

HUMAN RIGHTS WATCH/HELSINKI OVERVIEW

The Helsinki region encompasses fifty-three dramatically diverse countries, from developed democracies with comprehensive human rights protections, to countries making the transition from severely repressive governments to fragile new democracies, as well as a number of governments that have never faltered in the severity of repression and governmental control. Genocide, crimes against humanity, and violations of the laws of war—the worst abuses in the region—remained systematic in the former Yugoslavia, and a new conflict erupted in Chechnya, with massive violations by Russian forces, as well as by Chechen fighters. In other areas where armed conflict finally subsided, there was no corresponding effort to establish the foundations for a lasting peace. Accountability for war crimes was strikingly absent throughout the region, with the notable exception of the important work of the International Criminal Tribunal for the former Yugoslavia, which issued fifty-one indictments during the year.

One of the most devastating and long-term consequences of these conflicts was the massive dislocation of vulnerable populations. There were an estimated seven million refugees and internally displaced persons (IDPs) in the region in 1995, including over two million displaced by the war in the former Yugoslavia. Hundreds of thousands of IDPs and refugees were unable to return to their homes long after the cessation of hostilities in other areas because of the absence of a secure peace with guarantees for their safety, as well as for the prosecution of abusive government agents. In addition, hundreds of thousands of refugees from non-European countries sought refuge in the Helsinki region during the year.

This phenomenon of massive dislocation produced social and political instability in some areas, as well as an enormous economic burden on host countries and international organizations, that are likely to reverberate for years to come. One of the most pervasive repercussions was the escalation in xenophobia throughout the region, manifesting itself in state-sponsored abuses as well as both private and state-sponsored acts of violence. Refugees and IDPs, as well as immigrants and migrant workers, continued to be the most vulnerable populations and were often made scapegoats for a host of economic and social ills. Moreover, government officials often exacerbated xenophobic sentiment for their own political purposes.

Human rights featured prominently in foreign policy debates throughout the region during the year, reflecting the extent to which most governments now recognize that their human rights records are a legitimate concern in bilateral and multilateral relations. International organizations and governments were reluctant, however, to insist on concrete human rights improvement when faced with competing political and economic interests, unwilling to recognize the inextricable link between these goals. The tendency to opt for short-term political gains could be seen in numerous examples in the region, most notable of which was Bosnia. At the end of 1995, Europe faced an important challenge: to exploit immediate opportunities to resolve the region's worst conflicts without neglecting the prerequisites for long-term political stability and fundamental principles of tolerance and respect for individual liberties.

Human Rights Developments

There were two particularly disturbing human rights developments in the Helsinki region during 1995. Some of the most appalling atrocities committed to date in the four-year war in the former Yugoslavia occurred during the summer of 1995 in areas of Bosnia that had been declared "safe areas" by the United Nations. Despite early warnings of a massive Bosnian Serb offensive and substantial intelligence information of imminent danger to the civilian population, the international community apparently made a decision to let the enclaves fall to Bosnian Serb control without taking the necessary steps to safeguard the civilian population. In a misguided effort to facilitate an end to the warring parties' territorial disputes, the international community handed over the "safe area" of Srebrenica to Bosnian Serb forces, who then carried out systematic executions of hundreds, possibly thousands, of men and boys, and terrorized, raped, beat, and otherwise abused civilians being deported from the area.

There was also a decided deterioration in human rights in several countries that had only recently emerged from repressive communist systems and begun the transition to democracy. During 1995, a number of Helsinki countries backtracked in their commitments to human rights and democratic reform, ending the year with significantly poorer human rights records than in the recent past, among them Armenia, Azerbaijan, and Russia.

Russia's brutal war in Chechnya contributed to, and was the most glaring example of, the general deterioration in human rights in the Russian Federation during 1995. Throughout much of the war's first six months, government forces committed massive violations of humanitarian law, resulting in thousands of needless civilian casualties and hundreds of thousands of displaced persons. Chechen fighters also committed serious violations of humanitarian law. Despite a cease-fire agreement reached in July, little progress was made toward the withdrawal of Russian troops or the disarmament of Chechen fighters, and in early October, low-level hostilities resumed.

The Russian government too, in the area of individual rights, retreated from its human rights commitments, as it failed to continue needed legal reforms or to hold government agents accountable for a wide range of abuses. Instead, it introduced legislation, such as the Law on the Federal Security Services (FSB, formerly the KGB), which jeopardized individual rights and increased the unrestricted power of the state.

