1991. The only exception is the separate chapter accorded to discussion of post-August 19 events in Latvia, Estonia and Lithuania, after the three Baltic states were given wide international legal and diplomatic recognition of their sovereignty.

Human Rights Watch takes no position on the issue of self-determination, although it upholds the right to advocate independence. Our separate treatment of the post-coup Baltic states reflects our interpretation of the prevailing international view of claims of sovereignty and our assessment of *de facto* power in these areas after the August events. The formation of a new Commonwealth of Independent States was announced just as this publication was going to press.

**members of the Soviet Union and signatories of the 1922 state treaty, proclaimed the end of the USSR "as a subject of international law and a geopolitical reality." Articles in the commonwealth agreement proclaim that USSR laws are henceforth invalid on their republic territory and that USSR organs will cease their activities in these republics.**

**The disappearance of the central government ministries — the Ministry of Internal Affairs, the Procuracy, the Ministry of Justice — will have a marked effect on human rights. The rather extensive reforms of, for example, the Criminal Code, are now left to the discretionary power of the republic governments. The human rights picture will become as multi-faceted as the newly powerful republics.**

**The republics have confirmed their "commitment to the goals and principles of the United Nations Charter, the Helsinki Final Act and other documents from the Conference on Security and Cooperation in Europe" and their obligation "to observe common international norms on human and national rights."**

**Several articles of the commonwealth declaration proclaim specific human rights commitments. The major such proclamation is in Article Two:**

**The agreeing parties guarantee their citizens, regardless of nationality or other differences, equal rights and freedoms. Each of the agreeing parties guarantees citizens of other parties and also people without citizenship who reside on its territory, regardless of nationality or other differences, civil, political, social, economic and cultural rights and freedoms in accordance with common international norms on human rights.**

**The human rights pledges in this article represent a welcome beginning for the new commonwealth. Particularly key is the promise of equal treatment under the law of all residents in republic territories. It remains to be seen, however, how well republic leaders will observe these pledges in practice.**

**Many events treated in this chapter occurred before the abortive coup of August 19, when the central government ruled — however ineffectually — over the Soviet Union. (For the sake of consistency and simplicity, the terms "Soviet," "Soviet Union" and "USSR" are used to refer to the region both before and after the August coup. Since the December 8 Commonwealth declaration, however, these terms have become part of history.)**

**The year began on a dismal note for human rights policies and practices in the Soviet Union. President Mikhail Gorbachev, who had largely abandoned democratic reform in the fall of 1990, tried to curtail freedoms of press and assembly and sanctioned a vicious crackdown in Lithuania and Latvia. High-level**

official advocates of liberal reform either resigned or were fired from the USSR government. The "war of laws" between Moscow and the republics signaled the center's growing ineffectiveness and the republics' determination to set their own course.

When Gorbachev returned to more democratic policies in the spring of 1991, he focused on drafting a new union treaty and securing Western aid for the desperate Soviet economy. On August 19, the day before the union treaty was to be signed by the participating republics, key right-wing members of the Soviet government, all Gorbachev appointees, declared a state of emergency and attempted to restore power to the center. Due to its plotters' stunning incompetence, and the lack of support for their move among key segments of the government, the coup failed after three days.

Had it succeeded, the coup could have totally changed the human rights picture in the Soviet Union, almost surely for the worse. Its failure, instead, ushered in political chaos, leaving considerable uncertainty about the protection of human rights. The collapse of the central government and the discrediting of the Communist Party of the Soviet Union (CPSU) empowered republic leaders, unleashing intense power struggles in some republics. In the post-coup period, it is feared that internal social and economic tensions and popular anger at undemocratic local leaders will more often find expression in bitter — if not violent — confrontation than in the painstaking, consensus-building work of democratic institutions. Moreover, participants in some of these political struggles are armed, an alarming development which imperils civilians and bodes poorly for democratic outcomes.

Nationalism has surged throughout the Soviet Union's myriad ethnic groups, encouraging republic leaders to take up nationalist agendas. In Georgia and Azerbaidzhan, for example, intensified struggles for power are exacerbating already lethal interethnic violence. No republic is ethnically homogenous. In some republics including the Russian Republic (RSFSR), ethnic minorities that have their own political-administrative units are waging intense battles for autonomy. Minorities without political representation fear discrimination. For example, Russians in many of the non-Russian republics are leaving their homes in response to an anti-Russian mood. It is no surprise, therefore, that human rights violations increasingly involve the rights of ethnic minorities.

It is unclear who will win the political struggles and what kinds of governments will take hold in the republics. This turbulent political transition is particular cause for concern as power devolves to the republics and they assume jurisdiction over institutions with human rights mandates.

In the wake of the attempted coup, the central government avowed that

respect for human rights was a priority in the Soviet Union. In September, the Congress of People's Deputies issued a Declaration of Human Rights and Freedoms. The document provides for a wide range of civil and political rights. Marking a clean break with socialism's emphasis on collective rights, no mention was made of group interests in the definition of the freedoms of speech, association, conscience, religion and assembly. In addition to civil and political rights, the Declaration sets out social and economic rights, including the right to work, property, education, sufficient living standards, and state support in housing and health protection.

In September, the Soviet government moved toward a more meaningful acceptance of international standards for human rights. At the Moscow Conference on the Human Dimension, part of the Conference on Security and Cooperation in Europe (CSCE), Soviet Foreign Minister Boris Pankin announced that the Soviet Union recognized international standards and no longer considered human rights an internal matter.

A September draft of the economic union of republics had invoked the Universal Declaration of Human Rights to require members to ensure equality of rights and freedoms for all people. However, the proposal adopted October 18 does not include this provision. The real impact of the formal developments described above thus rests with the republics and their creation and strengthening of independent legal institutions.

Many republics have taken legal steps to guarantee human rights. Republic declarations of sovereignty often include provisions to protect the rights and freedoms of all peoples living within the republics' borders. Armenia and Moldova have endorsed and ratified major international human rights documents, and at least six republics have parliamentary human rights committees.<sup>10</sup> It remains to be seen whether republics have the political will to make these measures effective.

Because the various republics keenly seek international recognition, they will likely apply for status in the CSCE. Georgia applied in the fall of 1991 for observer status but was rejected because of its poor human rights record; Armenia has also applied for observer status.

### **Official Use of Violence**

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<sup>10</sup> The Human Rights Committee of the Russian Republic's Supreme Soviet, jointly with the Inter-republic Relations Subcommittee of the republic's International Affairs Committee, issued a statement on September 11 expressing concern over developments in Georgia.

While conducting research for its 1990 report on the December 1986 demonstrations in Alma-Ata, Helsinki Watch gained access to official materials setting out plans for "Operation Snowstorm." The type of military suppression of mass demonstrations outlined in these plans was first used in Alma-Ata, and may have set the pattern for four other suppressions.<sup>11</sup> The January 1991 attack by Soviet forces on the Baltic republics was consistent with the pattern of violence that Moscow had used during the glasnost years to suppress dissent when it threatened the Party's, or Moscow's, control.

### **USSR Violence in the Baltic Republics**

Lithuania's declaration of independence in March 1990 set off a protracted struggle with the Kremlin. Throughout 1990, the Soviet government imposed economic sanctions and threatened to use force to compel Lithuania to conform to Soviet law. Capitalizing on political troubles within the Lithuanian government, at a time when the world's attention was riveted on the imminent war in the Persian Gulf, Soviet authorities used lethal force to attempt to oust the freely elected government of Lithuania and reestablish Soviet rule.

On January 8, a column of some one hundred military vehicles rolled through Vilnius. The next day, Soviet paratroopers flew from a nearby Russian military base, ostensibly to arrest draft dodgers. On January 11, Soviet army troops attacked and occupied Lithuania's press center and National Defense building, closed the Vilnius airport, and surrounded the radio and television transmission towers. Thousands of people massed at the Parliament building and the transmission towers to stage a nonviolent defense of these key buildings. On January 13, Soviet troops attacked crowds — estimated to number between twenty and sixty thousand — at the television tower and press center. In seizing these buildings, Soviet paratroopers killed fourteen unarmed civilians, several of whom were run over by tanks; two more Lithuanians died later of their wounds, and an estimated 508 were wounded, many with gunshot injuries and burns. Soviet forces did not try to seize the Parliament building, which was guarded by a human shield.

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<sup>11</sup> These incidents took place in April 1989 in Tbilisi, Georgia; June 1989 in Kokand, Uzbekistan; January 1990 in Baku, Azerbaidzhan; and February 1990 in Dushanbe, Tadzhikistan.

Using similar tactics, the Soviet government tried to force Latvia to reverse its declaration of independence. On January 2, the Riga press building was seized by the Black Berets — elite troops known officially as the Special Function Militia Unit, or OMON, who report to the Soviet and/or the republic-level Ministry of Interior. Although Soviet officials justified this action by claiming that the press center was Soviet property, their real goal appears to have been to silence the outspoken Latvian press. On January 13, the same day as the Soviet troop attack on the television tower in Vilnius, regular army and special paratrooper forces, escorted by tanks, marched through the streets of Riga. The next night, Black Berets, claiming to be searching for draft dodgers, invaded the local police academy, beat up ten cadets, and seized the academy's arms. On the night of January 16, the Black Berets beat up a volunteer unit guarding a bridge.

On January 20, Black Berets launched an unprovoked attack on the Latvian Interior Ministry with gunfire, including automatic weapons. Latvian militia troops guarding the building returned fire. Three of five people who died as a result of the attack — Andris Slapins, Gvido Zvaigzne and Edjjs Riekstins — were unarmed and shot by sharpshooters in a nearby park. Slapins and Zvaigzne were both filmmakers; an investigative report by the New York-based Committee to Protect Journalists suggests that OMON troops targeted the journalists. A sixth death in Latvia occurred on January 16, when Soviet troops stopped Roberts Murnieks, chauffeur for the Latvian Ministry of Transportation, and shot him in the back of the head.

During the assault on the Interior Ministry, OMON troops seized five Latvians on weapons and "hooliganism" charges. The men, who claimed to have been completely unarmed, were beaten and forced to sign confessions admitting to terrorist activity.

Evidence strongly suggests that the violence was part of a plan, apparently drafted in Moscow with Gorbachev's approval, to overthrow the pro-independence governments in Lithuania and Latvia and establish direct presidential rule by Gorbachev, in league with National Salvation Committees that were simultaneously announced. During a meeting on January 8 with then-Prime Minister of Lithuania Kazimiera Pruskiene, Gorbachev refused to promise that he would not use Soviet troops to intervene in Lithuania. In a letter two days later to Lithuanian leaders, Gorbachev threatened direct presidential rule. After the attack on the television center on January 13, Lithuanian President Vytautas Landsbergis telephoned Gorbachev asking him to call off the paratroopers, but Gorbachev refused to come to the phone. The National Salvation Committee, which was said to have been formed in Vilnius on January 12 and claimed that it was taking over the government by popular demand, bore an eerie resemblance to front

**governments traditionally organized by Moscow, for example in Budapest in 1956. However, the plan was thwarted by vigorous popular protest and widespread international condemnation.**

**In the following months, harassment by Soviet armed forces continued in Lithuania and Latvia. On January 24, Soviet forces jailed four civilians without bringing substantive criminal charges, beat them during their detention, and released them after they promised not to file a complaint. A car that refused to stop at a military checkpoint outside Vilnius was followed by a column of armored personnel carriers. One of the Lithuanian drivers was shot in the back of the head by a Soviet soldier. On February 12, Soviet forces arrested three members of Shield, a military-reform group which had just released a report exposing the crackdown in Vilnius as a coup attempt by the CPSU and Gorbachev. Two of the three Shield activists were beaten during detention. A month later, OMON troops opened fire on a Lithuanian bus carrying unarmed border guards, injuring three people. According to testimony collected by the Lithuanian procuracy, the Soviet government's claim that the bus was carrying arms was unfounded.**

**From late January through July, a campaign of repeated OMON attacks on Baltic customs posts became the principal method of intimidating the independence-minded republics. Soviet soldiers attacked, burned down, closed, or destroyed twenty-three Lithuanian customs posts along the Belorussian and Latvian borders; raided two Latvian railway customs posts; attacked and burned eleven Latvian border posts; and attacked and burned five posts in Estonia. In many cases, OMON troops beat the customs officials. Soviet Minister of Interior Boris Pugo denied OMON participation in the attacks, Gorbachev claimed to have no knowledge of plans for the attacks, and Soviet Procurator General Trubin called them unlawful. However, it is difficult to believe that these widespread and repeated attacks were ad hoc and had no sanction by any Soviet government office.**

### **Armenians in Azerbaidzhan**

**In late April, Azerbaidzhani and Soviet military forces jointly launched a campaign of violence to disperse Armenian villagers from areas north and south of Nagorno-Karabakh, a territorial enclave in Azerbaidzhan where Armenian communities have lived for centuries. The official Soviet pretext for the military operation was to examine internal passports and apprehend members of Armenian paramilitary groups. However, the unstated goal was to "convince" the villagers — half are pensioners — to relocate permanently in Armenia.**

**The Soviet army title for this military action is "Operation Ring," because its**

**basic strategy consists of surrounding villages with tanks and armored personnel carriers and shelling them. The next stage of the operation involves the entry of various troops (a combination of Fourth Army units and Ministry of Internal Affairs (MVD) Internal Troops), followed by the Azerbaidzhan OMON, who interrogate villagers, round them up, and arrest or take away male heads-of-households to prisons in other parts of Azerbaidzhan. Finally, Azerbaidzhani villagers are allowed to come and loot the empty Armenian villages.**

**More than ten thousand Armenian villagers have been forced to leave Azerbaidzhan. Forty people have died, more than half Armenian civilians. Helsinki Watch has documented several instances of brutality, including rape, by the armed forces (especially Azerbaidzhani OMON troops) while Soviet army units stood by passively. Dozens of Armenians are still being held in Azerbaidzhani jails, although there are regular prisoner and hostage exchanges with the Azerbaidzhanis. Armenian officials claim that many of those detained are beaten and ill-treated.**

**Operation Ring was particularly violent in the villages of Martunashen and Getashen in early May. According to Helsinki Watch interviews with Armenian deportees and officials, eighteen villagers were killed, and Martunashen was razed to the ground. According to Armenian officials, the deportations in mid-July from the villages of Erkedj, Manashid and Bouzloukh in Azerbaidzhan resulted in three deaths among the Azerbaidzani MVD, many wounded, and the total dispersion of the population. In continued fighting in this area, 14 Azerbaidzhani OMON and one Armenian paramilitary fighter were killed in September.**

**On the day before the August 19 coup, the Soviet Army's 23 Division — which has a high percentage of Azerbaidzhani soldiers — as well as Azerbaidzhani OMON troops, conducted helicopter rocket attacks and directed artillery and machine gun fire at the large Armenian village of Verishen in Azerbaidzhan, near Karabakh. Two Armenian children were killed; there were deaths among Azerbaidzhani soldiers; and dozens of houses were burned, according to Radio Rossiya. On August 27, the Armenian villages of Karachinar and Verishen again came under missile and artillery fire, injuring four Armenians.**

**Fighting did not end in September as word spread of possible peace talks, described below. Two Azerbaidzhani OMON troops and one Armenian fighter were killed in Verashen on September 14. On September 15, the Azerbaidzhani OMON opened heavy fire on Karachinar, killing one Armenian civilian. As negotiations reached a final phase on September 25, OMON troops attacked the village of Chapar, killing six Armenian civilians, including a boy of fourteen.**

**Unfortunately, fighting in and around Nagorno-Karabakh continues. Radio Moscow reported on November 1 that Armenian paramilitary forces had launched**



a campaign to drive the Azerbaidzhani population out of Nagorno-Karabakh. Thousands were reportedly evicted from their homes. On November 1, the body of Azerbaidzhani Supreme Soviet Deputy, Eldar Bagirov, was found, the victim of apparent violence.

According to Armenian press reports, a new paramilitary group, the Popular Liberation Army of Artsakh (PLAA), an ancient name for Armenia, was formed in November. The PLAA claims to have united all armed groups of the Nagorno-Karabakh area, and was formed to prevent deportations from Armenian villages in the area. The PLAA, however, disavowed any intention to "harm the Azeri community in Nagorno-Karabakh," said it accepts the peace activities of the Russian and Kazakh observers, and denies any responsibility for shooting down the helicopter. (See below.)

Reports of continued hostage-taking by both Armenians and Azerbaidzhanis have appeared in the press. On November 30, the Armenian news agency "Azy" reported that two Armenians taken hostage a month ago had been set free the previous day; during the previous ten days, 20 Armenian hostages had been released by the Azerbaidzhani government. Another article, in the Armenian newspaper *Yerkir* (December 12), reports that six Armenians were released from a jail in Azerbaidzhan in exchange for Azerbaidzhani Deputy General Procurator, Shukur Rzayev, who had been captured on November 14 from the Public Procurator's office.

### **Georgia<sup>12</sup>**

Georgia is currently mired in hostilities pitting nationalist Georgian President Zviad Gamsakhurdia, a former political prisoner, and armed forces loyal to him against a nationalist political opposition allied with renegade parts of the Georgian National Guard calling for his resignation. Since his election in May, President Gamsakhurdia has presided over a wide range of human rights violations. On September 2, according to Western and Soviet Press reports, Georgian OMON troops used automatic weapons and truncheons to break up an unauthorized opposition National Democratic Party demonstration, injuring four people. *The New York Times* reported on September 3 that one demonstrator's lungs were pierced by a bullet.<sup>13</sup> The crowd, which reportedly numbered about five

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<sup>12</sup> See also the section on South Ossetia.

<sup>13</sup> "Protestors Hurt in Georgia," as reported by Reuters in *The New York Times*, September 3, 1991

thousand, was apparently unarmed and did not provoke the violence; when OMON troops fired shots into the air, the demonstrators responded by throwing stones. Opposition demonstrations continued throughout September and into October. Tbilisi police clashed with anti-Gamsakhurdia groups on September 22; two people were killed. Opposition sources claim that two protestors were killed by Georgian armed forces in clashes during a massive demonstration on October 4.

Armed conflict between Gamsakhurdia's forces and those elements of the political opposition that are armed further destabilizes Georgia. A reported eleven combatants — members of Georgian OMON forces, Georgian regular police, and the anti-Gamsakhurdia National Guard — died in armed skirmishes during September and October. Each side blamed the other for the violence. President Gamsakhurdia has called on all civilians to surrender their weapons, threatening that criminal charges will be brought against those who do not comply.

As 1991 drew to a close, both sides in the Georgian political conflict developed projects to try to heal the breach. The Georgian government announced the creation of a Committee of National Accord and Defense of the Territorial Integrity of the Republic of Georgia within the Georgian Supreme Council, while a new opposition group, Charter 91, proposed a set of stabilization measures.

The new government-sponsored committee is to include leaders of all Georgian political parties and public organizations of the city, and administrative personnel. Any person, regardless of nationality, who is a resident of Georgia, may become a member of this committee. Those who join must advocate total economic and political independence of Georgia and preservation of its territorial integrity.

Charter 91 urged the Georgian Supreme Council to hold a referendum for people to choose their own state system and government; to reelect parliament before the term of the present body expires. The stated aim is to persuade all political groups in Georgia of the need to declare civil peace. The authors also suggest the suspension of mass rallies and demonstrations in return for governmental agreement to reinstate the law on political associations, legalize opposition parties and offer the opposition air time on republican radio and TV to express their views. Charter 91 also urges that an ethnic minorities council with legislative powers be established.

### **Tadzhikistan**

On September 23, conservative forces in the Tadzhik government ousted Acting President Kadriddin Aslonov, a liberal who, in accordance with a post-coup Soviet presidential decree, had attempted to suspend Tadzhikistan's Communist

**Party activities in the republic. First Party Secretary Rakhman Nabiev was installed as president, and a state of emergency was declared the same day. In response, throughout September, thousands of protesters — including over two hundred hunger-strikers — camped outside the republic's Supreme Soviet building in a peaceful effort to change the republic leadership. In positive contrast to its actions during the February 1990 disorders in Dushanbe, the Tadzhikistan government declared that it would not use armed force to break up the demonstration and that it is publicly committed to a peaceful resolution of this political impasse. The state of emergency was lifted on October 1.**

**The voters of Tadzhikistan elected a new republic president on November 25, with former First Party Secretary Rakhman Nabiev winning. According to the electoral commission, Nabiev received 58 percent, while Davlat Khudonazarov — USSR Supreme Soviet Deputy and Head of the USSR Cinematographers' Union — won 25 percent. It remains to be seen how Nabiev's election as president will influence the political stability of the Central Asian republic.**

### **Armed Conflict and Inter-Ethnic Violence**

**Violence and armed conflict destabilized various areas of the USSR in 1991. In these conflicts, the role of the central or republic governments is often unclear. In some cases, for example in Chechen-Ingushetia, the emergence of an armed opposition movement heightens the possibility of intervention by Soviet or republic armed forces.**

### **Armenia and Azerbaidzhan**

**According to Soviet army reports, from January to June 1991 there were 197 clashes between Armenians and Azerbaidzhani. The number of dead continues to rise, and includes journalists and Soviet and Azerbaidzhani officials. By September 13, 1991, according to Armenian Parliament Deputy Bagdasaryan, one hundred Armenians had been killed and 180 injured in Karabakh.<sup>14</sup> In addition, both sides have taken hostages. These figures contrast with Soviet Army statistics, which report 12 dead and 41 wounded as a result of the Karabakh conflict.**

**Helsinki Watch, as well as journalists, have made repeated inquiries to Azerbaidzhani officials for overall figures on Azerbaidzhani casualties in**

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<sup>14</sup> These figures include casualties resulting from "Operation Ring."