The government of Azerbaijan's President Heydar Aliyev, in its second year of crackdown against the political opposition, attempted to exclude parties from its parliamentary election and, when that failed due to international pressure, resorted to the arrest and criminal prosecution of political opponents. The Armenian government presided over a crackdown on religious minorities and suspended the largest and most popular opposition party. Similarly, Kazakstan's president dissolved parliament and in a popular referendum, reportedly riddled with irregularities, the 1996 presidential elections were canceled, allowing the president to remain uncontested in office until the year 2000.

Political dissent continued to be suppressed in Turkmenistan. In December 1994 elections, all candidates were nominated by the president and ran uncontested. In Uzbekistan, political opponents were arrested on fabricated charges of drug and arms possession; others were arrested and prosecuted for their nonviolent criticism.

The independent press, always a threat to abusive governments, came under systematic attack in several countries in the region. In Azerbaijan, the government arrested and prosecuted several journalists for critical speech perceived as insulting to the honor and dignity of the president. Armenian President Levon Ter-Petrossian closed twelve newspapers and news agencies allegedly associated with the suspended Armenian Revolutionary Federation (ARF). Similar restrictions were reported in numerous other countries. In Turkey, journalists reporting on sensitive topics were systematically harassed, imprisoned, tortured and, in several cases, murdered.

Torture and other inhumane treatment in detention continued. Russian forces systematically beat and tortured Chechen men suspected of being rebel fighters in detention centers known as filtration camps. Two women in Uzbekistan were forced to undergo abortions while being held in detention by the National Security Service (former KGB). Peaceful Turkmen protesters were detained and some were reportedly severely beaten in Ashgabat. Death squad-style executions and deaths in detention continued in Turkey, although not at the record levels reported in 1993 and 1994. Torture continued to be systematic and disappearances while in police custody or after being detained by persons claiming to be police were widespread. Abusive authorities were rarely held accountable.

Police brutality was a chronic problem throughout the region, not only in the countries of eastern and central Europe and the Commonwealth of Independent States, but also in western Europe, especially against ethnic and racial minorities and foreigners. Institutional and legal mechanisms to ensure accountability for such abuse and redress for the victims remained weak in many of the former communist countries.

The fighting in the former Yugoslavia came full circle during 1995. In July, Bosnian Serb forces summarily executed hundreds and possibly thousands of men and boys following the fall of the U.N.-declared "safe area" of Srebrenica. By November, 8,000 remained missing, many of them feared killed, from the fighting in northeastern Bosnia. Croatian forces also committed atrocities during and immediately following the recapture of the Krajina region. Property belonging to Serbs was looted, Serbian villages were burned, and elderly Serbs were summarily executed following the Croatian army's recapture of the area.

There was little or no effort to hold perpetrators accountable for gross violations in areas of former conflict. While cease-fires continued to hold in Abkhazia and South Ossetia (Georgia), Nagorno-Karabakh, Moldova, and Tajikistan, the absence of accountability and justice for victims to varying degrees jeopardized human rights protection and hampered the return of some refugees and IDPs.

Those perceived as "different," whether minority citizens or foreigners, were made the scapegoats for a variety of social, economic and political ills. State-sponsored or -tolerated discrimination and violence against people of color was pervasive. Spurred by the war in Chechnya, the Russian government's campaign against dark-skinned people grew more brutal during 1995.

Xenophobic violence was rampant throughout eastern Europe, especially against the Roma minority, and in western Europe, hostility toward foreigners, immigrant workers, and national minorities also continued to be widespread. In Romania and Bulgaria, in a pattern consistent with recent years, law enforcement officials not only tolerated frequent attacks on Roma but often perpetrated them. "Skinhead" violence against Roma increased in the Czech and Slovak Republics and Hungary. Throughout the region, ethnic and racial tensions were often exacerbated by government officials for their own political gains. The lack of a concerted government response to such violence was routine in all of these countries. Victims of xenophobic violence rarely had adequate legal redress.

The Right to Monitor

Domestic and international human rights monitors continued to document and expose abuses throughout most of the Helsinki region, contributing greatly to public pressure on many of the abusive governments.

Although human rights groups monitored the conflict in Chechnya, Russian authorities blocked access to several areas in the republic and Russian soldiers harassed some monitors. In Uzbekistan, in what appeared to be a bid for international support and approval, the government became more open to the presence of international governmental and nongovernmental organizations, but it remained hostile to domestic groups.

Human rights monitoring was severely restricted in Bosnian Serb-held territory throughout the year. Bosnian Croat forces and Bosnian government troops also obstructed access to territory they recaptured in western Bosnia in August and September. And Croatia denied access to both international governmental organizations and NGOs during and immediately after the Croatian Army offensive in western Slavonia in May and in the Krajina region in August. Serbia continued to impede access by international organizations to monitor abuses in Kosovo, Sandzak and Vojvodina.

The Turkish government systematically interfered with the efforts of both domestic and international human rights monitors. Many domestic human rights monitors, especially those working in or reporting on the southeast, were arrested, tortured and otherwise mistreated in custody. Others faced prosecution, primarily for their nonviolent expression.

The Role of the International Community

The international community's passivity in the face of massive human rights violations, including genocide, was the most appalling development during 1995, and had the most devastating

implications for the future of international human rights protection. It became increasingly clear during the year that, despite international treaty obligations, there was insufficient political will to stop or prevent genocide. In a chilling show of indifference, the international community allowed the U.N.-declared "safe area" of Srebrenica to fall and its inhabitants to be slaughtered. As the U.S.-led peace negotiations between the warring parties convened in Dayton, Ohio in November, Human Rights Watch was deeply concerned that peace be negotiated, not at any cost but on the basis essential for a lasting peace: protection for endangered populations, the right to repatriation, and accountability for the perpetrators of atrocities.

By contrast, in the CIS, the international community was able to make a valuable contribution, helping to mitigate abuses. European institutions, in particular, forcefully condemned human rights violations in the region and linked economic and diplomatic assistance to concrete human rights improvements.

The United Nations

The United Nations had an inconsistent record on human rights in the Helsinki region, suffering the worst failure in its history during 1995, but also achieving a few significant human rights goals. The United Nations political organs were unable to broker an end to the war in the former Yugoslavia or to bring about a cessation of human rights abuses. However, this ineptitude was contrasted with its success at maintaining a peace in Macedonia, as well as the work of the International Criminal Tribunal for the former Yugoslavia, which the U.N. established in November 1993 to adjudicate violations of humanitarian law in the former Yugoslavia.

The United Nations remained impotent in the former Yugoslavia, particularly in Bosnia. The U.N.'s insistence on neutrality translated into yet another year of inaction on preventing war crimes and crimes against humanity and protecting civilian victims of such abuses. Arguably the U.N.'s largest failure in the former Yugoslavia came in July, when the U.N. refused to protect the so-called "safe area" of Srebrenica and its residents from massacre. Action against abusive Bosnian Serb troops was taken only after NATO assumed control of the decision-making process governing the use of force in Bosnia. By mid-1995, NATO had eclipsed the U.N. mission and the first sustained bombing campaign against Bosnian Serb military targets took place. Such strong action eventually forced the Bosnian Serbs to lift their siege of Sarajevo, allow humanitarian aid to reach the besieged enclave of Gorazde, and come to the negotiating table.

After three and a half years of watching rebel Serb forces expel non-Serbs from the so-called Krajina area of Croatia, U.N. personnel finally launched a serious effort to protect human rights in the region, mostly of Serbs who remained in the western Slavonia and Krajina regions after the Croatian Army recapture of these areas. The U.N. maintained a presence in Macedonia, successfully working to prevent the outbreak of war in that country. In Abkhazia and Tajikistan, United Nations personnel played an important peacekeeping role, preventing the renewal of widespread hostilities and facilitating peace talks among the parties.

The European Institutions

Perhaps recognizing the political and economic consequences of armed conflicts and massive human rights abuses in the region, European institutions were prompt to condemn violations of human rights and humanitarian law especially in the countries of the CIS, using their leverage to seek an end to the most serious violations. However, in Bosnia, European institutions, like the United Nations, failed either to insist on the protection of vulnerable populations or to bring an end to the conflict. They registered concern about human rights abuses throughout the region. But it remained to be seen whether human rights principles would factor into negotiations on trade and cooperation with several abusive governments.

From the outset, the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) strongly condemned humanitarian law violations in Chechnya and linked economic and diplomatic agreements with Russia to the cessation of violations and of military activities. Having played such a crucial role at the beginning of the conflict, however, the European institutions eased pressure on the Russian government before there had been any significant progress on accountability, and just as low-level hostilities again erupted in Chechnya.