**"Operation Ring" and the Karabakh conflict. Other than claiming that "several hundred" Azerbaidzhani citizens have died, these officials have not given specific details.**

**Most of the Azerbaidzhani population in Armenia — a total of some 180,000 — were forced to leave that republic in 1988. This process was completed on August 8, 1991, with the eviction from Armenia of the last of the Azerbaidzhani inhabitants of Nyuedi. According to Radio Baku, the operation was directed by the Armenian Ministry of Internal Affairs and involved the killing of two officers stationed in the village.**

**Armenians have responded with violence to "Operation Ring." For example, after an "Operation Ring" armed attack on the village of Aterk on August 14, Armenian villagers reportedly seized thirty-one Azerbaidzhani servicemen, holding them hostage. They were ultimately returned to the Azerbaidzhani side in exchange for Armenian hostages.**

**Attacks by both sides included assassination attempts not only against high-ranking Soviet and Azerbaidzhani military officers and politicians. For example, Valery Grigoryan, former chairman of the Azerbaidzhan Communist Party Karabakh Autonomous Oblast Committee, was killed by unknown assailants at point-blank range on August 10, purportedly for his support for a political solution to the Karabakh problem seen by some as pro-Azerbaidzhani.**

**Popular anger also has been expressed in street violence. In one incident, reported by Radio Rossiya, an Azerbaidzhani cameraman was taken hostage in front of the building where peace negotiations were taking place. The Armenian crowd also mistook a Turkish journalist for an Azerbaidzhani and beat him severely.**

**In a positive development, the leaders of Kazakhstan and Russia mediated a preliminary agreement in late September between the leaders of Armenia and Azerbaidzhan that sought to settle the four-year conflict. Some of the main points of the final communique, signed by the four republic presidents, include:**

- o a cease-fire.**
- o the repeal, before January 1, 1992, of all unconstitutional Azerbaidzhani and Armenian legal provisions regarding Karabakh.**
- o the withdrawal from the conflict zone of all armed forces, except units of Soviet Interior Ministry and Soviet Defense Ministry troops.**
- o the selection of a group of observers to work out cease-fire measures and**

**neutralize all illegitimate armed forces, as well as to develop safety guarantees for all civilians in the conflict zone and supervise the later stages in settling the conflict.**

- o the commitment of Azerbaidzhan and Armenia to ensure the eventual return of deported peoples to their homes, starting with vacated villages, and to guarantee their safety.**
- o the immediate release of hostages within a two-week period, after which hostage-holders will be subject to prosecution. Representatives of the mediators will monitor observance of these provisions.**

**After reaching this preliminary peace settlement, both sides continued negotiations. Two more negotiating rounds, described by both sides as slow but encouraging, were held in the first half of November.**

**These positive developments met an abrupt end on November 20 when a helicopter crashed carrying 21 high-ranking officials — mostly from Azerbaidzhan and Kazakhstan — to a new negotiating round. Azerbaidzhani officials claimed that this helicopter crash was caused either by a bomb or by a missile attack. Initial TASS reports indicated that the helicopter had crashed in a heavy fog, but later began referring to possible sabotage.**

**This tragic incident set back the cause of non-violence in the struggle between Armenia and Azerbaidzhan. Hundreds of thousands attended funerals in Baku for those who had died in the crash on November 22. Azerbaidzhani President Mutalibov declared that "things had gone too far" and that aggression against his republic would be stopped. The Armenian government called for an international investigation into the cause of the crash. Preliminary investigations by Azerbaidzhani ministries and the Soviet central government have been inconclusive.**

**In response to popular demands for retribution against Armenia, the Azerbaidzhani Supreme Soviet voted on November 26 to abolish the autonomous status of the Nagorno-Karabakh *oblast* according to Western and Soviet press sources. The Armenian population presently and formerly resident in Nagorno-Karabakh voted overwhelmingly in a December 10 referendum for independence. The Azerbaidzhani population of the area boycotted the referendum.**

**The USSR State Council, at a November 27 session attended by the leaders of Armenia and Azerbaidzhan, called on Azerbaidzhan to restore Nagorno Karabakh's autonomous status. The resolution also called for the abrogation of all laws**

changing the *oblasts* juridical status, for a ceasefire and for the withdrawal of all illegal armed formations from the conflict zone.

According to a TASS item on November 28, the Armenian Foreign Ministry has asked the Azerbaidzhan government to search for ways to resume the political dialogue between the republics. Armenian President Ter Petrossyan has said that the newest round of peace talks should resume in Yerevan in early December.

### **South Ossetia**

Political conflict between the South Ossetian Autonomous Region and the government of Georgia began in late 1990, when Georgia declared independence and announced its unwillingness to participate in the union treaty negotiations. Fearing that independent Georgia would jeopardize its separate nationality status, South Ossetia declared itself part of the USSR, rather than an autonomous region of Georgia. The Georgian Parliament reacted by voting on December 11, 1990, to abolish the South Ossetian Autonomous Republic.

Continued violence between armed groups of Georgians and South Ossetians has gripped the region since December 12, 1990, leaving more than 250 people dead and 480 injured (many with gunshot wounds), and creating 80,000 refugees, according to the Soviet press agency TASS.<sup>15</sup> It is not known how many unarmed civilians are among the dead and how many died at the hands of Soviet and Georgian military forces.

A state of emergency declared by the Georgian government is currently in effect in Tskhinvali, the South Ossetian capital. South Ossetians report that the Georgian government has set blockades in the north and south of the region, preventing supplies, including humanitarian aid, from reaching Tskhinvali. Electricity, fuel and water supplies have been interrupted repeatedly and for long periods. Tskhinvali and villages of both Georgians and South Ossetians have been shelled sporadically.

It is unclear whether the Georgian government is directly involved in blockading and bombing Tskhinvali; the extent of the Kremlin's collaboration with South Ossetian attacks on Georgian villages is also unclear. Both sides are reported to have taken hostages and hijacked vehicles. The most intense period of violence was in March and April; after a period of relative calm in July and

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<sup>15</sup> TASS, October 18, 1991, as reported in the Federal Broadcast Information Service (FBIS), October 21, 1991.

**August, violence resumed in mid-September.**

**Radio Rossiya reported on November 26 that the South Ossetia *oblast* council ordered the mobilization of all men aged 18 to 60. The council took this step due to concern over a rumored planned attack by local Georgians. Georgian military units, equipped with tanks, armored personnel carriers, rocket launchers and artillery reportedly were converging on the South Ossetian capital of Tskhinvali.**

**Two days later, on November 28, the South Ossetian *oblast* council declared the disputed region a republic. According to Radio Moscow, it also declared a state of emergency in the area. Three days earlier, the Georgian parliament had voted to lift the state of emergency declared in parts of the *oblast* one year ago and called for the withdrawal from South Ossetia of USSR MVD troops. In contrast, South Ossetia asked for the Soviet troops to remain on its territory.**

**Soviet MVD forces have been in South Ossetia since March to intercede and supposedly to disband armed paramilitary groups. Armed Georgian groups have clashed on at least one occasion with the Soviet MVD forces. In April, the Georgian government claimed that the MVD forces were collaborating with South Ossetians to kill Georgians, but the Soviet Interior Ministry rejected these charges.**

### **Moldova<sup>16</sup>**

**The Russian and Ukrainian minorities in Moldova make up some 27 percent of its total population of 4.3 million. Fearing what they perceived as an excessively nationalist Moldovan government, in 1990 the leaders of these communities proclaimed the secession of the Dniester region — on the east bank of the Dniester river — from Moldova. The government of the Moldovan republic refuses to recognize the small breakaway unit. As a result, tensions in the area have been simmering throughout 1991.**

**The Trans-Dniester leaders took several measures in 1991 to try to prop up the independence of the "Dniester SSR," which Moldova refuses to recognize. On August 7, they defied the Moldovan language law by issuing a decree to guarantee the study of Moldovan in the Cyrillic script rather than the Latin script now used for Moldovan-Romanian. They also considered adopting their own constitution.**

**In September, these measures by Dniester activists grew more dangerous: on September 25, armed Dniester "worker detachments" seized the Moldovan police building and other government buildings of the Dubasari district and cut off**

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<sup>16</sup> Formerly referred to as Moldavia.

**telephone and other communications.**

**Moldovan police officers in six districts of the left bank of the Dniester River have been pressured either to quit or to join Trans-Dniester. Pressure tactics include physically intimidating their families. Other activities of the Trans-Dniester partisans include a blockade of railway stations to demand the release of their leaders.**

**On September 19, the Russian Republic's Supreme Soviet sent a delegation to Moldova to monitor the situation. Its investigation found nothing to substantiate claims that Moldova violated the human rights of the Dniester Russians. To the contrary, the Russian Supreme Soviet Delegation accused the Trans-Dniester leaders of violating the rights of Moldovans in Trans-Dniester by restricting Moldovan-language education. (Moldovan is now the official language of the republic and it now uses Latin script.)**

**On September 27, the Trans-Dniester organized its own armed People's Guard, which consists of some eight hundred men. Moldovan officials claim that these forces have stockpiled arms, including mortars. This development increases the likelihood that the Dniester Russians' political claims will result in civilian casualties. Indeed, on December 13 western news agencies reported that 13 people had been killed and wounded that day in a struggle for control of the city of Dubasari, in the Trans-Dniester area. Soviet news agencies said police of the Moldovan-majority government had fought with militia of the Russian-speaking minority there. Preliminary reports say there were casualties on both sides.**

### **Chechen-Ingushetia**

**Chechen-Ingushetia is an autonomous republic in the North Caucasus area within the RSFSR. The population of this autonomous area, according to the 1989 census, is 1,338,000—of whom 735,000 are Chechen and most of the rest are Ingush. After the August 19 aborted coup, during which the leadership of Chechen-Ingushetia appeared to support the coup leaders, a crisis of legitimacy developed in Chechen-Ingushetia. The discredited autonomous republic Supreme Soviet, representing traditional Soviet power, rapidly lost popular support to a new nationalist group, the Executive Committee of the All-National Congress of the Chechen People, led by retired Soviet Air Force General, Dzhakhar Dudaev. Under Dudaev's leadership, the Chechen nationalist movement has become increasingly radical in its demands, ultimately pressing for independence from the Russian Republic.**

**In response to increasing anarchy and tension, on November 8, Russian Republic President Boris Yeltsin signed a decree declaring a state of emergency**



**in Chechen-Ingushetia. The decree imposes direct presidential rule, bans all meetings and demonstrations, puts strict controls on entering and leaving Chechen-Ingushetia, and orders the confiscation of all firearms. President Yeltsin has deployed about 2,500 troops to Chechen-Ingushetia to enforce the decree.**

**President Yeltsin's decree resembles Gorbachev's responses to various Soviet republics' struggles for autonomy. But because it sparked widespread criticism in the Russian government and armed resistance on the part of the Chechens, the state of emergency was not implemented or enforced. An overwhelming majority of the Russian Republic's Supreme Soviet refused — in a non-binding vote — to approve the decree. The Russian Republic's interior minister, Vakha Ibragimov, resigned to protest the decree, and Akhmed Arslonov, whom Yeltsin appointed as interim administrator of Chechen-Ingushetia, and who served as the Russian Republic's representative there, urged Yeltsin to lift the state of emergency.**

**The Chechen resistance, led by General Dzhokhar Dudaev, a retired Soviet air force general, prevented the implementation of the state of emergency. Thousands of civilians were reported to have blockaded Soviet Interior Ministry troops inside the Interior Ministry building, and the republic's national guard was deployed at the airport in Grozny, the capital, to prevent the arrival of additional troops.**

**Tensions between the Russian Republic and Chechen-Ingushetia began in late August, when crowds of Chechens accused the leaders of Chechen-Ingushetia of supporting the August 19 coup attempt. Led by the Executive Committee of the All-National Congress of Chechen People (NCCP), they demanded the republic leaders' resignation, seized key government buildings (including the KGB headquarters and other law-enforcement buildings), took control of the media, and blockaded the republic's Supreme Soviet. On September 13, the Supreme Soviet was dissolved, a provisional parliament was formed, and a date was set for new elections. The NCCP, under the leadership of General Dudayev, formed its own National Guard.**

**The Russian government called for all armed formations to disarm. The NCCP ignored the call and, on October 9, seized power from the provisional government in Grozny. Following skirmishes between it and supporters of the provisional government, the NCCP called for a general mobilization of all males between the ages of fifteen and fifty-five and put the National Guard on "high alert." One armed clash left a civil servant injured, but no other civilian casualties have been reported.**

**Prisoners in a Grozny jail staged an uprising in early October, demanding that**

they be allowed to serve in the National Guard and that their sentences be revoked. In circumstances that are not clear, the National Guard was reported to have ended the uprising, killing one prisoner and injuring five.

On October 19, Boris Yeltsin ordered the National Guard to disarm, threatening vague measures to "normalize" the situation. The NCCP continues to ignore the order and warns of an "Islamic Holy War" if Russia does not end its "interference" in the republic's affairs. The Russian Republic's Supreme Soviet adopted a resolution late in October ruling illegal the scheduled October 27 presidential elections in Chechen-Ingushetia.

Although deemed illegal by Russian Republic authorities, presidential elections in Chechen-Ingushetia were held on October 27. Former General Dudaev was declared the winner of the election. *Izvestiya* suggested the results were invalid since no special electoral commissions had been set up outside the main city, while the NCCP declared it did not matter how many people had actually voted.

As for the situation of the Ingush in Chechen-Ingushetia, they have pressed for the return of lands in North Ossetia (the Prigorodny *rayon*) from which they were deported in 1944. During the Third Congress of the Ingush People, Russian Republic Vice President Aleksandr Rutskoi proposed that the issue of the return of Prigorodny *rayon* to the Ingush be decided by a congress of North Caucasus elders, promising he would try to organize it. The Ingush congress voted to press for the immediate return of this area in North Ossetia.

The Ingush decision caused great concern in North Ossetia, TASS reported on October 9 that there were demands for the creation of a North Ossetian national guard. An appeal to the USSR and Russian Republic authorities was published in the North Ossetian press on October 10, asking for immediate steps to protect the population.

The state of human rights in Chechen Ingushetia under Dudayev's rule remains unclear. Some Russian republic press reports allege that the National Guard intimidates television broadcasters. Local television journalists reportedly went on strike in early November to protest interference in the media.

The policies adopted by the Russian Republic in addressing the Chechen-Ingushetia independence drive could serve as a precedent for its dealings with other independence-minded autonomous republics within the Russian republic, notably Tataria, where tension is also running high.

## **Freedom of Expression, Assembly, and Association**

### **The Soviet Government**

**Among the targets of President Gorbachev's turn to the right in the winter of 1990-91 were the increasingly critical Soviet media. In November 1990, Gorbachev appointed the conservative Leonid Kravchenko to head Gosteleradio, the state television and radio monopoly. Upon assuming his post, Kravchenko promised to "serve the president's will," and upheld this promise with an active censorship policy. In early January, he prohibited "Vzgliad," an enormously popular television program, from broadcasting an interview with Shevardnadze, conducted after his stunning December resignation as foreign minister; on January 11, he suspended the program indefinitely. He also banned the highly popular television programs "Seven Days" and "Fifth Wheel." On January 10, Soviet officials closed Interfax, a Moscow-based independent news agency housed in a Gosteleradio building. Gosteleradio cited financial disputes for the closure, but Interfax claims that the motive was political.**

**During the crackdowns in Lithuania and Latvia, Soviet armed forces sought first to control the media. Military units took over the main press buildings in Vilnius and Riga to "preserve" them from local governments and allegedly to protect the CPSU's property rights. Press workers went on strike, and newspapers almost vanished from Latvia for several days. Because the Soviet military took over the main television tower in Vilnius, for months Lithuanians had to rely on television and radio transmissions from Kaunas or Riga. The suspicious circumstances surrounding the deaths of Latvian filmmakers Gvido Zviagzne and Andris Slapins, noted above, suggest that journalists were singled out for violent attacks.**

**The Kremlin's drive against freedom of expression extended throughout the USSR at the time of the bloody events in Lithuania and Latvia. The official media distorted the events, and the central government censored contrary coverage. For example, contrary to eyewitness accounts, the announcer for "Vremya" — the main television news program of the Soviet government — described the killing of unarmed civilians as "defensive." Four anchors for Television News Service quit the program because of increasing censorship; they told of having to read prepared government scripts describing Soviet activities in the Baltic republics.**

**On January 18, many liberal TASS correspondents in Leningrad were fired. Gorbachev requested the USSR Supreme Soviet to suspend the 1990 Law on the Press, which affirms the right to free expression and prohibits almost all censorship. Under pressure from liberal deputies, Gorbachev backed down, but he succeeded in authorizing the Supreme Soviet to develop "measures to ensure objectivity" in news coverage.**

In addition to using censorship, the central government has kept the independent media in check through discriminatory allocation of scarce newsprint and other publishing supplies, which in any case are subject to severe and chronic shortages in the Soviet Union. Official newspapers have enjoyed an enormous advantage over their independent counterparts, which have to pay inflated prices for newsprint.

The Soviet "anti-Presidential slander" law remains on the books. Adopted in 1990, the law authorizes a maximum six-year prison term for those convicted of "indecent" slander of the Soviet president. In March, Valeriya Novodvorskaya, leader of the radical citizens' group Democratic Union, was charged under the law and acquitted.

During the conservative swing, the government also attempted to restrict freedom of assembly. In late March, it went against the Moscow City Council and tried to ban demonstrations, strikes, picketing and other gatherings in Moscow, in violation of international and Soviet law on freedom of assembly.

A May 1991 Law on the Resolution of Collective Labor Disputes significantly curtails the right to strike for labor unions. Under the law, labor strikes are permitted as a last resort and only for a limited number of disputes. The law bans strike activities in many industries, including railways, city transport, communications, and defense industries. It also sets out vague restrictions on strikes in other industries, such as a prohibition on strikes that would "threaten people's health" or "have severe consequences."

Those behind the August plot to take over the Soviet government sought to crack down on freedom of expression. Claiming that the media "bore much of the responsibility for the current chaos," Gennady Yanaev, acting president of the coup's Emergency Committee, published a list of a few newspapers permitted to publish, and banned all others. Yanaev also ordered the RSFSR television channel to carry Central Television programs and sent troops to stop certain radio broadcasts in Moscow and Leningrad. Paratroopers were also sent to seize Tallinn's television tower, and Radio Riga reported that its tower had been taken over by OMON troops. Despite these measures, however, many journalists ignored the coup leaders' crackdown on the media.

On August 22, after the coup had failed, Boris Yeltsin issued a decree with a clause suspending *Pravda*, *Sovietskaia Rossiya*, *Glasnost*, *Moskovskaia Pravda*, and *Leninskoye Znamya* — all Party-controlled newspapers — and nationalizing the property of all Party publishing houses. The decree claimed that the papers had "actively supported" the coup. Since under the Soviet Law on the Press only a court has the right to confiscate media property and ban circulation, these actions raised wide and outspoken concern that Yeltsin had gone beyond his

constitutional authority. After a storm of protest, Yeltsin suspended the decree's clause on September 11, and the RSFSR Supreme Soviet presidium declared null and void all further attempts to confiscate Party property.

### **In the Republics**

After the coup, the RSFSR, Ukraine, Tadjikistan and Georgia agreed to suspend the activities of the CPSU,<sup>17</sup> pending investigation of the Party's involvement in the coup.<sup>18</sup> Gorbachev agreed to have the offices of the CPSU Central Committee sealed, authorized all CPSU property to be turned over to local soviets, and confirmed Yeltsin's ban on all political activities of the KGB, MVD and armed forces.

In early November, the 74th anniversary of the Bolshevik revolution occasioned two anti-Communist actions in the Russian Republic. Moscow city authorities refused to allow a demonstration by Communist and workers' organizations within the Moscow city limits. And on November 6, Yeltsin issued an edict disbanding the CPSU and the Russian Communist Party in the Russian Republic and banning their activities.

This anti-Communist backlash imperils freedom of association and assembly and raises fears about "witch hunts" for Communists in the USSR. In late October, the Russian Republic government violated freedom of association in relation to non-violent organizations of national separatists when the RSFSR Procurator's office outlawed all political parties and public organizations that called for "the violation of the RSFSR's territorial integrity." The move also violates Soviet law, because although the Soviet Law on Public Associations forbids organizations seeking "the forcible rupture of the territory of the USSR, the union and autonomous republics, and the autonomous formations," an organization can be outlawed only by a court of law. The procurator's office is only authorized to issue a warning to organizations that violate the law.

On November 5, the Georgian Supreme Soviet restricted freedom of

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<sup>17</sup> In late October, the Tadjik Committee on Constitutional Oversight took a stand upholding freedom of association by protesting the ban that the Tadjik Supreme Soviet had placed on the Tadjik Communist Party. In its decision, the Committee argued that the Supreme Soviet had no legal basis for banning the Communist Party.

<sup>18</sup> Just after the coup, Gorbachev issued a decree suspending Communist Party activity throughout the USSR, but not all republics implemented it.

association by voting to suspend temporarily the August 1990 Georgian law on political parties driving several parties underground. Governments in other republics also control and define the process of registration, so as to effectively outlaw groups that they believe threaten their interests. For example, Turkmenia has denied registration to two major opposition groups: "Agzybirlik" (Unity) and the Democratic Party. The Tadjikistan government finally permitted registration of the Islamic Renaissance Party in October 1991. The Uzbek government closed "for health reasons" the Tashkent office of Birlik (Unity) — the Uzbek popular front movement which counts millions of members.

The republic governments of Georgia and much of Central Asia enforce monopolistic control over the media. The Tadjik newspapers of the Popular Front, *Rastokhez* (Renaissance) and the Democratic Party, *Adulet* (Freedom) can be printed only outside Tadjikistan, while the weekly Union of Journalists newspaper *Sukhan*, according to local journalists, engages in self-censorship, because it fears loss of registration. Because of republic government control over the press, the Turkmenistan Popular Front could print only one issue of its newspaper in 1991 — in Moscow.

The Georgian political opposition complains that it is barred from all local media outlets. A small independent Georgian news agency, Iberia, was initially denied registration. The day after registration was granted in May 1991, the group was expelled from its office space due to government pressure and has been unable to find new quarters. After the appearance of an issue of an unofficial Georgian journal *Droni* (Time), supporters of President Gamsakhurdia appeared at its offices and destroyed the journal's equipment.

There are several disturbing signs that press freedom may also be threatened in the Russian Republic. According to a *Christian Science Monitor* article (October 31, 1991), Vitaly Tretyakov, Editor-in-Chief of the respected new newspaper, *Nezavisimaya Gazeta* (The Independent Gazette), said his paper and *Moscow News* recently had been warned by the Russian Republic Press Ministry that they had violated the press law. Tretyakov said he had been told that an interview with the Ukrainian Deputy Prime Minister Konstantin Masik had, according to the ministry, shown "signs of war propaganda." The editor rejected this claim, saying the Masik interview had been found wanting because it contained criticism of the Yeltsin government.

After the draft Russian Republic Law on the Media was adopted by the Supreme Soviet on November 27, the Tass-Russian Information Agency reported two days later that representatives of the Russian Association of Independent Television and Radio Broadcasting were severely critical of its licensing

procedures. Under this article (32) of the new media law, all TV and radio companies are obliged to allocate air time for Russian republic radio or TV programs. Mikhail Fedotov, Deputy Russian Republic Press Minister, rejected this criticism, saying it was standard practice for states to allocate air time.

In addition to denying media outlets to local political groups, the governments of Georgia and much of Central Asia also restrict access to media sources from outside their republics. For example, Turkmenia, Uzbekistan and Tadjikistan block television transmission of "Rossiya" news programs. Such liberal publications as *Ogonyok* and *Moscow News* are not sold in Turkmenia and Tadjikistan, while in Georgia subscribers to these and other similar magazines are not allowed to receive them.

The Georgian government has censored publications and broadcasts considered to be anti-Georgian. In a February press conference, President Gamsakhurdia declared that "journalists [in Georgia] may be deemed 'personae non grata'" for writing or publishing anti-Georgian articles or for "lacking objectivity." The Georgian government requested Radio Liberty, based in Germany and the United States, to stop broadcasting to Georgia, and "Vremya" was taken off the air on April 7. The June 12 issue of *Izvestia* was not published in Georgia because it contained an article criticizing Gamsakhurdia and his policies. The Georgian government explained the incident by claiming that Georgian typographers had gone on strike to protest the "insults" conveyed in the article.

Journalists are harassed in Georgia. In September, TASS correspondent Albert Kochetkov was attacked and his office destroyed. In late May, TASS reported that five Georgian journalists complained to President Gamsakhurdia about harassment and being denied information from official sources. Two journalists allegedly were expelled from a press conference given by Gamsakhurdia; one claimed he was threatened with criminal charges for criticizing the president. Interfax reports that Gamsakhurdia sanctioned a campaign of harassing journalists by accusing them of being members of the MVD.

The Georgian anti-presidential slander law, adopted in May 1991, prescribes a maximum of three years imprisonment for individuals who publicly insult or slander the Georgian president, while journalists would have to serve up to a six-year prison term. Press organizations found guilty of these charges may be fined up to 25,000 rubles (about \$600 at the tourist rate of exchange) and may be closed if the slander is repeated. Helsinki Watch has not received reports of individuals or press organizations being tried under these charges. Anti-presidential slander laws also exist in Tadjikistan and Turkmenia. Helsinki Watch was informed that a twelve-man censorship agency implements the Turkmenian anti-presidential slander law. In March, this agency vetted speakers'

**lists for the Turkmenia Writers' Congress.**

**A member of the Kazakhstan Popular Front, Bahytan Abirov, was brought to trial on October 9 for publicly insulting President Nursultan Nazarbayev. After charges were brought against him, Abirov reported that he was forcibly subjected to an examination at a psychiatric clinic. Leaders of the Kazakhstan National Independence Party (*Alas!*) were also charged with "insulting the honor and dignity" of the president in October.**



## **Freedom of Religion**

**The most unqualified improvements in civic freedoms in the Soviet Union took place in the field of religion. People of all faiths can now practice their religion without fear of government interference. One of the last elements of government intervention in religious practice was eliminated in early September, when the "Fourth Department" of the KGB, which had been responsible for monitoring religious organizations, was disbanded. The Fourth Department played a role in, among other things, approving archbishop appointments and membership in the Holy Synod of the Russian Orthodox Church.**

**About twelve thousand Russian Orthodox parishes now operate in the USSR. Missionaries of various faiths now proselytize in the Russian Republic. The Soviet government is returning churches, synagogues and mosques for religious use. The new freedom of religion has especially enlivened the practice of Judaism in the Soviet Union. People can now teach Hebrew without fear of arrest, and texts are being published in Hebrew. Local authorities in Moscow, Kiev and other cities have encouraged these positive developments.**

**In the fall of 1991, the Soviet and Ukrainian governments gave official recognition to the problem of anti-Semitism in the USSR. At a ceremony commemorating the fiftieth anniversary of the Babi Yar massacre, President Gorbachev issued a statement denouncing anti-Semitism, perhaps the first Soviet leader to do so. After Gorbachev's statement was delivered, Ukrainian President Leonid Kravchuk also made a strong statement against anti-Semitism. Despite this official denunciation, anti-Semitism still flourishes in the free press and civil society. The great strides in religion are, unfortunately, attended by the organization of anti-Semitic demonstrations and the publication of anti-Semitic articles and tracts by such right-wing organizations as *Pamiat* (Memory).**

## **Freedom of Movement**

### **Emigration and Travel Abroad**

The long-awaited adoption in May of the Soviet entry-exit law<sup>19</sup> represented some progress in the right to leave and return to the USSR." The law simplifies travel and emigration by removing the need to obtain invitations from abroad and reduces the number and scope of restrictions on travel. The practical effect of its provisions are now unclear, however, given the collapse of the Center's powers.

Unfortunately, the law also codifies serious limitations. Under Article 12, the Soviet government can deny an international passport to individuals deemed to have "information constituting a state secret" for up to five years from the time they were exposed to the secret. Moreover, Article 12 grants the Council of Ministers the right to establish an "expert commission" to extend the term in individual cases. Individual challenges to the classification of a state secret can be reviewed by a judge only once every three years. It is unclear who would appoint this expert commission, leaving open the possibility that its members would be less than objective in deciding what constitutes a state secret. Moreover, definitions of state secrets in the Soviet Union are notoriously vague.

The law authorizes the government to restrict travel by individuals who have civil suits pending in court or outstanding "negotiated contractual obligations." The government also can deny an international passport to individuals who have registered for enlistment until military service has actually been completed. In addition, to obtain an international passport citizens must present notarized copies of their labor record books, presumably to prove they have never engaged in work which required a security clearance, a requirement which unnecessarily complicates the application process. The law allows the Council of Ministers to promulgate additional rules on processing and issuing international passports, thus risking additional barriers.

The law provides administrative and judicial remedies to appeal denials of international passports. But due process in emigration matters is on shaky grounds in Soviet courts, which have questionable independence.

Authorities in some republics now claim that they oversee the emigration process; in light of the collapse of the Soviet Central government each republic will implement its own policies in this regard.

On October 18, a new commission was formed to review the cases of those

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<sup>19</sup> The law's official title is the Law on the Procedure for Entering and Leaving the Country.

**individuals who had left jobs which had exposed them to state secrets more than five years ago, but are still being refused permission to leave the country. In its first meeting, the commission — which consists of five officials from the USSR Foreign Ministry, the KGB, the all-Union Office of Visas and Registration, the RSFSR Parliament, and the Soviet-American Bureau on Human Rights (an affiliate of the Union of Councils for Soviet Jews) — could not agree on whether all such individuals should be granted permission to leave. Nor could it agree on which parliamentary body has the right to review former political prisoners' requests to leave the country.**

### **Internal Movement**

**An internal passport system, administered by the USSR MVD or new republic replacements, regulates movement inside the Soviet Union and continues to operate. It is still unclear what legal standing it will have in the new commonwealth. Until now, Soviet citizens needed to obtain residence permits to live in a particular city and to secure legal employment, a clear infringement on freedom of movement. Sergei Alekseev, chair of the Soviet Committee for Constitutional Oversight, announced on October 11 that the committee found residence requirements "unconstitutional," and declared that they would be rescinded as of January 1, 1992.<sup>20</sup> The committee's decision allows the adoption of new residence regulations, but only if they conform with the minor restrictions on the freedom of internal movement allowed under Article 12 of the International Covenant on Civil and Political Rights.<sup>21</sup> The committee's decision, if enforced, would bring freedom of movement within the Soviet Union to line with international norms. However, since its inception, the committee's power has been tenuous. The newly formed RSFSR Constitutional Court could well adopt its own measure on residence requirements that may or may not follow the Soviet**

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<sup>20</sup> **The USSR Constitutional Oversight Committee has the right to suspend immediately any law that violates human rights standards of international or Soviet law. The committee was empowered to suspend residence requirements effective immediately, rather than January 1992.**

<sup>21</sup> **Article 12 allows only such restrictions on freedom of movement as are "provided by law...are necessary to protect national security, public order, public health or morals and the rights and freedoms of individuals," and are consistent with the other rights recognized in the Covenant.**

committee's guidelines. Moreover, some Russian officials are on record as wanting to retain residence requirements for Moscow and St. Petersburg to prevent a flood of migrants from overtaxing these cities' resources.

### **Deported Peoples and Displaced Persons**

The *propiski* (residence-and-movement controls) system affects all Soviet citizens. Two groups are particularly affected: over a dozen Soviet nationalities that Stalin had deported en masse in the 1940s<sup>22</sup> and persons forced to leave their homes in recent years due to civil strife and natural disasters.

National homelands were returned to some, but not all, of the deported peoples. The RSFSR Supreme Soviet adopted a law on April 26 that provides for the restoration of the territorial integrity of these homelands in the RSFSR to pre-deportation borders. The law also allows deported peoples who had no national territory to return to their former homes, and calls on the USSR, the RSFSR and the autonomous republics to compensate all deported peoples for the harm done to them.

In a welcome move by the central government, additional information on the deported peoples was made available on November 29. According to a TASS report, more than 600 files from the NKVD-MVD archives on the Stalin-era deportations of peoples from the Crimea, the North Caucasus and Transcaucasia have been opened up. One of these documents reveals for the first time official statistics on these deportations: from 1936 to 1956, 3.5 million people were deported.

A Helsinki Watch investigation in 1991 found that, despite the law, Volga Germans, Crimean Tatars, Meskhetian Turks and Soviet Kurds are still unwelcome in areas that used to constitute their traditional homelands.<sup>23</sup> For example, local

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<sup>22</sup> Because he suspected them of collaborating with the Nazis during World War II, Stalin forced a dozen national groups to relocate to Central Asia and dissolved the administrative units that had constituted their ethnic homelands. The "deported peoples" include Volga Germans, Chechens, Ingush, Meskhetian Turks and Crimean Tatars.

<sup>23</sup> Some small progress took place during the summer of 1991 toward the resolution of the territorial claims of the Akkinsty Chechens, who had been deported in the 1940s from their homeland in what is now called Daghestan. The Chechens had been forbidden from returning to their territory, which is now occupied by Laks, another Caucasian people who had been forcibly resettled there by Stalin. In demonstrations during the spring of 1991 in Makhachkala, the capital of Daghestan, angry Chechens threatened to squat on the

authorities in Tatarstan and Georgia use the *propiski* system to refuse resettlement of Crimean Tatars and Meskhetian Turks.

Families of Crimean Tatars who, despite official refusal to grant them residence permits, returned to their homeland are forced to live in squatters' camps. In June, Helsinki Watch visited such a camp in Lugovoe, where 117 Crimean Tatar families live in primitive conditions. Because they cannot be legally employed, the Crimean Tatars at Lugovoe receive fifty rubles (a little over one dollar) per month per family member, which is barely adequate to buy food.

The *propiski* system prevented the Ingush, a national group native to the Caucasus, from living in territory in North Ossetia that had been taken from them in 1943.<sup>24</sup> In April 1991, a group of Ingush attempted to seize their former homes in North Ossetia, resulting in violence, at least one death, and the declaration of a state of emergency in the disputed area as in well as in Vladikavkaz, the capital of North Ossetia. More than 1,500 MVD troops were deployed from other parts of the RSFSR. Tensions in the area rose in mid-October, when the Executive Committee of Ingushetia proclaimed the Northern Ingush Republic on the right-bank part of Vladikavkaz.

The *propiski* system poses an extra hardship for the thousands of Soviet citizens who fled their homes in 1991 due to civil unrest, natural disasters or fear of ethnic discrimination. About eighty thousand people in South Ossetia (both Ossetians and Georgians) were displaced by the combined effect of ongoing civil strife and the April earthquake. As a result of the violence in Nagorno-Karabakh and the forced evictions of Armenians from Azerbaidzhan and Azerbaidzhanis from Armenia, over 10,000 were displaced. Thousands of Russians who have lived for generations in the area are increasingly leaving Central Asia, and Kazakhstan, fearing discrimination. Without *propiski*, these displaced persons are often forced to live in "relocation" villages, where conditions are squalid, or to depend for housing on the generosity of friends or relatives. Because the government stipend for displaced persons is inadequate for survival, they often must seek marginal employment to support themselves.

### **Criminal Justice System**

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disputed land. Responding to the demonstrators' demands, the Daghestan Congress of People's Deputies convened to discuss the issue.

<sup>24</sup> Ingush claim that this land represents forty-seven percent of the territory of their former homeland.

**With the collapse of central political power in the USSR and elimination of the central ministries, republics gained control over many features of the criminal justice system, including penal codes, codes of criminal procedure, and the prison system. At this point it is too early to say how these developments will affect the major reform of the criminal justice system under way in the Soviet Central government in recent years. Respect for international standards on due process and prison conditions depends on the varying will of the republics to set and enforce such standards.**

### **Due Process**

**Respect for due process has been weak in the Soviet Union. The right to counsel, while provided in theory, is ineffective in practice because police do not inform those arrested of their rights. Another and more extreme problem is the shortage of qualified defense lawyers. Interrogations in police lock-ups frequently proceed whether or not an attorney is present. The lack of an effective bail system and a sluggish criminal justice system force detainees to languish in decrepit pretrial detention centers, described below, for an average of four to six months. Many detainees remain in these facilities for an additional one and a half years.**

**The Soviet Presidential Decree of January 26, 1991 "On Measures to Combat Economic Sabotage and other Crimes in the Economic Sphere" violated the right of due process on its face. The decree sanctioned searches without warrants of enterprises, organizations and production premises, including private residences if they are used for economic enterprises. The decree was to remain in effect until laws on the Soviet militia, security organizations and investigative operations were adopted. The Soviet-militia and security-organizations laws also permitted warrantless searches, although the law on security organizations was suspended after the coup. The law on investigative operations was never enacted. Nonetheless, the decree apparently remains on the books and can be invoked to conduct warrantless searches.**

### **Prison Conditions**

**A 1991 Helsinki Watch mission to investigate prison conditions in the Soviet Union visited twenty-one facilities in the RSFSR and Azerbaidzhan, including pretrial detention facilities, police lock-ups, labor colonies, and post-conviction facilities. As elsewhere in the world, the worst conditions were found in the**

**pretrial detention centers, where presumptively innocent people are held after their arrest and throughout their trial. Conditions in these facilities are appalling — often so overcrowded that prisoners have no room to walk in their cells. Frequently, there is virtually no ventilation, and fetid smells pervade what little air there is to breathe.**

**Conditions are relatively better in Soviet labor colonies, where most convicted prisoners are incarcerated. These facilities are not as severely overcrowded, ventilation is better, and detainees are granted more rights. Prisoners receive a wage for their work, but the money they must pay for their upkeep usually leaves them with little for themselves; since prisoners are compelled to work, many prisoners complain that colony work is a form of slavery. Prisoner rights activists claim that many sick and handicapped prisoners are required to work at onerous jobs for excessively long hours. The work assigned is for the benefit of the state economy rather than the rehabilitation of the prisoner.**

**The Soviet Interior Ministry used to control most prisons in the country. Before the coup, prison reform had begun to decentralize control over prisons and to yield modest improvements. The plan to eliminate the Soviet MVD by November 15 (along with seventy-nine other all-Union ministries) was summarily put in practice in December. Republic interior ministries will presumably assume complete control over the prisons.**

**Decentralized control heightens concern that prisoners charged in connection with inter-ethnic disputes, or who are members of minority ethnic groups, will be singled out for harsh treatment. In this connection, the mistreatment of Armenians in Azerbaidzhani pretrial detention centers has come under scrutiny. In March, the Azerbaidzhani MVD granted Helsinki Watch permission to visit a number of pretrial detention centers. In June, however, the same MVD denied Helsinki Watch access to the Giandzha and Shusha detention centers, where Armenians rounded up in "Operation Ring" were detained. Soviet and Azerbaidzhani authorities claimed that the visits were canceled because those areas were under emergency rule. However, judging by first-hand accounts of abusive treatment committed against Armenians in these areas, both the Azerbaidzhanis and the central authorities had reason to deny Helsinki Watch access to these centers.**

**Helsinki Watch interviewed an Armenian who was beaten severely and subjected to other mistreatment in an Azerbaidzhani detention center. Amnesty International reported that two Armenians died after physical abuse in these centers.**

**Similar allegations of physical abuse in cases with political implications**

have emerged in Georgia. In the Fall of 1991, there were two prison revolts in Georgia to protest the guards' brutality and poor conditions. Two prisoners were killed by Soviet MVD troops brought in to put down the revolt.

### **Death Penalty**

The July 1991 Soviet Fundamentals of Criminal Legislation reduced to five the number of crimes punishable by the death penalty: treason, premeditated murder under aggravated circumstances, rape of a minor with aggravated circumstances, kidnapping a child, and crimes against humanity. The fundamentals exempt women and anyone under the age of eighteen from capital punishment. In the post-coup Soviet Union, however, republics may or may not continue to abide by these guidelines.

In 1991, the Soviet Justice Ministry published, for the first time since 1934, statistics on executions in the Soviet Union. The number of death sentences carried out in the USSR decreased from 770 (with twenty commutations) in 1985, to a low of 271, (with seventy-two commutations) in 1988. In 1989, there were 276 sentences and twenty-three commutations and in 1990, 445 sentences with twenty-nine commutations. A reported 195 executions were actually carried out in 1990.

Condemned prisoners may petition for clemency to the Soviet Clemency Commission, the presidium of the republic Supreme Soviet where the sentence was issued, and the Soviet president. Under the old political system, the Soviet president had ultimate authority to decide on clemency.

### **Judicial System**

Under the Soviet system which held sway in the country for over six decades, the citizen was treated as the creature of the state. The judicial system, such as it was, was usually meant to follow previously determined decisions on the guilt — or, rarely, the innocence — of the accused.

Judges were all party members, and People's Assessors — meant to introduce the pseudo-voice of the populace — were also party loyalists. In short, the new judicial systems in the republics will have to overcome decades of popular suspicion, party dependence, and general incompetence.

Reform of the judicial system was a major priority of Soviet reformers, as well as Western legal experts who offered much assistance in this important effort. After the Soviet central government collapsed in December, however, the future of many reforms — however imperfect — of the Soviet judicial system is



uncertain. The various republics of the former USSR are likely to have widely differing policies, let alone practices, in this key area.