The E.U. and the OSCE took a strong stand on human rights abuses in a number of other countries in the region, including: issuing démarches concerning a case of forced abortions in detention in Uzbekistan; adopting a resolution calling for commutation of the death sentences of two defendants who had been tortured in Georgia; adopting a resolution condemning Armenia for banning the Armenian Revolutionary Front and criticizing the government's closure of twelve newspapers.

In an important expansion of its work, the OSCE made a contribution to resolving the conflict in Chechnya by establishing the OSCE Assistance Group, headquartered in Grozny, to facilitate peace negotiations and monitor human rights. Unfortunately, its role in the peace negotiations took precedence over monitoring efforts, exhausting its resources and overwhelming its small staff. A similar mission in Tajikistan, despite expanding its mandate in July 1995 to include protection work for refugees and IDPs, as of this writing had not committed the necessary resources to allow it to successfully implement its mandate.

The European Union and its member states used their leverage to bring pressure to bear on the Turkish government's human rights record. Although the E.U. signed a "customs union agreement" with Turkey on March 6, it insisted that Turkey improve its human rights record as a condition for ratification. Similarly, while welcoming positive steps in legislative reform during the year, the E.U. insisted on additional progress on democratization and reduction in human rights abuses.

U.S. Policy

Confusion and inconsistency were prominent features of the U.S. response to serious human rights violations in the Helsinki region during 1995. The administration failed to exploit key opportunities throughout the year to further respect for human rights. There were some notable exceptions, such as Uzbekistan, and especially after mid-year, the former Yugoslavia, but in general the administration was slow to respond and erratic.

The Clinton administration's initial response to massive violations of humanitarian law by Russian forces in Chechnya was to dismiss the conflict as an "internal matter." The administration altered its position after its European partners condemned the slaughter by Russian forces. To its credit, the Clinton administration supported and actively lobbied for the establishment of the OSCE mission and addressed issues of accountability during high-level meetings with Russian officials.

Inconsistency emerged as the U.S. ambassador to Kazakstan hailed the dissolution of that nation's parliament as a "move to strengthen the rule of law", while Defense Secretary Perry criticized the move. The Clinton administration's criticism of human rights abuses in Turkey, notably strong public criticism by Assistant Secretary of State John Shattuck, was rendered less effective by frequent and clear government statements that human rights would not interfere with relations between the two countries. The administration's human rights policy in the former Yugoslavia was similarly confused throughout the first half of the year, with numerous policy shifts.

By mid-year, however, the Clinton administration had finally assumed a leadership role in resolving the former Yugoslavia conflict, supporting NATO's use of force against Bosnian Serb forces in July and intensifying its own peace efforts. A U.S.-brokered cease-fire went into effect in Bosnia on October 12, and peace negotiations got underway in early November. Although the administration remained committed to accountability in the former Yugoslavia throughout much of the year, the U.S. opposition to an amnesty for war criminals became less clear once peace negotiations began.

The U.S. was the only country known to have placed human rights on its bilateral agenda with Turkmenistan and Uzbekistan. It played an active role in monitoring violations and was willing to raise human rights concerns publicly in neighboring Uzbekistan, but shied away from public criticism in Turkmenistan.

The Work of Human Rights Watch/Helsinki

Recognizing that the language of human rights is now an accepted part of international discourse, but that the policies of international organizations do not always reflect the professed commitment to human rights principles, Human Rights Watch/Helsinki viewed it as critical to bridge the gap between governments' words and actions. Human Rights Watch/Helsinki devoted significant resources during 1995 not only to documenting and exposing human rights abuses, but to formulating concrete recommendations for and entering into a dialogue with the

international community to ensure that their policies were logically related to the success of their stated human rights goals.

One of Human Rights Watch/Helsinki's top priorities was to focus the attention of international and regional organizations on the human rights records of the region's most abusive governments, especially those that were seeking diplomatic and economic concessions, and to insist that all available leverage be used to obtain specific human rights commitments. We provided influential governments and international and regional organizations with regular, up-to-date documentation and analysis of human rights developments and recommended specific actions to address these concerns.

Having exposed clear and systematic violations of humanitarian law by Russia forces during three missions to Chechnya, we successfully urged the European Union to freeze its interim agreement with Russia, and the Council of Europe to suspend Russia's membership application. Our research staff, just back from documenting massive violations in the region, briefed the OSCE Permanent Council in February and called on that body to establish a semi-permanent presence in Chechnya. Again in July, we briefed the OSCE in Vienna, as well as the U.N. Human Rights Committee in Geneva, pressing for criminal accountability and urging that a special envoy be appointed to monitor and assist Russia in holding violators accountable.