A review of previous Soviet reforms indicates the likely difficulties which former Soviet citizens will face under new diverse judicial systems:

- o Amendments to the Fundamentals of Criminal Procedure for the first time codified the presumption of innocence of the accused and proclaimed the defendant's right to legal counsel from the moment that criminal charges are brought or within 24 hours of arrest or detention. Further amendments grant defense counsel free access to their clients and to the investigative file of the case. In practice, however, access was still controlled — and sometimes denied — by the investigator or the militia.
- o Practical difficulties in the implementation of these new theoretical rights abounded in the area of pretrial defendant rights; even a day could be too long to give the militia unimpeded access to a defendant. The law does not say that the accused has the right to remain silent during this time. In addition, defendants were not apprised of their right to counsel and were often denied access to counsel until later in the criminal process. Furthermore, the acute shortage of lawyers, particularly defense lawyers, prevented the implementation of these rights.

#### **Political Prisoners**

Although the number of political prisoners has declined sharply in recent years, the issue unfortunately has not disappeared. According to veteran human rights activist Cronid Lubarsky, who publishes a respected newsletter on this issue, as of October 31 there were—depending on the definition of the term—157 political prisoners in the former USSR. Of these, 78 may have used violence, and, under a definition that limits the term to those punished for peaceable expression or association, may not be appropriately labelled political prisoners.

A republic breakdown of these statistics reveals the following:

Russian Republic: 23 (including 12 who may have been violent)  
Belorussia Republic: 2 (including 1 who may have been violent)  
Georgian Republic: 70 (including 16 who may have been violent)  
Armenian Republic: 1 (including 1 who may have been violent)  
Azerbaijani Republic: 49 (including 46 who may have been violent)  
Kazakhstan Republic: 4 (including 1 who may have been violent)

**Uzbekistan Republic: 4 (including 1 who may have been violent)**  
**Tadzhikistan Republic: 2**  
**Turkmenian Republic: 1**  
**Kirghizian Republic: 0**  
**Moldavian Republic: 0**  
**Baltic States: 0**

Positive steps have been taken in the USSR toward releasing political prisoners and addressing past abuses against them. The RSFSR Supreme Soviet in late October declared October 30 as an official day of commemoration for victims of political oppression. The date has special significance because, during the Brezhnev era, imprisoned dissidents marked it as the Day of the Political Prisoner. In addition, an October 18 RSFSR law rehabilitates those who suffered political repression throughout the Soviet period and provides financial compensation for some categories of victims.

Some great major strides have been made in the releases of political prisoners. In 1991, political prisoners were amnestied within weeks after the coup in several republics, including Russia, Ukraine and Tadzhikistan. In Russia, the Supreme Soviet's Committee on Human Rights requested that Russian President Yeltsin pardon five political prisoners and Kirgiz President Askar Akaev pardon one; all the prisoners were serving sentences for attempting to emigrate illegally or engage in espionage; such emigration attempts came under a criminal code provision on treason. Among them was Valery Yanin, who had been charged by a Kirgiz court with attempting to emigrate illegally to Turkey and had served three years in a psychiatric hospital and twelve years in prison. Yanin was released from Perm Prison Camp 35 on September 14. On September 27 Anatoly Khobta, Aleksandr Goldovich, Viktor Olisnevich, Valery Smirnov and Aleksey Scherbakov were released from the same camp.

Shortly after Ukraine declared independence on August 24, its National Council introduced "a list of legislation in reaction to the coup."<sup>25</sup> The list included the depoliticization of the Ukrainian Procuracy, as well as the republic-level MVD and militia. There was also a call for the immediate release of People's Deputy Stepan Khmara, who had been imprisoned and released three times in the previous year for his political activity. Ukrainian President Kravchuk also declared a general amnesty on August 26, according to Soviet news agency Interfax, for all "political prisoners against whom proceedings were brought during the period of

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<sup>25</sup> *The Ukrainian Weekly*, September 1, 1991.

political confrontations by separate militant groups."<sup>26</sup> Kravchuk was referring to the sharp ideological clashes between pro- and anti-Communist groups in Ukraine which had prevailed there several years ago.

On September 10, a general amnesty was declared in Tadjikistan, cutting by half the sentences of men over age fifty-five, World War II veterans, women over age fifty, and women with minor children. Those sentenced for alleged participation in the violent February 1990 events are included in this amnesty.

However, of growing concern are those detainees who may be charged with violent political crimes simply because of their political affiliations. In Georgia, almost seventy members of opposition paramilitary groups have been arrested solely because of their membership in these groups, without apparent regard to whether they have committed violent acts. The Georgian government classifies them as common criminals because of the violence sometimes employed by these opposition groups. Helsinki Watch also remains concerned about the treatment of detainees in Azerbaidzhani prisons, as noted above.

Helsinki Watch has learned of several prisoners in Georgia and Central Asia who appear to have been imprisoned in 1991 for the peaceful expression of their views:

- o Turkmenistan Popular Front leader Shiraly Nurmyradov was sentenced in July to eighteen months in prison on charges of fraud. He and his supporters claim that the charges are fabricated, and that statements written by the alleged victims denying that the fraud ever occurred were ignored by the Turkmenian Supreme Court.
- o Uzbekistan People's Deputy Shovruk Ruzimurodov was sentenced in July to four years imprisonment for "organizing mass disorders." Because he was not present at the meeting of the Uzbekistan Supreme Soviet at which he was stripped of his parliamentary immunity, the parliamentary action was illegal. Ruzimurodov was an activist in *Birlik*, a nationalist group that calls for Uzbekistan sovereignty and acts as the Uzbekistan Popular Front.
- o Georgian National Democratic Party leader Gia Chanturia was arrested after a plane in which he was flying was ordered to return to Tbilisi on the evening of September 17. He was charged with having organized construction of barricades on Rustaveli Prospekt on September 2, which his supporters deny

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<sup>26</sup> Interfax News Service, August 26, 1991, as reported in FBIS, August 27, 1991.

he did.

- o **Georgian journalist Giorgi Khaindrava, a close associate of Chanturia, was arrested by plainclothesmen on a street in Tbilisi on September 18. Local opposition activists claim he was arrested for making videotaped documentaries of the violent events of September 2.**
- o **South Ossetian Popular Front leader Torez Kulumbegov was arrested on January 29 and charged with inciting ethnic hatred. His trial was scheduled to begin in September and has been postponed several times.**

**The fragmentation of power in the USSR has made it difficult to identify which agencies are authorized to arrest and release individuals, to obtain verifiable material on individual cases, and to track political prisoners. Evidence of such fragmentation was seen in a Moscow Central TV interview broadcast on September 13, in which new KGB Chairman Vladimir Bakatin stated, "[The issue of political prisoners] is a question not for the KGB but for the Ministry of the Interior, because it is the MVD which deals with all of these gulags...Therefore, all these lists are there."<sup>27</sup> The problem is compounded by the proliferation of paramilitary groups and subsequent mass arrests in certain republics.**

### **Conscientious Objectors**

**The legal right to claim conscientious objection to military service is still not recognized in the Soviet Union. Compulsory military service of at least two years was, until recently, required by law. With many republics declaring independence, it seems likely that the problem of conscientious objection to Soviet military service will diminish. Some republics, notably Ukraine, have set up their own military systems or national guards. Kazakhstan and Moldova have also taken steps toward the creation of military service for their respective republics. If service is made compulsory for these citizens, the issue of conscientious objection could re-emerge.**

**According to Amnesty International, there were at least thirteen imprisoned conscientious objectors in the Soviet Union as of July. By October, however, Cronid Lubarsky reported that there were three men remaining in prison on these charges. In February, the USSR Supreme Soviet considered a draft law proposing**

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<sup>27</sup> Moscow Central Television, as reported in FBIS, September 16, 1991.

**an alternative to military service for conscientious objectors. It is to be hoped that the republics will adopt legislation providing for conscientious objection or alternative service to military service.**

**In another legislative development, the USSR Supreme Soviet adopted on November 1 a law granting amnesty to military deserters and draft dodgers. Under the law, these groups would receive amnesty if they either return to duty or present themselves to the police within one month of the law's entry into force.**

### **Psychiatric Abuse**

**No new cases of political abuse of psychiatry were reported in 1991. Still, much remains to be done before psychiatric practice in the Soviet Union meets acceptable international standards. The All-Union Society of Psychiatrists and Narcologists was actively involved in drafting legislation, described below, to protect the rights of the mentally ill. However, the Society has not publicly acknowledged past psychiatric abuses, penalized past abusers, or taken any steps to relieve those who suffered from abuse or misdiagnosis.**

**The Society established a commission to review cases of possible psychiatric misdiagnosis — usually involving overdiagnoses of schizophrenia — but it reportedly is not very active. Since mid-1990, it has reviewed 112 cases, and has a waiting list of an additional four hundred people. Even when the commission finds cases of abuse and misdiagnosis, the Society is apparently not helping victims seek legal and social rehabilitation. Rather, the society sets the historical and personal records of former victims straight.**

**The World Psychiatric Association reported that there is still no effective review of psychiatric treatment and administration in the USSR. Although individual psychiatrists have shown greater sensitivity to their patients' legal rights, patients in general are poorly informed about these rights. Soviet draft legislation on mental health issues, introduced in parliament in June, would establish that the mentally ill have full rights as citizens, provide for confidentiality, and call for lawyers and psychiatrists to protect patients' rights. It is to be hoped that such laws will be enacted.**

### **The Right to Monitor**

**The conditions for human rights monitoring in the Soviet Union have improved dramatically over the past few years. It is up to the constituent republics**

and emerging states of the USSR to maintain these improvements, since they now exercise control over many of the institutions — such as the prisons, the interior ministries and the riot police — that may impose restrictions on human rights monitoring.

In 1991, the Soviet government did not systematically inhibit the formation of domestic human rights monitoring organizations, or investigations by domestic or international monitoring groups. Domestic monitors generally had access to prisons, many officials at a variety of levels, official records, and usually to areas under states of emergency. Soviet officials also permitted other human rights monitoring work. During the 1991 meeting in Moscow of the Conference on Security and Cooperation in Europe (CSCE), Helsinki Watch held independent proceedings on human rights abuses in the Soviet Union, bringing in experts and witnesses from around the country. The Moscow Helsinki Group held a similar forum in Vilnius. In addition, Helsinki Watch opened an office in Moscow in September to facilitate its monitoring in the country. These developments would have been unthinkable in the Soviet Union of even two years ago.

Some exceptions mar this positive trend. In late December 1990, the Soviet military procurator denied information to the Azerbaidzhani Supreme Soviet commission appointed to investigate the January 1990 crackdown in Baku. For example, it refused to furnish data on military casualties during the crackdown, claiming that such information was available in the "central press."<sup>28</sup> Soviet authorities, along with their Azerbaidzhani counterparts, refused to grant Helsinki Watch access to two prisons where Armenians were being detained, as described above, and generally refused to allow individual interviews with prisoners.

More generally, human rights monitoring by international groups is hindered by the exacting bureaucratic procedure required for obtaining business visas to visit the country. One of the purposes for opening a Helsinki Watch office in Moscow is to try to reduce these bureaucratic entanglements, but to do so the office must be registered as a foreign organization on RSFSR and USSR territory. It is unfortunate that, despite its professed commitment to human rights, the government of the Russia Republic has thus far refused to register Helsinki Watch, claiming that it does not have the proper procedure to do so.

Human rights monitoring in other republics of the USSR can be problematic. A member of Memorial, a Soviet human rights group, was declared *persona non*

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<sup>28</sup> The list published in the press was unofficial and differed considerably from the one held by the military procurator.

***grata* in Georgia for his critical remarks about human rights conditions in that republic. Members of the Russian Republic's parliamentary commission on human rights were reportedly detained briefly in an Azerbaidzhani prison during their investigation of deportations of Armenians from Azerbaidzhan.**

### **U.S. Policy**

**As the Cold War waned and the Soviet Union began to crumble, the U.S. government's concern with human rights problems in the USSR diminished. The Bush Administration continued some important human rights programs, especially in promoting free emigration and the development of the rule of law, but in general it accorded human rights issues low priority in what was mainly a reactive policy toward the USSR. The Administration's commitment to President Gorbachev sometimes led it to downplay its criticism of human rights abuses because it was afraid of undermining Gorbachev's hold on power. Its focus on Gorbachev and the central government began to change after the August 1991 coup attempt that speeded up the disintegration of the Soviet Union and the empowerment of republic governments. In December, Secretary Baker set forth key human rights concerns as the basis for new relationships between the United States and the former Soviet republics.**

**In 1991, the State Department as a whole, its Bureau on Human Rights and Humanitarian Affairs, the U.S. Embassy, and the U.S. Helsinki Commission continued some already established valuable human rights programs in the USSR. The U.S. Embassy in Moscow actively promoted Jewish emigration by providing extensive resources and staff support to refugees. This support included not only processing refugee immigration forms, but also arranging for U.S. grants for individuals who had to pay for their airline tickets in hard currency.**

**According to U.S. government sources, the Embassy also negotiated with the Soviet government to obtain promises that the 1991 emigration law would be implemented so that emigres would benefit fully from it. The Soviets agreed to give international passports automatically to individuals who had exit visas to Israel when the law was adopted, rather than force them to go through the long bureaucratic procedure for obtaining passports.<sup>29</sup> Soviet officials also reportedly guaranteed that the maximum five-year waiting period for those who were**

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<sup>29</sup> Previously, Soviet emigres to Israel were not given Soviet passports for international travel. If they already had such passports, they were required to surrender them.

exposed to state secrets would begin with the date of exposure, rather than the date the law was adopted. In October, the State Department began to investigate reports that republic emigration officials were not abiding by the USSR emigration law.

By bilateral agreement with the Soviet government, the U.S. government has access to documents on those Soviet criminal cases that it suspects may have political overtones. In 1991, the U.S. Embassy obtained documents on and investigated roughly thirty such cases. In addition to these activities, the human rights officer in Moscow meets weekly with the head of the Human Rights and Humanitarian Affairs Bureau of the Russian Republic Foreign Ministry.

The State Department Bureau of Human Rights and Humanitarian Affairs organized programs to encourage the rule of law in the Soviet Union. Two seminars brought together Soviet and American judges in Moscow. The U.S. Information Agency sponsored a one-month training program in the United States for Soviet legal experts. Richard Schifter, the assistant secretary of state for human rights and humanitarian affairs, made two trips to Moscow, where he met with Soviet officials from the Ministry of Foreign Affairs, the Ministry of Justice, and the Office of the Procurator General. In these and other meetings, Secretary Schifter discussed human rights issues and legislation. His office has concentrated its activities on helping the Soviets to create institutions that can be used by Soviet citizens to protect their individual rights.

After the coup attempt, Secretary Schifter met with Vadim Bakatin, the new KGB chair, to discuss the right to privacy and the limits of police power in a democratic state. Schifter also voiced concern over due process for the coup plotters in his discussion with the Soviet Deputy Procurator General.

In September, a delegation of the U.S. CSCE Commission visited Estonia, Latvia and Lithuania, as well as the republics of Georgia and Armenia. Human rights issues received particular attention in meetings with Georgian, Lithuanian and Armenian officials. In Moscow, the group met with Sergei Kovalev, chair of the Human Rights Commission of the Russian Republic Supreme Soviet, and discussed human rights issues with Russian Foreign Minister Andrei Kozyrev.

At the CSCE Conference in Moscow, Max Kampelman, Chair of the U.S. delegation, delivered a statement expressing "profound concern" over the arrests of Georgian National Democratic Party leaders, deploring the violence in Southern Ossetia, and urging President Gamsakhurdia to restore basic civic freedoms in Georgia and to bring his behavior in line with CSCE requirements. Kampelman's criticism of human rights violations in Uzbekistan and the deportations from Azerbaidzhan showed an understanding of the human rights impact of the disintegration of the Soviet Union, and the consequences for human rights of its



**very complex ethnic structure.**

**The Concluding Document of the Moscow CSCE Conference provides for a new system of expert fact-finding missions under which a participating state may invite, or may be asked to invite, delegations of experts, composed of people who are not nationals or residents, to investigate human rights questions in its territory. The United States government fully supported this measure. However, it did not support a Soviet-sponsored proposal that would have given the missions the authority to recommend sanctions in cases in which abuses were found.**

**Despite these positive moves on some human rights issues, the Administration's reaction to human rights abuses in the USSR throughout 1991 was hampered by its Moscow-centrism and its fear that raising human rights issues might undermine President Gorbachev and interfere with good U.S.-Soviet relations. At critical moments, the Administration disassociated Gorbachev from disturbing human rights developments and declined to call upon him directly to account for human rights abuses.**

**The clearest and most important example of this tendency was the Administration's very cautious response to the violent crackdown in Lithuania and Latvia by Soviet armed forces, which left at least twenty-two civilians dead and hundreds wounded. President Bush, the State Department and other Administration officials and spokespersons did come forth with harsh public criticism of the Soviet Union, but the Administration took no further measures. Moreover, the criticism came four days late, seemed targeted mainly for domestic consumption, and pointedly avoided assessing Gorbachev's role in the crackdown or calling upon Gorbachev directly to intervene. Calls from the U.S. Congress and the Baltic-American community to postpone the forthcoming summit meeting were initially disregarded and, when the summit ultimately *was* postponed, the crackdown in the Baltics was not among the reasons given.**

**President Bush initiated the Administration's mild reaction in his remarks on January 13, in which he "asked] the Soviet leaders to refrain from further acts that might lead to violence" and urged the Soviet government to resolve its conflict with Lithuania through political channels. It was only in response to public and congressional pressure that the Administration ultimately condemned the use of force and raised the issue with CSCE member states. Addressing the U.S. CSCE Commission on January 17, Assistant Secretary of State for European and Canadian Affairs Raymond Seitz condemned in strong terms the violence in Lithuania and declared that the United States held "the Soviet leadership responsible for the actions of the Soviet military." He emphasized that the military actions violated Soviet commitments under the Helsinki Accords and pointed out the need for the United States and its allies to present a "unified front" to the Soviets.**

Secretary Seitz also threatened that "the whole range of programs of cooperation" with the Soviet Union would be curtailed if the repression did not stop, but did not say what specific measures the United States would take in response to the military crackdown. Indeed, from the initial troop deployments through the aftermath of the violence in Lithuania and Latvia, the Administration dithered. President Bush glossed over the issue in his January 13 statement, saying only that the Soviet actions "could not but affect our relationship." He specifically refused to address the question of whether plans for the U.S.-Soviet summit, scheduled for February, would be affected. A few days later State Department spokesman Richard Boucher condemned the violence but indicated that punitive actions were not a priority: "we have in mind the U.S.-Soviet relationship." Secretary Baker observed on January 22 that the use of force might jeopardize "progress" in U.S.-Soviet relations and declined to elaborate.

The Administration turned down an opportunity to explain its policy toward the Soviet Union in light of the crackdown. On January 23, the House Subcommittees on Europe and the Middle East and on Human Rights and International Organizations held a joint hearing on the Baltic developments. American and Baltic-American academic experts on the Soviet Union testified. The State Department was asked to testify, but replied that it could not attend, even though every effort was made to accommodate its schedule.

After the January events, the Administration was still reluctant to publicly criticize the Gorbachev government for human rights abuses. For example, when Gorbachev attempted to suspend press freedoms after the crackdown, the State Department viewed it merely as "a step in the wrong direction." When he sought in March to ban all demonstrations in Moscow and impose direct rule over the city, the State Department publicly declared it an "internal matter." Later, in March, however, Administration sources told Helsinki Watch it publicly and privately cautioned Soviet authorities not to use force against demonstrators.

U.S. support for Moscow throughout most of 1991 suggested that concern with the viability of the central government outweighed an interest in human rights in the emerging new political arrangements. President Bush's loyalty to Gorbachev resulted in contradictory statements.

Responding to MVD central government-controlled OMON attacks on a Lithuanian-Belorussian customs post at Medininkai on July 31—which resulted in the killing of seven Lithuanian officials, and the critical wounding of another—the State Department used general language to urge the Soviet government to settle its claims with Lithuania peacefully. President Bush, in Moscow at the time of the incident, implied it was the result of "cross-border violence on both sides," further minimizing the Soviet government role.

Appearing at a Moscow press conference with Gorbachev a few hours after the Medininkai incident, President Bush denied any link between the killings and the Baltic drive for independence. Asked for his reaction "to the incident in light of your call yesterday afternoon for freedom for the Baltic states, the President replied, "Well, I don't think there is a connection." Bush went on to appear to try to shield Gorbachev from any responsibility for the Medininkai incident, saying, "The President [Gorbachev] immediately got on this [the murders] and said they are conducting an investigation."

On August 13, however, President Bush sent a letter to Lithuanian Prime Minister Gediminas Vagnorius. Bush wrote:

A situation has been created in the Baltic states that itself leads to violence, and that situation must be changed. We will continue to press the Soviet government to exercise control over the actions of its forces in the Baltic states and to make clear our belief that Moscow is ultimately responsible for acts committed by its personnel.

There are two possible explanations for the President's contradictory reactions to this incident. Either the Administration did not want to voice public criticism of the Soviet central government—or of Gorbachev—for the Medininkai killings, or Bush was later privy to new information indicating responsibility.

The Bush Administration is to be credited for its tough response to the August 19 coup attempt. It refused to deal with the Emergency Committee, which President Bush compared to the "renegade regimes" in Iraq and Libya.

Despite its Moscow-centrism, the United States did make a concerted effort in 1991 to expand contacts with democratic reformers and in the RSFSR and the non-Russian republics. An impressive list of U.S. government official activities includes nearly thirty meetings involving republic leaders and reform groups from ten republics. The State Department reports that human rights concerns figured prominently in meetings with delegations from Georgia and Azerbaidzhan. However, official public comments on the continuing violence in Georgia and Azerbaidzhan have been mild and infrequent.

The development of official contacts in the republics represents a significant change from 1990. Even so, for most of the year the Administration underestimated the seriousness of the internal struggles in the USSR and its implications for human rights. For example, Secretary of State James Baker's rosy assessment of *perestroika* in June before the Senate Appropriations Subcommittee ignored the ongoing struggle for power between the central government and the republics as illustrated by the failed union treaty

negotiations. It was not until just before the December 1 Ukrainian independence referendum that the U.S. government, in announcing that it would recognize Ukrainian independence, indicated that it was abandoning its Gorbachev-centered approach.

Marking a major new stage in U.S. policy toward the former Soviet Union, Secretary Baker announced on December 12 the U.S. intention to coordinate aid initiatives through direct contacts with the new republics. Declaring that the "dramatic end of communism in Moscow and the unraveling of the centralized Soviet state" present the West with great opportunities as well as dangers, Baker said that republic leaders now look to America for assistance, including in democratization: "We must help our former adversaries understand the ways of democracy and to build political legitimacy out of the wreckage of totalitarianism." Baker said:

**The West...should stick to fundamentals and support those, wherever they may be found, who put into practice our principles and values...Unless republic governments respond by complementing their independence with democracy and the equal treatment of persons belonging to minorities, they will soon find themselves suffering the very same crises of legitimacy, cohesion and effectiveness that has caused the centrifugal devolution of power in the Soviet Union itself.**

**Baker also outlined several key human rights components of the new relationship between the United States and the republics of the former USSR:**

**(T)he United States will welcome into the community of democratic nations those new political entities who believe in democratic values and follow democratic practices; who respect borders and commit changes only through peaceful and consensual means; and who will adhere to the international obligations and norms and practices of the Helsinki Final Act and the Charter of Paris.**

**In his December 12 speech, Baker summarized past and future aid initiatives now organized on a republic-to-republic basis. He began by listing current U.S. food and medical supply programs to various republics and areas in the former USSR:**

- o The United States has shipped 10 million tons of food in 1991.**

- o **The United States has granted four billion dollars in Commodity Credit Corporation food and grant credits this year, \$2.3 billion of this amount since the coup.**
- o **Project Hope has sent nearly 20 million dollars in privately-funded medical supplies; in the next 18 months that amount will likely double. These supplies have been sent to the "most needy" areas: in the Urals, around the Aral Sea, near Chernobyl, in Armenia, and Moscow; Belorussia will also soon receive medical supplies.**
- o **A separate post-independence program has been created for the Baltic states; they have already received 8 million dollars in medical supplies.**
- o **The Department of Agriculture has been ordered to expend or deliver 165 million dollars of its grant funds to meet food shortages.**
- o **The U.S. government will use 100 million dollars of the amount which Congress has authorized in order to transport humanitarian assistance.**
- o **The U.S. government will expend food stocks left over from Desert Storm to assist hard hit areas: Armenia, the industrial cities of the Urals, and Moscow and St. Petersburg.**

**Baker proclaimed, "The best way the West can help is to place Western experts on the ground and to bring Russians, Ukrainians and Kazakhs and others here for training." He described various people-to-people programs to assist in personnel training:**

- o **The president has already approved an effort to put Americans on the ground to solve long-term food distribution problems.**
- o **The Administration is proposing several steps to augment ongoing USIA efforts.**
- o **The Administration will work with Congress to support an expanded Peace Corps program in at least four republics.**
- o **The U.S. government will expand a Commerce Business Training Program to**

**accommodate 150 Soviet interns in the next year.**

**In this speech, Baker also announced initiatives to increase technical assistance and funding:**

- o The Administration intends to propose authorizing legislation to Congress to ease U.S. efforts to provide assistance and technical cooperation. A major aim of this legislation will be to promote trade, business and investments by U.S. corporations in various areas of the former USSR.**
- o For 1992, the Administration with Congress will put forth a 100 million dollar technical assistance program. One aim of this program is to act as a catalyst for private investment.**
- o President Bush will ask the heads of the Trade and Development Program, the Overseas Private Investment Corporation and the Export-Import Bank to consider facilitating the work of U.S. businesses in food distribution, energy and housing.**
- o The Administration supports accelerated IMF and World Bank efforts to draw up new economic plans for those republics which follow security and political responsibilities which the U.S. has put forth.**

**Baker's enumeration of U.S. programs to assist the republics of the former USSR reveals a new emphasis. Baker declared, "The bulk of responsibility must lie with republic leaders who have already assumed primary control over economic policy and resources. They must make the hard choices necessary for economic recovery."**

**The Administration now recognized that it must deal with the republic leaders as the primary sources of power. And Secretary Baker has indicated that U.S. support will go to those republics that believe in democratic values and follow democratic practices."**

### **The Work of Helsinki Watch**

**In 1991, Helsinki Watch intensified its work in individual Soviet republics while maintaining its ongoing monitoring of human rights throughout the territory. The recognition of the independence of the three Baltic states and the**

devolution of power to the remaining republic governments has underlined the need for Helsinki Watch to continue its program, begun in 1990, of human rights monitoring in each of the regions that once made up the USSR and to expand its efforts to examine violations by republic governments. During the course of 1991, Helsinki Watch representatives traveled to Armenia, Azerbaidzhan, Estonia, Georgia, Latvia, Lithuania, Moldavia, Russia, Tadjikistan and Turkmenistan, and published reports on various "hot spots" in the Soviet Union. The opening of an office in Moscow at the end of 1991 will facilitate Helsinki Watch's work of monitoring both the central and the republic governments.

In the aftermath of the January events in Latvia and Lithuania, Helsinki Watch issued a newsletter, "Pattern of Violence: Lithuania is Latest Example of Soviet Army's Use of Lethal Force," which condemned the Soviet army's use of force. Helsinki Watch pointed out that the Baltic violence was consistent with a pattern of violence in five other republics during Gorbachev's presidency. An article on this subject, authored by Helsinki Watch, appeared in *The New York Times* on January 16, 1991. At the end of January, Helsinki Watch representatives traveled to Estonia, Latvia and Lithuania to talk with government officials and eyewitnesses to the January events; the findings of the mission appeared in an article in *The New York Review of Books*. The central government's reluctance to investigate the January events prompted a March 11 letter from Helsinki Watch, expressing concern about official subversion of such efforts. Soviet military attacks on civilians and buildings in the Baltic republics were updated in a June 19 newsletter, "USSR: Continuing Violence in the Baltics," and a border-post incident that caused seven deaths was condemned by Helsinki Watch in a press release on August 6.

Helsinki Watch also investigated violence against civilians by central Soviet government forces during a January 1990 military incursion in Baku, Azerbaidzhan. On January 19, 1991 — a year after the disturbances, in which 131 civilians were killed by the Soviet army — Helsinki Watch issued an appeal to the Soviet and Azerbaidzhani governments to cooperate fully in investigating the event and to lift the state of emergency. An extensive report, *Conflict in the Soviet Union: Black January in Azerbaidzhan*, issued in May 1991, published the results of Helsinki Watch's fact-finding missions to Azerbaidzhan.

Another report in the Helsinki Watch series on the Soviet army's unwarranted use of force against civilians was published in August 1991. It dealt with the February 1990 incidents in Tadjikistan in which twenty-one unarmed protestors were killed by Soviet armed forces. *Conflict in the Soviet Union: Tadjikistan* called upon Soviet authorities to try those criminally liable for the use of lethal force and denounced the use of the military for police actions. The lengthy report

was the product of several Helsinki Watch fact-finding missions to Tadzhikistan in 1990 and 1991.

Human rights issues have emerged starkly in the conflict between Armenia and Azerbaidzhan for control over the fate of the Nagorno-Karabakh territory. On May 10, 1991, Helsinki Watch appealed to the Soviet government to take steps to end the conflict and to ensure the safety of civilians in Nagorno-Karabakh and along the border between Azerbaidzhan and Armenia. In June and July, Helsinki Watch representatives traveled to Armenia and Azerbaidzhan to investigate the displacement of populations from both republics. In a letter sent before President Bush's early August trip to Moscow, Helsinki Watch urged President Bush to raise the issue of the Soviet government's reliance on lethal force against civilian protestors in Kazakhstan, Georgia, Uzbekistan, Azerbaidzhan, Tadzhikistan, Lithuania, Latvia and Armenia.

Helsinki Watch publicly condemned key aspects of the August coup: the takeover of the Soviet government, the suspension of civil liberties and the shutdown of the independent media. Helsinki Watch also pointed out that the failure to condemn the misuse of military force in the past may have led the coup plotters to believe that they could assume power with impunity.

Helsinki Watch also continued its monitoring of a variety of other human rights abuses in the USSR. In April 1991, Helsinki Watch issued *Glasnost in Jeopardy: Human Rights in the Soviet Union*, an overview of the human rights situation in the Soviet Union through March 1991. The report noted the Gorbachev government's move toward the right in the fall of 1990, and pointed out that the renewed repression had not been successful in suppressing liberties that had come to be exercised during the previous three years. It included sections on the rights of members of ethnic minorities, and discussed the movement of the republics toward secession, the draft union treaty and the status of governmental and military structures. Texts of the major laws enacted in 1990 appeared in the appendix.

Helsinki Watch continued to express concern about people imprisoned for political reasons. On June 10, 1991, Helsinki Watch sent a telegram to Zviad Gamsakhurdia, the president of Georgia, and to Vakhtang Razmadze, the procurator general, expressing concern about the physical condition of Dzwaba Ioseliani, an opposition political figure who was in prison and on a hunger strike. On June 22, Helsinki Watch sent a cable to Turkmenia's President Niyazov to protest the pending trial of Turkmenian Popular Front activist and writer Shiraly Nurmuradov. On July 8, Helsinki Watch called on the Soviet government to ensure fair treatment of Fark Ismail and Nadir Agaev, who had been released from years of unjust detention in psychiatric hospitals and continued to experience



harassment from the Soviet government. Helsinki Watch also expressed concern about the political overtones in the case of Stepan Khmara, a peoples' deputy from Ukraine and a leading proponent of independence, who was arrested on charges of assaulting a policeman.

Helsinki Watch has also noted violations of civil and political rights in Georgia and Russia in the post-coup period. In another letter to President Gamsakhurdia dated September 27, 1991, Helsinki Watch expressed alarm at reports that the Georgian government was censoring the press, harassing political opponents, and using excessive violence in the conflict with the South Ossetians.

At the time of the August 19 coup, Helsinki Watch urged the cancellation of the major CSCE human rights conference scheduled to take place in September in Moscow. When the coup failed, the CSCE Conference on the Human Dimension took place as planned. Helsinki Watch sent a large delegation to the conference and organized three independent seminars. The first dealt with recent incidents of the unjustified use of force by the Soviet government against civilians in eight republics and consisted of oral reports by eyewitnesses and officials. The second focused on the current plight of ethnic minorities deported under Stalin; the discussion, which included Russian parliamentarians and representatives of various deported peoples, centered on a new Russian Republic law on compensation for the deported peoples. A report by Helsinki Watch, *Punished Peoples of the Soviet Union: The Continuing Legacy of Stalin's Deportations*, was released in Moscow at the seminar. A third Helsinki Watch event in Moscow was a roundtable discussion on prison conditions in various CSCE countries, including the USSR. Helsinki Watch used the occasion to release a preliminary version of its report, *Prison Conditions in the USSR*. Based on visits by Helsinki Watch to twenty-one facilities in Russia and Azerbaidzhan, the report maintains that, despite efforts by prison authorities to eliminate systemic abuse, grave problems remain, especially in pretrial prisons.

Helsinki Watch offices in New York and Washington continued to provide a forum for visiting Soviet journalists and activists and republic government officials. Among those hosted in 1991 were Lev Timofeyev, a member of the Moscow Helsinki Group; Revaz Mkheidze, a Georgian television journalist; Judge Bakradze of the Tbilisi City Court; Judge Zemribo, chief justice of the Latvian Supreme Court; Gogik Haratiunian, vice president of Armenia; Antanas Buracas, head of the Lithuanian Human Rights Committee; Alexejs Grigorieff, a journalist and member of the Latvian Human Rights Commission; Tamerlan Karaev, vice president of Azerbaidzhan; Yuri Butchenko, a Siberian labor activist; Zenon Poznyak, head of the Belorussian Popular Front; and Andrei Kozyrev, Russian

## TURKEY

### Human Rights Developments

Respect for human rights deteriorated markedly in Turkey in 1991. In comparison with 1990, more people died in detention under suspicious circumstances, and more people were shot and killed by security forces in raids on houses, attacks on demonstrations and other suspicious circumstances. Torture continued to be rampant. Writers were detained and prosecuted. Journals were banned and confiscated. And the freedoms of assembly and association were frequently infringed.

Turkey's Kurdish minority, in particular, continued to suffer. As the Turkish government launched attacks on the Kurdish Workers' Party (PKK) — a militant separatist organization which has been waging a guerrilla war against the Turkish government since 1984 — villagers were detained, arrested, tortured and sometimes killed by official security forces. In addition, hundreds of civilians were forced to abandon their villages because they refused to provide armed village guards as directed by the security forces.

On the positive side, thousands of political prisoners were released from prison, some of whom had been in prison for as long as ten years. The Turkish Grand National Assembly repealed several onerous provisions of the Penal Code, but unfortunately replaced them with an equally onerous Anti-Terror Law.

Torture continues to be used routinely in Turkey, largely in the political sections of police headquarters during the investigative phase of a case. During 1991, Helsinki Watch received regular allegations of torture in detention, including beatings; spraying naked and blindfolded prisoners with highly pressurized cold water; suspending prisoners by their wrists or arms; applying electric shocks; rape and attempted rape; forcing a truncheon into the vagina or anus; squeezing genitals; *falaka* (beating on the soles of the feet); sleep deprivation; denial of food or water; dragging prisoners along the ground; placing prisoners in a tire and beating them; forcing prisoners to sleep on a wet floor; forcing prisoners to listen to others being tortured; spitting in prisoners' mouths; denying permission to use the toilet; and pulling or burning hair.

Torture is practiced on children as well as adults. Helsinki Watch has

received credible reports of children between the ages of eleven and seventeen who were detained by police and beaten in custody for such offenses as writing political slogans on walls, taking part in demonstrations, or belonging to illegal organizations.

Although then-Prime Minister Turgut Ozal issued a decree in September 1989 requiring that detainees have immediate access to attorneys, access is almost never granted. Prompt access to an attorney and family members could be an important step toward ending the practice of torture during police investigations.

In some recent cases, torture appears to have resulted in death. Helsinki Watch received reports of deaths in detention under suspicious circumstances of fifteen people in 1991. In three of these cases, Turkish authorities alleged that the prisoners had killed themselves.

In six of the fifteen cases, authorities reported that the deaths were under investigation. In a seventh case, two security-force members are on trial for killing a detainee. Helsinki Watch has received no reports of prosecutions of police, gendarmes or soldiers. Torturers and others responsible for deaths in detention are rarely investigated and tried and almost never convicted. Abdulkadir Aksu, the former minister of the interior, reported that in the past ten years only thirty of 382 security officers tried on charges of inflicting torture were convicted. Many of those convicted were sentenced to no more than a fine. Major Cafer Tayyar Caglayan, for example, who was convicted of forcing residents of Yesilyurt village in Cizre, Mardin, to eat human excrement, was initially sentenced to one year in prison, but on July 18, 1991, his sentence was commuted to a fine and then suspended.

During 1991, Helsinki Watch received reports of forty-five fatal shootings by police or gendarmes in raids on houses, attacks on demonstrations, and other suspicious circumstances. In some cases, government authorities characterized these incidents as shoot-outs between security forces and terrorists, or as responses to provocation on the part of demonstrators or others.

Nineteen of the forty-five fatalities were people who were killed in raids on houses in Istanbul, Izmir and Ankara. In each case, police alleged that the houses were used by militant left-wing groups. Police accounts in most of these cases conflicted with those of eyewitnesses as to whether the police had been fired upon. However, no police were reported killed in any of these raids, which strongly suggests that the killings were summary executions.

In addition, ten people, including children aged eleven and thirteen, were killed by police using live ammunition as a method of crowd control during demonstrations in 1991. Most of these demonstrations were apparently peaceful. In one case, during a demonstration at the funeral for human rights activist Vedat

**Aydin, whose murder is described below, police fired live ammunition into a crowd of thousands in Diyarbakir, killing seven people. The police claimed, but eyewitnesses denied, that stones had been thrown at security forces. Whichever is the case, the throwing of stones would not have justified the use of lethal force. The U.N.'s Basic Principles on the Use of Force and Firearms by Law Enforcement Officials prescribe that "Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury...and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly avoidable in order to protect life."**

**Helsinki Watch also received reports from southeastern and western Turkey of sixteen extrajudicial killings in 1991 under other suspicious and often unexplained circumstances.**

**On April 12, the Turkish Parliament enacted an extremely disturbing Anti-Terror Law. The law defines terrorism so broadly that almost anyone can be convicted, including, for example, anyone who presses for changes in Turkey's economic or social system. Terrorism is defined as "any kind of action conducted by one or several persons belonging to an organization with the aim of changing the characteristics of the Republic as specified in the Constitution, the political, legal, social, secular and economic system."**

**The Act contains other troubling provisions as well, which:**

- o Limit the right of counsel for those charged with terrorism.**
- o Make it more difficult to convict police or other government officials responsible for acts of torture.**
- o Exempt police officers who have taken a confession from testifying in court about the circumstances of the confession.**
- o Restrict prison privileges for convicted terrorists.**
- o Limit meetings and demonstrations.**
- o Curtail press freedom.**

**Since enactment of the Anti-Terror Law, Helsinki Watch has received many reports of people prosecuted for hanging political posters, holding meetings of relatives of prisoners, publishing articles or books concerning Kurdish questions, and**

similar offenses.

During 1991, scores of journalists, editors and writers were investigated, charged, tried and sometimes convicted for what they had written, edited or published. *The Turkish Daily News* reported in May 1991 that members of the press had faced a judge 586 times during 1990, and had received final sentences totaling over 126 years in prison. Statistics for the number of cases prosecuted in 1991 are not yet available, but Helsinki Watch has seen no indication of a decrease in the number of journalists and others who have been prosecuted.

In the early months of 1991, journalists and writers were frequently charged under Articles 141, 142 and 162 of the Penal Code, which were aimed at combating communism, separatism and advocacy of a religious state. After the repeal of these articles, and the release from prison of dozens of journalists and writers who had been charged under these provisions, journalists began to be charged under the new Anti-Terror Law. Writers have been tried for such offenses as "criticizing" or "insulting" President Ozal, printing "anti-military propaganda," "criticizing the Turkish judicial system," and "humiliating the spiritual dignity of the government via publication."

Turkish authorities also confiscated and banned dozens of issues of small, mostly left-wing journals, raided editorial offices, and detained and tortured journalists. The target of this abuse was mostly journals that report on the situation in southeastern Turkey. Decree 413, issued in April 1990, and its successor decrees, 424 and 430, have sharply restricted press coverage of the Kurdish struggle in the southeast. The journals *2000'e Dogru* (Towards 2000), *Hedef* (Target), *Deng* (Voice), *Yeni Cozum* (New Solution), *Mucadele* (Struggle) and *Yeni Ulke* (New Land) have been particularly at risk.

Freedom of assembly continues to be restricted in Turkey. During 1991, dozens of meetings, demonstrations and marches were banned, and dozens of demonstrators and marchers were prosecuted. In addition, as noted, police have used live ammunition as a method of crowd control, shooting and killing with no apparent justification ten people during large demonstrations.

Turkish associations continue to be restricted and, in some cases, closed. In February 1991, the Turkish Human Rights Association reported that, during 1990, the government had closed twenty-seven associations, raided fifty-nine others, and detained hundreds of association members. Statistics for 1991 are not yet available.

Associations closed during 1991 include: Ozgur-Der (the Association of Fundamental Rights and Freedoms); the Kadikoy, Istanbul, branch of People's Houses; the Construction Workers' Solidarity Association; and the Cankaya and Kecioren People's Houses. Other branches of the People's Houses were raided, as

was the Revolutionary Youth Association in Istanbul. In addition, eight members of the Nurses' Association were tried for a lunch boycott organized to protest a ban on public officers organizing a union.

The Kurdish minority in Turkey continues to be a target of government abuse in 1991. Thousands of villagers in the southeast have abandoned their homes, fields and animals rather than comply with government orders to provide armed village guards to assist security forces. Kurdish villagers are frequently caught between the separatist guerrilla group, the PKK, and security forces. Village guards are particularly targeted by the PKK, but the PKK killed civilians as well. In addition, Kurdish villagers were detained, tortured and imprisoned by security forces.