In Bosnia, we concentrated on bringing pressure on the international community, and especially the U.S. government, to take action to protect the civilians in the U.N.-declared "safe areas" and insisting that international negotiators include comprehensive and specific human rights guarantees in any overall peace settlement.

We remained committed to documenting war crimes, crimes against humanity and acts of genocide. Our research staff documented the slaughter of men and boys by Bosnian Serb forces, as well as the U.N.'s mismanagement, during and immediately after the fall of Srebrenica in July, and investigated reports of large-scale disappearances in the Banja Luka area thereafter. Relying on our documentation of systematic violations in these regions, as well as on violations during and immediately after the Croatian offensives in western Slavonia and the Krajina region, we emphasized that accountability for the victims of abuses would have to be a critical component of any legitimate and stable peace agreement. We continued to supply evidence of war crimes and crimes against humanity in Bosnia to the Tribunal and issued numerous appeals to ensure the tribunal's funding.

For Turkey and Georgia we found extensive evidence of torture and disappearances, and in Turkey's case death squad-style killings. Given abuses so serious, we insisted that the U.S. government and the European Union use their influence to elicit human rights progress. With regard to Turkey, we recommended that its approval as a member of the European customs union be delayed until human rights conditions improved and the government permitted international human rights investigators, including U.N. representatives, to carry out missions unimpeded.

Our staff investigated, among other things, the government's efforts to intimidate Turkish citizens who, having suffered serious human rights violations, had applied to the European Commission on Human Rights for redress. We also reported on violations of humanitarian law by the PKK guerrillas in Turkey and called on its leaders to abide by their December 1994 assertion that they would respect the Geneva Conventions.

As part of an ongoing campaign against xenophobia, Human Rights Watch/Helsinki documented not only government-tolerated or -perpetrated violence but the ways in which governments often foster and manipulate xenophobic tensions for their own political gains. During 1995, we focused on manifestations of xenophobia in England, France, Hungary and Russia.

Our Moscow office devoted significant effort throughout the year to raising concerns about Russia's deteriorating human rights record, including critiquing numerous laws that limit individual liberties. Our office in Dushanbe monitored human rights abuses in post-war Tajikistan, focusing primarily on the treatment of those who had been displaced by the civil war and who were now trying to return to their homes. We initiated a dialogue with the OSCE regarding its missions to Tajikistan, Georgia and Chechnya.

ALBANIA

Human Rights Developments

Four years after Albania's first free elections, the country has yet to establish a democracy with full respect for human rights. The Stalinist nature of Albania's past and its legacy of one-party rule were reflected in the government's ongoing attempt to silence its critics. Political trials, media campaigns and police violence were all used against members of the political opposition, as well as against others who expressed views different from the state.

Of particular concern was the state's continued intrusions on the independence of the judiciary. Throughout the year, a number of judges were transferred or released for judicial decisions that were at odds with the policies of the president or government. The most prominent case involved Zef Brozi, chief justice of the Supreme Court, who was discharged from his duties by parliament in mid-September for allegedly having issued illegal orders to lower courts. Once a supporter of President Sali Berisha and his Democratic Party, Brozi had publicly expressed concern about the judiciary's independence. Brozi was also about to review the controversial case of Fatos Nano, leader of the Socialist Party, who was sentenced to prison in July 1993 on corruption charges despite protests from numerous human rights organizations and the Council of Europe.

Despite positive developments in recent years—such as a new Bill of Rights—some of Albania's new legislation has a decidedly undemocratic character. In September 1995, the Albanian parliament passed a law that bars from public office any person who held power in a pre-1991

government or was a collaborator with the former secret police. The law does not provide for any due process guarantees or establish criteria to determine who should be banned from public office, and it is so vaguely worded that it can be applied selectively to eliminate political rivals of the government. Upon coming into force, the law was used to ban a number of prominent opposition politicians from participating in the parliamentary elections scheduled for early 1996.

Freedom of the press remained a serious concern in 1995. The state-run broadcast media, which is heavily slanted in favor of the government, remained the main provider of news for the majority of the population. No legislation was adopted to allow for private radio or television. Two local attempts to open private radio stations were prevented by the government.