The Turkish government continues to deny the ethnic identity of the Kurdish minority. Although a law outlawing the use of the Kurdish language was repealed in April, Kurdish continues to be forbidden in official settings, at public meetings, and in prison meetings between lawyers and their clients. No books, magazines or other written materials are permitted to be published in the Kurdish language, and restrictions on Kurdish music and dance remain in force.

### **The Right to Monitor**

A large human rights association, with branches in nearly every province, continues to operate legally in Turkey, but human rights monitors, particularly those in southeastern Turkey, were under attack during 1991. On July 5, former teacher Vedat Aydin, one of the founders of the Diyarbakir branch of the Human Rights Association (HRA) and the president of the People's Labor Party (HEP) in Diyarbakir, was taken from his home by several armed men who identified themselves as police officers. On July 8, his body was found at a roadside outside of Diyarbakir; his skull was fractured, his legs were broken, and his body contained fifteen or sixteen bullet wounds. No one has been charged with his slaying.

Aydin's murder was the fourth violent incident directed at members of the Human Rights Association in southeastern Turkey during June and July. On June 18, an explosive device destroyed the car of lawyer and HRA member Mustafa Ozer, which was parked outside his house. On June 25, at midnight, the Diyarbakir office of the HRA was bombed, causing extensive damage. On July 2, a car bomb exploded in Batman, injuring Siddik Tan, a board member of the Batman HRA, his ten-year-old son and a friend. Earlier, the Siirt branch office of the HRA was destroyed and the secretary of the Urfa branch of the HRA, Ramazan Ferat, was beaten.

**Activities of three HRA branches — in Batman, Gaziantep and Urfa — were suspended by provincial governors during 1991. The Mersin branch was closed by the government in May.**

**Members of the HRA continue to be detained and sometimes charged. In two cases, in Ankara and Gaziantep, board members of the association were acquitted of charges involving their association activities.**

### **U.S. Policy**

**Despite reported behind-the-scenes efforts to persuade the Turkish government to make changes, and public criticism of Turkey's human rights practices by the State Department and the U.S. Embassy, the Bush Administration has had no visible impact on the human rights situation in Turkey. This inability to promote an end to serious human rights violations was due in large part to the Administration's unwillingness to link aid and human rights, as required by U.S. law.**

**Turkey continues to be an important U.S. ally, a fact highlighted in 1991 by the Turkish government's active support of the United States during the Persian Gulf conflict. President Bush's visit to Turkey in July was the first by an American president in over thirty years. He emphasized the need for "a new strategic relationship based on closer political, security, and economic links," and went on to say:**

**We value Turkey's NATO partnership, its commitment to democracy, and its integral position in the Western community. And Turkey played a critical role, as we all know, in the international coalition that liberated Kuwait, valiantly serving our common interests in a lawful, international order and a stable region.**

**President Bush praised Turkey and President Ozal throughout his visit. During a state dinner, President Bush said, "There has been no country as resolute as Turkey and no ally like President Ozal." He referred to Turkey as his "second home."**

**According to the State Department, President Bush noted in his arrival speech in Turkey that human rights are a priority for the United States. State Department sources assert that human rights were raised during the president's meetings with President Ozal. Following the meetings, a senior White House official said in reference to President Bush's advocacy of respect for human**

rights, "There's really not much else we can do," although the president had made no public mention of such specific abuses as torture, repression of Kurdish civilians, or restrictions on freedom of expression and association.

Greater specificity was found in the chapter on Turkey in the State Department's *Country Reports on Human Rights Practices in 1990*, which described more accurately than previous reports the appalling human rights picture in the country. Issued in February 1991, the report stated that torture "remains one of Turkey's principal human rights problems." The report also described in some detail restrictions on freedom of expression, proscriptions against Kurdish culture and language, overcrowded prisons, and the use of excessive force against noncombatants in the southeast.

However, the report seriously understated Turkey's human rights abuses. For example, it stated that "many persons charged with political crimes are tortured and...significant numbers charged with ordinary crimes are subjected to police brutality." But Turkish lawyers, human rights activists and former detainees report that approximately ninety percent of political detainees and fifty percent of criminal suspects are tortured. The report also stated that "it is unclear whether any people died of torture during 1990." But Helsinki Watch has the names of seven people who died in suspicious circumstances during detention at various police stations. The report also understates the government's repressive actions against Turkish Kurds in southeastern Turkey: forcibly evacuating mountain villages in which villagers have refused to serve in the security forces as village guards; sending eight Kurdish "troublemakers" into internal exile in late 1989 and early 1990; and detaining large numbers of Kurdish civilians with no known connection to the PKK.

Despite even the serious and ongoing human rights violations in Turkey described in the *Country Reports*, the State Department continues to assert that progress is being made, apparently to discourage questioning of the massive U.S. aid program. In March, in a report to Congress justifying military aid to Turkey, the State Department described Turkey as "an open, democratic society with an improving human rights record," although it went on to concede:

[S]ignificant problems remain. Chief among them are torture, certain restrictions on freedom of expression, proscriptions against Kurdish culture and language, overcrowded prisons, and the use of excessive force against noncombatants in the southeast to suppress terrorism.

The same month, in a written response to questions raised by Representative



**Lee Hamilton, chairman of the House Subcommittee on European and Middle Eastern Affairs, the State Department elaborated on the problem of torture in Turkey:**

**Ambassador [Morton] Abramowitz has raised at the highest levels of the Turkish Government our concern over the continuation of torture. The President, Prime Minister, cabinet ministers, and leading parliamentarians are all aware of the seriousness with which we view this issue. Ambassador Abramowitz has made human rights a priority issue for the Mission and the importance assigned to it has not gone unnoticed by the Turkish Government, media, and people. He has frequently spoken about it in speeches. Embassy contacts note the concern expressed at high government levels filters down to working level security officials.**

**The Turkish government is opposed to torture. This practice is not condoned by the Government and has been widely condemned both publicly and privately, by officials from the President on down. The Minister of Justice has said torture is intolerable and that the Government is committed to "an all-out fight" against it.**

**Nevertheless, credible reports of torture persist throughout Turkey. Torture and mistreatment tend to be directed at political detainees during periods of incommunicado detention. Prosecution of torture allegations is increasing and the percentage of convictions in 1990 showed a small increase over 1989. However, acquittals exceed convictions, a large portion of allegations are dismissed after the preliminary investigation, and those found guilty generally receive light sentences.**

**At the same time, there are signs that progress is being made. There is free and open debate on human rights issues — in the Government, in the press, and among private citizens. The media give generous coverage to human rights reports by such organizations as Amnesty International, Helsinki Watch, and the State Department. The Turkish Government has made efforts to curb the practice of incommunicado detention during which most torture is alleged to occur. Nevertheless, attorney access to political detainees is still frequently denied. The Government has been responsive to our inquiries for information on specific cases of concern to Senators, Congressmen, and human rights activists.**

**In March, James Dobbins, acting assistant secretary of state for European affairs, told Chairman Hamilton that there were improvements in the treatment of the Kurds in Turkey in that they had "received some additional freedom to use their language, and...more is being proposed by the government." In fact, as noted above, the Kurdish language is still forbidden in official settings, at public meetings, and in prison meetings between lawyers and their clients — even when the clients do not speak Turkish. In addition, no books, magazines or other written materials are permitted to be published in Kurdish, and Kurdish music and dance continue to be restricted. The "more [freedom] proposed by the government" has yet to be announced.**

**Chairman Hamilton continued his exchange with the State Department about human rights abuses in Turkey in a July 17 letter. According to Chairman Hamilton, the August 5 response from Janet Mullins, assistant secretary of state for legislative affairs, spoke of positive advances on human rights issues, but failed to mention developments that "undermined the impact of some of these steps." Secretary Mullins made no mention of torture; the use of live ammunition as a method of crowd control; harassment; arrest, torture and imprisonment of Turkish Kurds; forced evacuation of Kurdish villagers who refuse to serve as village guards; the enactment of the draconian Anti-Terror Law; and restrictions of freedom of expression.**

**At the September meeting in Moscow of the Conference on the Human Dimension, part of the Conference on Security and Cooperation in Europe, U.S. Ambassador Max Kampelman stated, in reference to Turkey:**

**Police brutality and torture are much too prevalent. These and related incidents of violence by government inaction do unnecessary damage to Turkey's reputation in the international community. Turkey, in these days of dramatic change and rising expectations, has an opportunity to exercise world leadership.**

**However, despite the Administration's and his own assessment of the importance of human rights, Ambassador Abramowitz did not publicly criticize the enactment of the Anti-Terror Law, the suspicious deaths in detention, the use of live ammunition for crowd control, continued restrictions on freedom of expression, or the abuse of the Kurdish minority in the southeast. Concerning the deaths of suspected terrorists in police raids, Ambassador Abramowitz sharply criticized Helsinki Watch for issuing a newsletter calling for an end to such practices and suggested that the actions of the Turkish authorities were justified**

**by the terrorist acts carried out by the militant group, Dev Sol, even though international law forbids summary execution regardless of the crime attributed to the victim. Ambassador Abramowitz wrote:**

**Dev Sol has nothing to do with human rights. Dev Sol has murdered two innocent Americans and wounded a third in the past year. The group has murdered dozens of high ranking Turkish officials, bombed the American Cultural Center in Izmir and the American Consulate in Adana...As a result of the Turkish action against this group, I am glad to say they were not safe to attack the President or other Americans.**

**Despite its open acknowledgment of at least the pattern of torture in Turkey, the Administration has failed to comply with Section 502B of the Foreign Assistance Act of 1961 (as amended), which prohibits military and other forms of security assistance to a country that "engages in a consistent pattern of gross violations of internationally recognized human rights." Section 502B requires the Administration, if it wishes to provide aid to such a country, to submit to Congress a written statement by the president explaining the "extraordinary circumstances warranting provision of such assistance." Neither the Bush Administration nor any previous Administration has submitted such a statement to Congress, let alone cut off security assistance to Turkey.**

**The U.S. government is also required by Section 701(a) of the International Financial Institutions Act of 1977 to oppose loans from multilateral lending institutions to countries that engage in a pattern of gross violations of internationally recognized human rights. Nevertheless, in the first six months of 1991, the Administration approved nine loans to Turkey totaling \$652.6 million from the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation.**

**Turkey continues to be the third largest recipient of U.S. aid, after Israel and Egypt. In fiscal year 1991, Turkey received \$500 million in military aid plus \$3,400,000 for military training. This was a slight increase over military assistance in fiscal year 1990, which totaled \$497,850,000. Half of the 1991 military aid, \$250 million, was to enable the Turks to acquire F-16 fighter jets. The rest, according to the State Department, was used for modernization programs for frigates and tanks, spare parts, and operation and maintenance expenses. In a special grant, Turkey also received an additional \$82 million to compensate it for some of the expenses incurred during the Persian Gulf War, plus allied air defense equipment was donated to Turkey during the crisis. Other economic assistance in**

**fiscal year 1991 was \$50 million, up from \$14,200,000 in the 1990 fiscal year, and about \$300,000 to combat drug trafficking.**

**The Administration has asked Congress to authorize \$703.5 million in military and economic assistance for fiscal year 1992, a considerable increase. Some of the money would help Turkey to acquire more F-16 fighter jets. The Administration has also announced its intention to provide excess military equipment to Turkey during fiscal year 1992. In testimony in March before the House Subcommittee on European and Middle Eastern Affairs, Defense Department spokesman Bruce Weinrod indicated that the value of such equipment provided in 1990 and 1991 totaled \$128 million.**

**Ambassador Abramowitz, until he left his post in August, continued to raise human rights concerns in speeches to Turkish groups, and to describe the protection of human rights as a major objective of the Embassy and the U.S. government. Under his direction, the Embassy also took a number of steps relating to human rights:**

- o In May, it assisted the Turkish-American Association in sponsoring a human rights seminar entitled "Sharing Strategies for Human Rights Legislation." Two American speakers addressed the seminar: U.S. District Judge Mark Wolf, of Boston, who spoke on the role of an independent judiciary in implementing human rights, and Professor Burt Neuborne of New York University School of Law, who spoke on civil liberties. Turks who took part included Eyup Asik, chairman of the Parliamentary Human Rights Commission; Fuat Atalay, a parliamentarian from the Social Democratic People's Party; and Nevzat Helvacı, president of the Human Rights Association (HRA).**
- o Embassy officers met with representatives of the HRA, the Human Rights Foundation, the Contemporary Lawyers' Association, and the Parliamentary Human Rights Commission.**
- o Embassy staff attended the HRA's "Human Rights Week" programs in December 1990, met with HRA branches in Istanbul and Bursa in September 1991, and visited the Human Rights Foundation's Center for the Rehabilitation of Torture Victims in May 1991.**
- o Embassy staff attended the trial of sociologist Ismail Besikci in October, and plan to attend the forthcoming trials of attorneys Murat Demir, Bedeyji Karagici and Fethiye Peksen.**

- o An Embassy officer attended an October symposium on the International Protection of Human Rights, attended by European human rights institutional personnel and Turkish officials and academics.**
- o Embassy officials report that they have investigated dozens of cases alleging human rights abuse and have protested discriminatory laws, regulations and practices to Turkish officials.**

**The U.S. Ambassador-designate to Turkey, Richard Barkley, took a useful first step in October by requesting meetings with both Helsinki Watch and Amnesty International to hear their evaluations of the human rights situation in Turkey.**

**Helsinki Watch recommends that the U.S. government publicly condemn the human rights abuses detailed in this report and, as required by Section 502B of the Foreign Assistance Act, state clearly what, if any, extraordinary circumstances warrant provision of military and security assistance to Turkey in light of its consistent pattern of gross violations of human rights. In addition, we recommend, as we have in the past, that the Administration use its best efforts, including linkage to aid, to persuade the Turkish government to:**

- o Acknowledge the pattern of torture in police detention centers and take aggressive steps to end it.**
- o Enforce the September 1989 decree guaranteeing detainees the right to be represented by attorneys from the moment of detention.**
- o Prohibit the use in court of confessions obtained by torture.**
- o Prosecute and increase sentences for torturers.**
- o Allow the International Committee of the Red Cross and other international organizations to visit detainees and prisoners on a regular basis.**
- o Release from custody all those held for the peaceful expression of their political views.**
- o Deploy nonlethal methods of crowd control and, in particular, end the use of live ammunition except when necessary to prevent a threat to life.**

- o Punish appropriately security force members who kill civilians without justification during demonstrations.**
- o When conducting police raids on suspected terrorists' houses, abide by international standards requiring law enforcement officials to use lethal force only when absolutely necessary and in proportion to the immediate danger faced.**
- o Stop all legal actions brought by the government against the press, writers and publishers based on the views they express in their writings or the factual material they report.**
- o Rescind the decrees that succeeded Decree 413 and restore the rights to freedom of expression and movement suspended by those decrees.**
- o Repeal the Anti-Terror Law.**
- o Acknowledge the existence of the Kurdish minority in Turkey and grant its members the civil and political rights held by other Turks.**
- o End restrictions that deprive Kurds of their ethnic identity, including restrictions on the use of Kurdish language, music and dance.**
- o Abolish the village guard system.**
- o End efforts to relocate civilians from troubled areas except in instances in which the security of the civilians or imperative military necessity so demand.**
- o Punish appropriately the abuse and humiliation of civilians by security forces.**

### **The Work of Helsinki Watch**

**During 1991, Helsinki Watch continued its attempts to improve human rights in Turkey by focusing attention on Turkey's dreadful human rights record and trying to persuade the Bush Administration to pressure the Turkish government to end human rights abuses.**

In February, Helsinki Watch issued two newsletters — "Turkey: Five Deaths in Detention in January," and "Turkey: Two More Deaths in Detention in February" — which detailed the suspicious deaths in detention of seven people. A third newsletter the same month reported on a violent crackdown on anti-war demonstrations which resulted in two deaths and many injuries.

In June, Helsinki Watch issued a newsletter, "Turkey: New Restrictive Anti-Terror Law," which described and explained the new Anti-Terror Law and its restrictive uses. The same month, Helsinki Watch issued a newsletter, "Freedom of Expression in Turkey: Abuses Continue," which detailed scores of violations of freedom of expression — in the press, publishing and the arts.

In July, a newsletter, "Turkey: Human Rights Activist Killed; Police Shoot and Kill Three at his Funeral: Human Rights Association Attacked," was issued describing the killing of human rights activist Vedat Aydin, other violent attacks on human rights monitors and officials, and the fatal shooting by security forces of seven participants in Aydin's funeral procession.

At the end of July, Helsinki Watch released a newsletter, "Turkey: Torture, Killings by Police and Political Violence Increasing," which condemned increases in torture, killings by police and political violence. The newsletter described a marked increase in the number of suspicious deaths in detention, as well as killings of demonstrators by security forces and of suspected terrorists in police raids. The newsletter also described and condemned an increase in violent acts of political terrorism, including assassinations of thirteen people during 1991, and attacks by the PKK on civilians in the southeast.

Some of Helsinki Watch's newsletters were covered in the Turkish press.

At the time of President Bush's visit to Turkey, an op-ed article written by Helsinki Watch appeared in *Newsday*, and editorials based on Helsinki Watch's monitoring in Turkey appeared in *The New York Times* and *The Washington Post*.

Throughout the year, Helsinki Watch sent protests to Turkish officials concerning detentions, trials and abuses of human rights activists, journalists and lawyers. Some of these protests were reported in the Turkish press.

## **UNITED KINGDOM**

### **Human Rights Developments**

**The United Kingdom receives relatively little attention from the international human rights community. Yet in recent years freedom of expression in Britain has been restricted; there is an appalling use of lethal force by all sides to the conflict in Northern Ireland, and the U.K. emergency legislation there suspends certain basic due process guarantees; and conditions in many British prisons violate international standards.**

### **Northern Ireland**

**A state of emergency has existed in Northern Ireland since its partition from the Irish Free State in 1922. Various emergency laws enacted during this seventy-year period have given security forces — the police and the British army — broad powers to suspend civil and political rights. Since repeal of the Special Powers Act in 1973, police powers to address political violence have been defined by the Northern Ireland (Emergency Provisions) Act (EPA), originally enacted in 1973, and the Prevention of Terrorism (Temporary Provisions) Act (PTA), in effect since 1974. The EPA applies only to Northern Ireland; the PTA applies to all of the United Kingdom. Both acts have been regularly renewed by the British Parliament.**

**Among the powers conferred by these emergency acts are:**

- o the power to stop and search people; anyone can be required to answer questions regarding his or her identity and recent movements.**
- o the power to arrest, detain and interrogate suspects for up to seven days without a criminal charge and without an appearance before a judge.**
- o the power to search residences without prior judicial authorization.**
- o the power to exclude people from Northern Ireland or all of the United Kingdom without a trial and without judicial review.**
- o the power to detain people by executive order, although this power of "internment" has not been used since 1976.**

**The legislation also declares certain paramilitary organizations illegal and makes membership in them a criminal offense; suspends trial by jury for a large number of "scheduled offenses," including murder, armed robbery, possession of explosives, and certain lesser offenses; and sets a lower standard for the**



**admissibility of confessions than is applicable in the rest of Britain.**

**The U.K. has enacted other legislation and issued administrative orders that affect people charged with or suspected of involvement in politically motivated violence, such as the 1988 Criminal Evidence (Northern Ireland) Order, which curtails the right of suspects not to have inferences drawn against them from their silence.**

**Over half (54.4 percent) of the 2,900 deaths since "The Troubles" began in 1969 have been of civilians with no known connection to political violence. Another 31.1 percent have been police or soldiers. Members of paramilitary groups (known as paramilitaries) make up the rest; 10.6 percent of the deaths were of Republican paramilitaries (Nationalists who favor a unified Ireland) and 2.6 percent were Loyalists (Unionists who favor maintaining union with the United Kingdom).**

**The level of violence by paramilitary groups is appalling: paramilitaries were responsible for 2,313 murders between 1969 and 1989 — 1,608 people were killed by Republicans and 705 by Loyalists. Most of those killed — 1,206 — were civilians with no known connection to political violence (574 of these were killed by Republicans and 632 by Loyalists). During the same period, Republican paramilitaries killed 847 members of security forces, and Loyalist paramilitaries killed ten.**

**Paramilitary groups use such barbaric tactics as the Irish Republican Army's "human bombs" — people strapped into vehicles loaded with explosives and sent to bomb security checkpoints — as well as bombs aimed at civilian targets. Loyalists carry out "tit-for-tat" killings by going into Catholic areas and killing Catholics at random in revenge for Republican killings of Loyalists.**

**Killings of civilians by paramilitary groups violate the fundamental prohibition in international humanitarian law against targeting civilians. In addition, paramilitary groups kill security-force members and opposing paramilitaries by approaching them disguised as civilians, in violation of the principles of customary international humanitarian law that prohibits perfidy because it breaks down the distinction between combatants and civilians. As for killings carried out by security forces, police and soldiers killed 329 people between 1969 and 1989; of these, 178 were civilians, 123 were Republican paramilitaries, thirteen were Loyalist paramilitaries, and fifteen were themselves security-force members.**

**The use of plastic bullets — supposedly nonlethal weapons — for crowd control has also resulted in fatal shootings. Fourteen people have been killed by plastic bullets fired by security forces since 1973.**

**Members of security forces who have killed civilians or paramilitaries are**

rarely prosecuted. Since 1969, police or soldiers have been prosecuted in only nineteen cases in which killings took place while they were on duty. In only three of these cases have defendants been found guilty of murder or manslaughter. The only member of the regular British army to have been found guilty of a murder committed while on duty received a life sentence, but he was released from prison after serving only two years and three months of his sentence, and was allowed to rejoin his regiment.

One problem in prosecuting members of security forces is that under British law if a police officer or soldier intentionally kills someone, he or she may be charged only with the offense of murder. No lesser charge, such as manslaughter, can be filed.

Because police and soldiers are so rarely prosecuted for fatal shootings, often the only way that a family can discover what happened to a person who was shot and killed is during a coroner's inquest. But coroners' inquests are subject to inordinate delays; coroners' juries are not permitted to reach full verdicts;<sup>30</sup> security-force members implicated in deaths are not required to testify; and victims' families and their attorneys are denied access to evidence before an inquest begins. There are significant problems in detention. The U.K.'s Prevention of Terrorism Act permits detentions for up to seven days. The European Convention on Human Rights requires that detainees be brought "promptly" before a judge. In 1988, the European Court of Human Rights ruled that a detention of four days and six hours did not meet the "promptness" requirement. The U.K. then formally derogated from that provision of the European Convention.

There have been many charges of physical abuse of suspects in detention from both detainees and attorneys. Some of these allegations have been upheld in court. A detainee's access to his or her attorney is frequently delayed. The power to intern without trial remains part of the emergency laws of Northern Ireland, although it has not been used for fifteen years.

Security forces frequently stop, search and question people on the street, often in an inhuman and degrading manner. In addition, members of the police and army have conducted thousands of destructive house searches, some of which appear to violate Northern Ireland laws. A high percentage of these do not produce weapons or equipment used for bombings.

**The right to a fair trial has been significantly compromised. The right to trial**

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<sup>30</sup> These juries cannot find, for example, an "unlawful killing by unarmed persons," but only that "death resulted from a bullet in the head."

by jury has been withdrawn from defendants in cases that allegedly involve political violence ("scheduled offenses"). The list of scheduled offenses is overly inclusive. Standards used in Diplock Courts (special courts set up under the Northern Ireland emergency provisions) permit the admission into evidence of unreliable confessions, some of which may have been secured by abusive treatment in detention.

The Prevention of Terrorism Act provides for orders excluding from Northern Ireland or Great Britain people suspected of involvement with terrorism. People have been excluded without a hearing and without notice of the charges against them; they are simply informed that they are suspected of involvement with terrorism.

### **Freedom of Expression**

In recent years, there has been an erosion of free expression in Britain in a number of areas. The Official Secrets Act provides criminal penalties for revealing a broad range of foreign policy, defense and military information, regardless of whether the material has been previously disclosed elsewhere or its release is in the public interest. In 1989, facing widespread criticism over the *Spycatcher* case — in which the government enjoined the publication of the memoirs of a former intelligence agent — and the prosecutions of two civil servants, Sarah Tisdall and Clive Ponting, for leaking information to the press, the government introduced a reform of the Official Secrets Act. Although the scope of the law was narrowed, there remains an absolute ban on disclosures about the security and intelligence services, no matter how trivial. There is also a ban on disclosure of material pertaining to Britain's defense and international relations if the government asserts that disclosure will "endanger the interests of the United Kingdom abroad" or "seriously obstruct the promotion or protection of those interests." Despite a strong campaign by civil liberties advocates to include it, the new law, like the one it replaced, permits no room for a defense that disclosure is in the public interest or that the material involved is in the public domain or has been previously published elsewhere. In contrast to Canada, New Zealand, the United States and other European countries, there is no general right of access to government information in the United Kingdom.

British defamation law recognizes no defense that the plaintiff is a public figure or that the expression involved was in the public interest. The burden is on the defendant to prove the truth of the challenged claim. In fact, many judgments have been awarded in cases in which the published facts later proved to be accurate, such as Cabinet Minister John Profumo's suit over the allegation that he

had shared a prostitute with a KGB officer, and Liberace's suit against the *Daily Mirror* in 1959 for implying that he was gay.

The most-publicized recent defamation suit in Britain involved an award of 500,000 pounds (about \$1 million) to novelist and former Member of Parliament Jeffrey Archer over the suggestion that he had had sex with a prostitute, despite proof that he had given her 4,000 pounds (\$8,000). British libel laws have a very wide reach. Encouraged by a 450,000 pound (\$900,000) award won in Britain by a Greek citizen against a Greek newspaper that had circulated only fifty copies in Britain, former Greek Prime Minister George Papandreou sued *Time* magazine over a bribery allegation.

There is no affirmative right in the United Kingdom to engage in peaceful public assembly or to hold a meeting in a public place. Even to stand on a soapbox at the famous Hyde Park Speaker's Corner requires prior permission from the Department of the Environment. Urged in 1986 to include a right of peaceful assembly in the revision of the Public Order Act, the Home Office refused, but sent around a circular urging local police to bear the concerns of protesters in mind.

Reflecting the lack of affirmative protections for public protest, legislation in 1986 significantly expanded police power to control public marches, meetings and picketing. Proponents of the legislation capitalized on public concern in the mid-1980s over a series of inner-city riots, strikes by miners, marches by racist groups, and anti-nuclear demonstrations.

There is no practical right of appeal from police decisions to restrict or ban public assembly, unless they are found to lack any reasonable basis — something British courts have been strongly disinclined to find. The broad power to order changes in the site of or number of participants in a demonstration carries the potential for interference with the intended message and impact of the protest. For example, a demonstration against the South African Embassy could be moved to the New Zealand High Commission, or a mass trade-union picket could be limited to a dozen persons.

If the chief constable believes a ban or restrictions on a specific demonstration are insufficient, he or she can apply to the local governmental authority for permission to impose blanket bans on all processions for up to three months, subject to the approval of the Home Secretary. Blanket orders aimed at preventing marches by the racist National Front have resulted in the cancellation of "Save the Whales" rallies and the annual trade-union May Day procession in London.

The 1986 legislation also imposed, for the first time, a national requirement that the police be given six days' notice of demonstrations, with criminal penalties for failure to comply. While formerly the police could impose conditions on

marches only on grounds that "serious public disorder" may result, they now may take action based on anticipated "serious disruption of the life of the community" or "serious damage to property" or if they believe that the purpose of the gathering is to intimidate people. The legislation also explicitly permits the police to impose limits on the numbers and the sites of meetings, demonstrations and pickets.

The Police and Criminal Evidence Act of 1984, which expanded police powers of search, arrest and detention, also broadened police authority to seize otherwise confidential papers — for example, journalists' untransmitted film — for purposes of investigating a "serious arrestable offense." After a March 1990 protest rally against the unpopular "poll tax" turned violent, the London police demanded that television stations and newspapers hand over unused film so the authorities could find and charge suspects. When news organizations refused, the police obtained court orders to compel twenty-nine of them, including the Associated Press, to hand over film taken at the rally. In addition to abridging freedom of the press, this action endangered journalists. At a later rally in October, photographers were singled out for attack from members of the crowd fearful of being photographed.

The Broadcasting Act permits the Home Secretary "at any time, in writing, [to] require the [broadcasting] authority to refrain from broadcasting any matter or classes of matter as specified." In 1988, Home Secretary Douglas Hurd invoked these powers to bar the British Broadcasting Corporation (BBC) and the Independent Broadcasting Authority from "broadcasting any words spoken whether in the course of an interview or discussion or otherwise, by a person who appears or is heard on the program in which the matter is broadcast where ... the person speaking the words represents or purports to represent" or whose words "solicit or invite support for" a list of specified organizations, including not only proscribed "terrorist" groups like the Irish Republican Army, but also two legal political parties — Sinn Fein, the legal political arm of the IRA, and a smaller group, Republican Sinn Fein.

The broadcasting ban has resulted in a lessening of coverage of events concerning Northern Ireland, and in self-censorship beyond the probable scope of the law because of difficulties in interpreting it. Deciding whether someone who is not a member of a listed organization will speak in "support" of a listed organization or will "solicit or invite support for such an organization" is not always easy. A broadcaster must either pre-record an interview and expurgate prohibited words, or play it safe and refrain from interviews. A number of people who are not members of listed organizations have been banned, including Brighton Labor Councillor Richard Stanton, former Member of Parliament

**Bernadette Devlin McAliskey; American author Margie Bernard; and an uncle of Paul Hill, one of the "Guildford Four," a group convicted of terrorist bombing who were recently released after their conviction was found to have been improper.**

### **Prison Conditions**

**The United Kingdom has one of the highest prisoner-to-population ratios in Europe — about 97 per 100,000. Overcrowding throughout the prison system is a serious problem (prisons are filled at 103 percent nationwide<sup>31</sup>) but it is particularly dramatic in local, pretrial prisons, some of which are overcrowded by fifty percent.**

**Sanitary conditions are dismal in many British prisons. Many institutions are old, Victorian-era structures in which cells lack integral sanitation. Prisoners use chamber pots to relieve themselves and must do so in the presence of their cellmates. Inmates spend most of the time in their cells and between 7:00 P.M. and 8:00 A.M. are unable to leave the cell at all to empty the pot. The effect is that many cells become smelly and insect-infested.**

**Other hygiene-related problems noted by Helsinki Watch during visits to six prisons in England and Wales and two institutions in Northern Ireland include lack of clean clothing and bedding and insufficient availability of showers. There are also frequent complaints about the quality and quantity of food. Especially troubling is the timing of meals. The last meal is served at 4:00 P.M. in many institutions, and breakfast is at 8:00 A.M. Inmates thus go for sixteen hours without food, leading some prisoners to complain that they are often hungry.**

**Excessive idleness is another serious problem for prisoners. At the large, pretrial prisons, where few work or educational programs are available, inmates spend as many as twenty-three hours each day in their smelly, overcrowded cells.**

### **Detention of Foreign Nationals**

**A number of Arab residents in the United Kingdom suffered from arbitrary and unjustifiably harsh treatment by British authorities both prior to and during the Persian Gulf war. Between August 2, when Iraq invaded Kuwait, and January 17, when the allied attack began, British officials rounded up scores of Arab**

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<sup>31</sup> A prison that is filled at one hundred percent of its capacity is in fact overcrowded because, in any institution at any given moment, some cells are temporarily unusable due to repair or other reasons.

**nationals, and served deportation notices on 167 Iraqis, Palestinians, Lebanese and Yemenis. Approximately half of these left prior to the outbreak of war.**

**Citing fear of terrorism after hostilities began, authorities detained and ordered deported an additional ninety Arab nationals. Thirty-five Iraqis were seized and declared prisoners of war, even though all but two were students studying in Britain. Though technically reservists (lengthy reserve service is mandatory in Iraq), these students were not on active duty and thus should have qualified as civilian internees, not prisoners of war — a distinction entailing considerable difference in conditions and length of detention.<sup>32</sup> All prisoners of war were released unconditionally on March 6.**

**Fifty-two Iraqis and Palestinians were detained on "national security grounds" and were served with deportation notices. By early March, none had been deported and all were released.**

**These detentions and deportations were carried out without any semblance of due process, in violation of international standards. Detainees were not informed of the specific charges or evidence against them, had no right to legal representation, and had no statutory right of appeal. Many of those detained had resided in the United Kingdom for years without encountering any difficulties.**

### **The Right to Monitor**

**The United Kingdom has several groups that monitor and protest abuses of human rights, including Liberty (the National Council for Civil Liberties) and Charter 88, organized in 1988 to press for a Bill of Rights and other constitutional reforms. While these groups are able to operate without harassment or government interference, the European Court of Human Rights ruled against Britain in 1988 in a case involving the listing of two women as security risks because they worked for Liberty.**

**The principal human rights monitoring group operating in Northern Ireland is the Committee on the Administration of Justice, also known as the Northern Ireland Civil Liberties Council. In recent years in Northern Ireland there has been a rise in threats made against lawyers who represent defendants in cases of criminal violence, especially since the 1989 murder of Patrick Finucane, a human rights lawyer, who was shot and killed at his home, in front of his wife and children. A Loyalist group, the Ulster Freedom Fighters, claimed credit for the**

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<sup>32</sup> See Middle East Watch, "Arabs Detained in the U.K.," February 10, 1991, p. 3.

**murder, but no one has been criminally charged for the act.**

### **U.S. Policy**

**The Bush Administration's view of the human rights practices of its close ally, the United Kingdom, is expressed publicly only in the State Department's annual *Country Reports on Human Rights Practices*. The *Country Reports* for 1990, published in February 1991, understate human rights abuses by the British government in Northern Ireland. Indicating correctly that ten people were shot and killed by security forces during 1990, the report states that these killings were "in the line of duty," and that several shootings "prompted allegations that soldiers were carrying out a 'shoot to kill' policy." It fails to state that in four of the six incidents the police version of the events was seriously disputed, and that some of these killings may have violated established principles of international human rights law.**

**In its section on torture, the report states that confessions obtained by torture are not admissible as evidence in court. It does not state that the standard for admission of confessions in the Diplock (non-jury) courts in Northern Ireland under the Northern Ireland (Emergency Provisions) Act differs significantly from the traditional rule that only "voluntary" statements may be introduced into evidence. In the Diplock courts, while statements resulting from torture or inhuman or degrading treatment, or from threats of violence, theoretically cannot be admitted in court, statements resulting from "psychological pressure" or "inducements" can be taken into evidence. This broad exception to the traditional voluntariness standard may play a role in the widespread use of confessions induced by severe beatings in the Diplock courts.**

**Nor does the report discuss physical abuse during pretrial interrogation. Helsinki Watch met with many lawyers and former detainees who reported cases of serious physical abuse during interrogation. The safeguards that theoretically prevent such abuse — chiefly monitoring by closed-circuit television cameras — appear to be ineffective.**

**In its section of the denial of a fair public trial, the report refrains from using its own voice in describing a 1988 change in the law that permits courts to draw adverse inferences from the exercise of a suspect's right to silence during interrogation or at trial. The report puts forth the government's reasons for the change — to address the "wall of silence" and "ambush testimony" whereby a suspect does not speak until his trial and then presents a surprise alibi. However, while quoting an independent governmental body about fears that these moves**



could lead to "a cloak of confidence in justice in Northern Ireland," the report fails to indicate in its own voice that this change has fundamentally eroded the right to silence in Northern Ireland in all cases allegedly involving political violence.

In its section on freedom of peaceful assembly and association, the report overstates the United Kingdom's protection for peaceful public assembly by asserting that "except in cases of extreme civil disorder, in which public safety is judged to be at risk, the authorities do not exercise their statutory right" to limit rallies and demonstrations. A report on freedom of expression in the United Kingdom by Helsinki Watch and the Fund for Free Expression found that the police and local authorities have extremely broad powers to order changes in the site or nature of demonstrations and public meetings, and to impose "blanket bans" on all protests in a certain geographic area for up to three months at a time, and that such interventions are not rare. For example, during the summer of 1989, processions and marches within a four-mile radius of the Stonehenge monument were banned for a short period. The standard adopted in the 1986 Public Order Act permits such restrictions to be made on the basis of a risk of "serious disruption to the life of the community," which is a considerably weaker standard than "extreme civil disorder."

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

In January, Helsinki Watch sent its first fact-finding mission to investigate human rights abuses in Northern Ireland. In October, Helsinki Watch published the findings of the mission in a major report, *Human Rights in Northern Ireland*. The report concluded that human rights abuses are persistent and ongoing, affect Protestants and Catholics alike, and are committed by both security forces and paramilitary groups in violation of international human rights and humanitarian laws and standards. Helsinki Watch urged paramilitary organizations in both communities to put an end to such violence and called on the United Kingdom to enact legislation that strictly controls the use of lethal force in Northern Ireland. Helsinki Watch also recommended that the power to intern without trial be abolished, that a number of steps be taken to ensure the fairness of criminal trials, and that the powers provided under the Prevention of Terrorism Act to exclude citizens from one part of the United Kingdom to another be abolished.

On February 10, Middle East Watch published a newsletter condemning the British government for its arbitrary and illegal detention and deportation of Arab nationals. The newsletter called on the government to release all those detained or afford them basic due process rights.

In April, Helsinki Watch and the Fund for Free Expression sent a mission to Britain to investigate restrictions on freedom of expression in the United Kingdom. In October, they released a report, *Restricted Subjects: Freedom of Expression in the United Kingdom*. The report recommends the repeal of the Official Secrets Act — or, at a minimum, its reform to provide for a defense that the disclosure at issue serves the public interest or has been previously published elsewhere; a bar on the use of injunctions against the press for publishing material obtained in breach of confidence; the revision of the defamation laws to provide a higher burden of proof for plaintiffs — particularly those who are public officials or well-known public figures — and stronger defenses for those sued, such as the claim that publication serves the public interest; the revision of the Public Order Act to recognize an affirmative right of peaceful assembly and to limit police and local authority power over assemblies and demonstrations to the imposition of impartially applied time, place and manner restrictions; and the rescission of the Northern Ireland "broadcast ban" and reform of the broadcasting statute to insulate the BBC and independent television and radio from government interference with program content.

In May, Helsinki Watch sent a mission to investigate prison conditions in the United Kingdom. A report on the mission is expected in early 1992.

## **YUGOSLAVIA**

### **Human Rights Developments**

General chaos in Yugoslavia, fueled by the virtual disintegration of central authority, armed conflict in Croatia, and continuing repression in Kosovo, yielded a dramatic worsening of the human rights situation in 1991. By the end of the year, the federal government of Yugoslavia had ceased to function and the European Community had decided to recognize Slovenia and Croatia by January 15, 1992. The federal army was controlled by Serbia. Power lay in the hands of nationalist republican governments, with policies that often led to severe violations of the civil and political rights of minorities.

On June 25, Slovenia and Croatia declared their independence. Macedonia followed suit on September 8, as did Bosnia-Herzegovina on October 15. Having declared their independence, Slovenia, Croatia, Macedonia and Bosnia-

**Hercegovina boycotted many federal institutions. In October, without the consent of Slovenia, Croatia, Macedonia or Bosnia-Herzegovina, Serbia and its three allies on the federal presidency — Kosovo, Vojvodina and Montenegro — announced that they would assume control of the federal presidency and certain powers of the federal assembly.**

**Soon after Slovenia declared its independence, the federal military attacked the republic but quickly retreated in defeat at the hands of Slovenian militia forces. The army then turned its attention to Croatia. In conjunction with rebel Serbs who oppose Croatian independence, the army has been waging a full-scale war against Croatia since July. With the support of Serbian President Slobodan Milosevic's government, Serbian insurgents in Croatia have taken over forty percent of Croatia's territory and appear poised to impose Serbian rule over most of the republic. Inter-ethnic skirmishes threaten to destabilize the republic of Bosnia-Herzegovina, where Serbian and Montenegrin rebel forces have occupied territory as well. As violent political struggle rages, human rights in all parts of the country have suffered dramatically.**

**Helsinki Watch takes no position on Yugoslavia's territorial integrity or the claims to independence of its constituent republics. Our only concern is that the human rights of all individuals be respected. Most of the gross abuses are being committed by the federal military and the Serbian government. The Yugoslav armed forces bear responsibility for indiscriminate attacks against civilian targets in Croatia, with thousands of deaths and injuries the result. The Serbian government for years has been abusing the human rights of Albanians in the province of Kosovo and more recently has directly supported the Serbian insurgents in Croatia, who in turn have been committing gross violations of human rights, including the summary execution of unarmed civilians. Croatian security forces and individual extremists have also violated the human rights of Serbs.**

**The Serbian government's oppression of ethnic Albanians in Kosovo is the most protracted human rights problem in Yugoslavia. Physical mistreatment remains a serious problem, while systematic discrimination increased dramatically in 1991. Albanian professionals — particularly those working in the fields of medicine and education — were dismissed from their jobs and replaced with Serbian and Montenegrin workers. Over 20,000 Albanians lost their jobs because of ethnic discrimination during the year.**

**Serbian security forces, paramilitary units and civilians have used arbitrary force against unarmed Albanians, including children, killing fifty Albanians in 1991. Serbian security forces unlawfully searched Albanian homes, destroying property and beating inhabitants. Moreover, Serbian authorities are reportedly**

**arming Serbian and Montenegrin civilians in Kosovo, who in turn are intimidating the Albanian population.**

**Ethnic Albanians continue to be jailed for nonviolent political "offenses," including possession of certain Albanian-language publications and participation in peaceful demonstrations. Most Albanians have been sentenced to thirty- to sixty-day prison terms for such "offenses." Albanians have been severely beaten while in police custody and in prison. The daily Albanian-language newspaper, *Rilindja*, remains banned.**

**From September 26 to 30, Albanians in Kosovo conducted a self-styled referendum on Kosovo's independence from Serbia. In some areas balloting took place in individual homes to avoid police interference. Despite such precautions, Serbian security forces seized voting materials and arrested organizers of the referendum, as well as individual voters.**

**The Serbian government used repressive methods against peaceful demonstrators in Belgrade on March 9 and 10. Excessive police force and an ensuing riot resulted in the deaths of a seventeen-year-old youth and one police officer. At least 203 were wounded. Demonstration participants and organizers were arbitrarily arrested and harassed.**

**A parliamentary commission that investigated the violence exonerated the police and blamed the demonstrators for the violence. Helsinki Watch believes that neither the commission nor its report was objective or independent from government control. The report does concede that, during the course of the demonstration, the Ministry of Interior lost control of the situation and its ability to coordinate police action. However, the report neither criticizes nor condemns such ineptitude or police brutality. The report also ignores the events in the early morning hours of March 11, when students crossing the Brankov Bridge into Belgrade were beaten by police forces. Rather, the report reiterates statements made by Serbian government officials exonerating the police from blame immediately after the violence took place.**

**During its attack on Slovenia, the Yugoslav military strafed and bombed Slovenian towns and cities with little apparent regard for civilian life. Although the army claimed that it was trying to restore federal control of all international border posts, it took few precautions to protect civilians from air and mortar attacks. At least five civilians were killed in the clashes in Slovenia. The ten-day conflict ended with the retreat of federal forces from the republic.**

**In Croatia, a full-scale war evolved. After the May 1990 election of a nationalist Croatian government under President Franjo Tudjman, the republic's Serbian minority took up arms, fearing a resurrection of the kind of fascist**

**Croatian state under which thousands of Serbs were killed during World War II. With material support from the Serbian government and the federal military, Serbian insurgents in Croatia launched attacks in the eastern and southern regions of the republic. The federal army, with its overwhelmingly Serbian officer corps, bombed and sent tanks against major Croatian cities.**

**Key political leaders in both Serbia and Croatia have inflamed inter-ethnic animosities between Serbs and Croats. Indeed, nationalism has been the linchpin of popular support in both republics. Serbian President Slobodan Milosevic justifies the repression in Kosovo and the aggression in Croatia as necessary to protect the Serbs living in those regions. Similarly, Croatian President Franjo Tudjman campaigned on a stridently nationalist platform and gratuitously inflamed Serbs in Croatia. Moreover, Tudjman made little, if any, effort to appease the fears of Serbs in Croatia after his election. Through their control of the republican media, Tudjman and Milosevic have grossly misrepresented and manipulated alleged reports of human rights abuses by both sides. The Serbian and Croatian media have perpetuated nationalist hysteria in both republics to the point that criticism of the war is viewed as tantamount to treason by some.**

**The war in Croatia has been characterized by numerous violations of human rights and humanitarian law. Civilians and persons placed *hors de combat* have been summarily executed by both Serbian insurgents (reportedly in eight instances) and Croatian security forces (reportedly in three instances). On July 26, Serbian insurgents seized some forty civilians — including elderly people and a mentally retarded woman — and used them as human shields during an advance on Croatian positions. The Serbian rebels have also taken hostages in the hope of exchanging them for rebels held by Croatian authorities. Some forty Croats were not being permitted to leave the village of Old Tenja, a Serbian stronghold. Medical vehicles and personnel, including representatives of the International Committee of the Red Cross, have been fired upon. The Serbian insurgents have held medical personnel hostage and mistreated them during detention. Serbian insurgents, Croatian security forces and the federal army have all beaten their prisoners. Serbian rebels also have used electric shocks on their prisoners.**

**The Yugoslav military and Serbian insurgents have targeted major urban centers in Croatia. In many cases, these attacks have been indiscriminate and have resulted in loss of civilian life. The Yugoslav air force has bombed and strafed major Croatian cities. Homes, churches, schools, hospitals and cultural monuments have been attacked. Civilians account for approximately half of the dead and one third of the wounded. Hundreds of thousands of Croats, Serbs and others have been forced to flee their homes.**

**Ethnic discrimination is also a serious problem in Croatia. Individual**

**Croatian workers required their Serbian colleagues to sign loyalty oaths to the Croatian government; those who refused often lost their jobs. The Croatian government belatedly condemned such campaigns but did not prosecute the organizers. Similarly, Croats have been dismissed from their jobs in the Serbian-controlled areas of Knin, Gracac and Glina.**

**In a campaign of intimidation, both Serbs and Croats have destroyed civilian property, including homes and summer residences. In some cases, entire villages have been burned.**

**The indiscriminate use of land mines has prevented medical personnel and relief organizations from evacuating the wounded and distributing humanitarian aid in parts of Croatia. A twelve-vehicle convoy, organized by Doctors Without Borders, evacuated 109 seriously injured people from the besieged town of Vukovar on October 19. Leaving the town, one of the trucks hit a mine and two nurses (from Switzerland and Luxembourg) were injured. Local Red Cross personnel have been hampered from evacuating the dead and wounded by the continued fighting and the placement of land mines around besieged towns and villages.**

### **The Right to Monitor**

**In 1991, in contrast to 1990, there was no direct interference by the federal or republican governments with the right of domestic and international groups to monitor the human rights situation in Yugoslavia. However, various obstacles impede the ability to monitor human rights effectively in various parts of the country.**

**Human rights monitoring in Croatia and parts of Bosnia-Herzegovina became increasingly difficult and, indeed, dangerous as the year progressed. Land mines, road barricades, vigilante violence and indiscriminate shooting at civilian vehicles made travel and on-site investigation of abuses extremely difficult in Croatia. Nevertheless, various medical, religious and governmental bodies have monitored violations of human rights and humanitarian law. The Croatian government, through a Croatian parliamentary commission on human rights and the republic's Ministry of Labor and Social Welfare, has made a genuine, though not comprehensive, effort to collect data about employment and other forms of discrimination against both Serbs and Croats and has made that information available to international and domestic human rights groups.**

**Various Serbian groups also monitor violations of the rights of Serbs in Croatia. Helsinki Watch received no reports of Croatian government interference**

with such activities.

On three separate occasions in 1990, the Serbian government detained international human rights monitors in Kosovo. Helsinki Watch received no reports of similar actions in 1991. The major human rights monitoring group in Kosovo, the Council for the Defense of Human Rights and Freedoms in Kosovo, continued to monitor abuses without direct interference by the Serbian government.

### **The Policy of the European Community**

The EC has toiled to bring about a peaceful resolution to the conflict in Croatia. It has sent observers to monitor and negotiate cease-fire agreements, only to be shot at by all parties. It has negotiated meetings between the warring factions and established working groups to discuss the future of Yugoslavia, all to no avail. It has negotiated at least thirteen cease-fires, none of which has been respected by the feuding parties.

The EC has considerable leverage to press for greater respect for human rights and humanitarian law. It is Yugoslavia's largest trading partner, accounting for sixty percent of Yugoslavia's foreign trade. In 1990, Yugoslavia received over \$1.5 billion in assistance from the EC. In November, the EC imposed economic sanctions against all of Yugoslavia's republics because of continued violations of cease-fire agreements. The sanctions included the suspension of the EC's 1980 trade and cooperation agreement with Yugoslavia, restoration of the EC's quantitative import limits on Yugoslav textiles, the removal of Yugoslavia from the list of beneficiaries of the General System of Preferences, and formal suspension of benefits under the EC-administered "Phare" food and economic assistance program.<sup>33</sup> The EC also suspended trade relations with Yugoslavia and proposed that the United Nations Security Council impose an oil embargo against Yugoslavia.

On December 2, the European Community lifted sanctions against all the Yugoslav republics except Serbia and its ally, Montenegro. A report from the EC monitoring mission harshly criticized the federal army for "brutally attacking civilian targets" and "wantonly destroying Croatian villages."<sup>34</sup>

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<sup>33</sup> Robert Mauthner and Laura Silber, "EC Puts Sanctions on Yugoslavia," *Financial Times*, November 10, 1991.

<sup>34</sup> Laura Silber, "Serbia Excepted as EC Lifts Yugoslav Sanctions," *The Washington Post*,

**Because of the systematic violation of human rights and humanitarian law in Croatia by Serbian-backed paramilitary groups and the Serbian-led federal army and the Serbian government's continued repression against ethnic Albanians in Kosovo, Helsinki Watch welcomes the EC's maintenance of sanctions against the government of Serbia. Helsinki Watch also calls upon the EC to urge the Croatian government to take steps to protect the human rights of all ethnic groups in Croatia and to punish those found guilty of violating those rights.**

**On December 17, the EC, under pressure from Germany, announced that it would recognize Slovenia and Croatia by January 15, 1992, provided that they guaranteed respect for existing borders, human rights, and the rights of minorities.**

### **U.S. Policy**

**In contrast to the EC's activism, the Bush Administration has reacted sluggishly and ineffectively to the crisis in Yugoslavia. Although the United States, particularly the Embassy in Belgrade, has publicly criticized human rights abuses in Yugoslavia, the Bush Administration devoted too much energy in trying to preserve Yugoslav unity and the faltering government of Prime Minister Ante Markovic rather than address the human rights violations by individual republican governments.**

**In November 1990, President Bush signed into law legislation that appropriated foreign assistance for fiscal year 1991. It included a provision barring bilateral assistance to Yugoslavia and requiring U.S. representatives to oppose loans to Yugoslavia by international financial institutions unless all six of the country's republics had held free and fair multiparty elections and none was engaged in a pattern of gross violations of human rights. Known as the Nickles amendment, this provision took effect on May 6. The law permitted the president to waive the provisions if Yugoslavia was found to be making "significant strides towards complying with the obligations of the Helsinki Accords and [was] encouraging any republic which has not held free and fair elections to do so."**

**By May 1991, all the republics had held elections, although the elections in Serbia and Montenegro were neither free nor fair.<sup>35</sup> In addition, severe human**

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**December 3, 1991. See also Chuck Sudetic, "Observers Blame Serb-Led Army for Escalating War in Croatia," *The New York Times*, December 3, 1991.**

<sup>35</sup> **Unequal access to the media for opposition parties during the election campaigns in**



rights abuses were still being committed by the Serbian government against the Albanian majority in Kosovo. Given these problems, Helsinki Watch welcomed the suspension of five million dollars of U.S. aid to Yugoslavia and U.S. opposition to Yugoslavia's loan requests before the World Bank and the International Monetary Fund. State Department spokeswoman Margaret Tutwiler announced that aid to Yugoslavia was being cut off because the Serbian leadership was exercising "severe repression in...Kosovo..., had not conducted fully free and fair elections, and was...acting to destabilize the Yugoslav presidency."<sup>36</sup>

However, after a twenty-day suspension, economic aid was restored when Secretary of State James Baker invoked the amendment's certification mechanism. The restoration of aid was coupled with the invocation of Step Two of the Human Dimension Mechanism established by the Conference on Security and Cooperation in Europe (CSCE)<sup>37</sup> — a formal request for bilateral discussions — and the suspension of Overseas Private Investment Corporation (OPIC) risk insurance for new U.S. investment in Serbia. The Administration claimed that aid was restored because the Nickles amendment was doing little to hurt Serbian President Milosevic, at whom the sanctions were directed. Rather, the Administration contended, the Nickles amendment was destabilizing the federal government of Prime Minister Ante Markovic, which the United States supported. The Bush Administration claimed that Prime Minister Markovic was in the best position to encourage respect for human rights and democratic development. While Markovic's moderate political platform may have been appealing in theory

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both republics and voter intimidation in Serbia were reported by the U.S. Congressional Commission on the Conference on Security and Cooperation in Europe (see *Report on the U.S. Helsinki Delegation Visit to Hungary, Yugoslavia and Albania*, March 22-28, 1991, pp. 9-26); the National Republican Institute for International Affairs (see *The 1990 Elections in the Republics of Yugoslavia*, February 1991, pp. 7-34); and the U.S. State Department (see statement released by spokeswoman Margaret Tutwiler, May 24, 1991).

<sup>36</sup> See Chuck Sudetic, "Yugoslavia Perplexed Over Status of Aid," *The New York Times*, May 21, 1991.

<sup>37</sup> Step Two of the CSCE Human Dimension Mechanism stipulates that any participating state can ask that bilateral meetings with other participating states be held to discuss questions relating to the human dimension of the CSCE. (See *Concluding Document of the Vienna 1986 Meeting of Representatives of the Participating States of the Conference on Security and Co-operation in Europe*, "Human Dimension of the CSCE (2)," January 15, 1989.)

to the United States, the Markovic government in fact had no control over the human rights practices of the individual republics.

Helsinki Watch believes that the Administration was wrong to restore aid. First, the aim of the Nickles amendment was to make U.S. aid contingent upon the development of multiparty democracy and respect for human rights in Yugoslavia. By placing the U.S. interest in supporting Markovic ahead of human rights concerns, the United States placed political interests above the intent of the amendment. Second, the aid was restored after only a twenty-day suspension — not enough time for the sanctions to affect the Serbian government. Finally, the amendment by its terms could be waived only if the president certified that Yugoslavia was "making significant strides toward" compliance with the Helsinki accords. By invoking the certification mechanism, the Bush Administration ignored the legal requirements of the amendment. Helsinki Watch believes that Yugoslavia was not complying with its obligations under the Helsinki accords nor was it making "significant strides toward" compliance, particularly in Kosovo, and that such certification was not justifiable.

Moreover, Section 116 of the Foreign Assistance Act provides that governments engaged in a consistent pattern of gross violations of human rights should be denied economic assistance except basic humanitarian aid. Ordinarily, it suffices to apply this law to an abusive national government, but in light of the diminished *de facto* significance of the federal government in Yugoslavia it is critical also to apply it to abusive security forces and republican governments. Particular offenders are the Serbian government in Kosovo and Serbian insurgents and the Yugoslav army in Croatia, all of which are responsible for gross abuses of human rights and humanitarian law.

In July, although the Administration denied that it was shifting its position toward Yugoslavia, it abandoned its earlier insistence on a single, unified Yugoslav state.<sup>38</sup> It said that it would support independence for secessionist-minded republics if achieved peacefully,<sup>39</sup> while calling for an end to the use of

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<sup>38</sup> For an example of the earlier policy of favoring unity, see State Department regular briefing, October 19, 1990, reaffirmed in State Department statements of January 25 and May 24, 1991, by spokeswoman Margaret Tutwiler (expressing "support for the interrelated objectives of democracy, dialogue, human rights, market reform and unity.") See also testimony of James Dobbins, deputy assistant secretary of state for European and Canadian affairs, before the Senate Subcommittee on European Affairs, February 21, 1991; and testimony by Secretary of State James Baker before the House Foreign Affairs Committee, February 6, 1991, and the Senate Foreign Relations Committee, February 6-7, 1991.

**force by the federal military.**

**At an extraordinary meeting of the U.N. Security Council on September 25, at which the United Nations imposed an arms embargo on Yugoslavia, Secretary Baker took the long overdue stand that the Serbian government and the federal military were responsible for the bloodshed in Croatia. While stating that the U.S. appreciated Serbian concerns about the disintegration of Yugoslavia, the secretary asserted that the U.S. "cannot and will not accept repression and the use of force in the name of those concerns." Moreover, Baker accused the federal military of "causing deaths to the citizens it is constitutionally supposed to protect."<sup>40</sup>**

**In the past, the United States opposed the suspension of aid to Yugoslavia or its constituent republics on the grounds that sanctions would undermine the federal government and inevitably lead to Yugoslavia's dissolution. Given the drastic course of events in recent months, the Bush Administration followed the EC's lead and imposed sanctions against Yugoslavia in November. Helsinki Watch welcomes the imposition of sanctions and urges that they be directed at the Serbian government and the Yugoslav army, which is using its military might against civilians. However, for economic sanctions to be thoroughly effective, Yugoslavia's non-European Community members must also agree to impose similar sanctions against the Yugoslav armed forces and the Serbian government. Helsinki Watch also welcomes the cessation of Yugoslavia's participation in the International Military Education Training program and the suspension of OPIC for Serbia in May.**

**In addition, the United States should pressure the Croatian government to take concrete steps to ensure that minority rights are respected and that those guilty of violating those rights are brought to justice. Furthermore, Helsinki Watch calls upon the U.S. government to take a more active role in condemning human rights violations, especially the summary execution of civilians, not only from the U.S. Embassy in Belgrade, but also from the White House and the State Department in Washington. Such U.S. leadership would signal that gross abuses of human**

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<sup>39</sup> See "U.S. Shifts Stance, Backs Yugoslav Break-Up if Peaceful," Reuters, July 2, 1991; and remarks by Secretary Baker during a photo opportunity at the State Department, July 2, 1991, as reported in the State Department's *Dispatch*, July 8, 1991.

<sup>40</sup> The United States also condemned the federal Yugoslav military and the Serbian leadership on September 23 during the CSCE Conference on the Human Dimension in Moscow. See plenary statement by Ambassador Max Kampelman.

**rights will not be tolerated as a way of resolving historical grievances, ethnic disputes and territorial claims.**

**Various members of the U.S. Congress, some acting in response to ethnic constituencies in their home districts, have taken an interest in Yugoslavia and brought considerable publicity to human rights issues, particularly in Kosovo. In recent months, both chambers of Congress have passed several resolutions condemning the use of force to resolve political differences within Yugoslavia.**

**The human rights efforts of the U.S. ambassador to Yugoslavia, Warren Zimmermann, and the record of the United States Embassy and Consulate continue to be exemplary. Ambassador Zimmermann has condemned all parties guilty of human rights abuses in Yugoslavia. He and his staff made frequent trips throughout the country, including to conflicted areas in Croatia and Kosovo. During such visits they spoke not only to government officials but also to opposition leaders, human rights activists, labor groups and media figures. Human rights concerns and evidence of abuses have been brought to the attention of relevant authorities in Yugoslavia both publicly and privately. Ambassador Zimmermann and the U.S. consul general in Zagreb, Michael Einik, have reported cases of human rights violations against Serbs in Croatia to Croatian President Tudjman. Ambassador Zimmermann also has expressed concern to President Momir Bulatovic of Montenegro about discriminatory measures taken against independent journalists in that republic. The ambassador continues strongly to urge Serbian President Milosevic to correct the grave denial of basic civil rights to ethnic Albanians in Kosovo.**

**The Embassy's U.S. Information Service (USIS) office has worked to strengthen democratic institutions and human rights in Yugoslavia. During the past year, USIS has supported efforts by the International Media Fund to assist independent media in Yugoslavia, sponsored programs on constitutional development and ethnic conflict resolution, and offered International Visitor grants to independent journalists and opposition figures, including several from Kosovo.**

### **The Work of Helsinki Watch**

**In an effort to expand its monitoring of the human rights situation in Yugoslavia, Helsinki Watch maintained a staff member in the country throughout 1991. The staff representative investigated human rights abuses and sustained contacts with human rights activists, government officials and members of the press throughout Yugoslavia.**

In addition, Helsinki Watch conducted six missions to Yugoslavia in 1991. On the basis of a mission in March, Helsinki Watch released a newsletter, "Yugoslavia: The March 1991 Demonstrations in Belgrade," which criticized the Serbian government for its excessive use of force during demonstrations in Belgrade in which two were killed and scores were injured.

In June, Helsinki Watch sent a mission to all the republics and provinces in Yugoslavia to investigate press freedoms. A report, *Freedom of the Press in Yugoslavia: 1990-1991*, was released in December. The report chronicled the increase in nationalist sentiments in the press, government control of the media and harassment of journalists.

In February, August and December, Helsinki Watch sent missions to investigate the status of the Serbian minority in Croatia and to document human rights and humanitarian law abuses in the armed conflict. The missions visited Serbia, Bosnia-Herzegovina and Croatia. Mission participants spoke to human rights activists and lawyers, displaced persons, Serbian insurgents, Croatian officials, prisoners held by both sides, victims of abuse, and hostages held under house arrest in the village of Tenja. On the official level, the missions met on three occasions with Stipe Mesic, president of the Presidency of Yugoslavia, as well as with two deputy interior ministers of Croatia, public prosecutors in various districts throughout Croatia, Serbian insurgent commanders and Serbian political figures in Belgrade and Croatia. A September newsletter, "Yugoslavia: Human Rights Abuses in the Croatian Conflict," and a report to be released in January 1992 document violations by the Serbian insurgents, the Yugoslav army and Croatian security forces.

In December, Helsinki Watch sent a mission to Kosovo to investigate human rights abuses by Serbian officials against the Albanian population. A report documenting the mission's findings will be released in early 1992.

Helsinki Watch also wrote letters of protest and public appeals in an effort to draw attention to human rights abuses in Yugoslavia. In February, a letter was sent to then Yugoslav President Borisav Jovic expressing concern about the forcible repatriation of Albanian escapees from Albania, given the substantial risk of persecution at the time if returned. In March, Helsinki Watch sent a letter to Serbian President Milosevic condemning the use of excessive force by Serbian police against demonstrators in Belgrade. In July, a public appeal condemned the excessive and unlawful use of force by the Yugoslav army against civilians in Slovenia and Croatia.

Helsinki Watch also testified before the Senate Subcommittee on European Relations, on February 21. In its testimony, Helsinki Watch voiced concern about excessive use of force by both Serbian and Croatian authorities, the treatment of

**asylum seekers and refugees in Yugoslavia, and the Serbian government's hostile treatment of international human rights monitors in Kosovo in 1990.**