Many private newspapers exist in Albania, but their effectiveness is limited by high taxes, inefficient distribution and occasional legal action against journalists. The most publicized case of 1995 occurred in June when Ilir Hoxha, the eldest son of the former communist dictator Enver Hoxha, was sentenced to one year of imprisonment for calling the government a "pack of vandals" in an interview.

Another ongoing human rights concern was the high level of police abuse reported throughout the year. Police often used excessive violence against members of the political opposition, primarily the Socialist Party or the Democratic Alliance. But other non-violent political protestors were also victims, including former political prisoners, striking workers and homosexuals. In addition, there is overwhelming evidence of police mistreatment of detainees during the time of arrest or during pre-trial detention.

The treatment of the Greek minority improved slightly in 1995. A new law on minority education was passed in late 1994, and in February 1995, the Supreme Court decided to release from prison four Greek activists. But ethnic Greeks continued to complain about the lack of Greek-language schooling and under representation in the state administration, armed forces and police.

The Right to Monitor

Human Rights Watch/Helsinki received no reports during 1994 of human rights groups that were hindered in their monitoring efforts. However, the local Albanian Helsinki Committee for Human Rights was sometimes attacked in the state-run media after criticizing a human rights abuse by the government.

The Role of the International Community

European Policy

In June Albania became a full member of the Council of Europe. Albanian representatives promised to adopt a new constitution, further reform the judiciary, and improve press freedom within three years. Council of Europe advisors work closely on Albania's new legislation and reform of the judiciary.

A declaration by the Presidency of the European Union in February welcomed the release of the four Greek Omonia activists. One month later, the European Commission released the first 15 million ecus of a total 35 million ecu grant designated for Albania. The rest will be released when Albania has made satisfactory progress in its macroeconomic situation and in the process of democratization and respect for human rights.

U.S. Policy

The United States continued to be a vocal supporter of the Albanian government, as illustrated by an official visit by President Berisha to the United States in September 1995. During the trip, President Berisha offered further use of Albanian ports and airfields for NATO forces. An agreement on military cooperation with the U.S. was signed one month later in Washington.

During Berisha's visit, the U.S. government commented on the importance of an independent judiciary, but did not make direct reference to the removal of Chief Justice Zef Brozi, which took place during the visit. Two State Department communiques denouncing Brozi's removal were leaked to the Albanian press later in September. A White House spokesman did relay President Clinton's concerns about the rights of the Greek minority. The State Department's Country Report on Human Rights Practices for 1994 provided accurate information on some human rights violations, but failed to describe fully some of the more serious abuses, such as the case of Fatos Nano.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki focused on bringing public and government attention to the violations of civil and political rights in Albania. In February, Human Rights Watch/Helsinki published a newsletter, Albania: The Greek Minority, which called on the Albanian government to respect minority rights. A comprehensive report documenting in detail the major abuses committed by the Albanian government since 1992 was under preparation.

In August, Human Rights Watch/Helsinki sent a letter to President Berisha protesting the arrest of Ilir Hoxha and the detention of another journalist, Filip Çakuli. In September, Human Rights Watch/Helsinki sent a letter to President Clinton asking him to raise human rights concerns with President Berisha during their meeting in Washington. Another protest letter was sent to President Berisha in October to criticize the law banning former collaborators from holding public office.

ARMENIA

Human Rights Developments

The Armenian government blatantly reneged on its commitments to democracy, making 1995 the worst year for human rights in Armenia since independence. The government that once claimed

to be the most stable and legitimate democracy in the Caucasus suspended the oldest and most popular opposition party months before Armenia's first parliamentary elections in the post-Soviet era, presided over obvious due process violations, tolerated a vicious crackdown on religious minorities, and failed to reform its criminal justice system, notorious for physical abuse of detainees.

On December 28, 1994, President Levon Ter-Petrossian suspended the Armenian Revolutionary Federation (ARF), a major opposition party, and ordered the closure of twelve newspapers and news agencies allegedly associated with the ARF. The decree claimed that the party had become a mere cover for "Dro," a secret organization within it allegedly responsible for terrorism, drug trafficking and illegal arms trade. Within hours of the decree, which the president broadcast on television, Interior Ministry troops sealed off the ARF headquarters and the offices of the twelve newspapers and news agencies allegedly linked to the ARF. Police confiscated archives, computers and other office equipment.

On January 13, 1995, the Supreme Court of Armenia upheld the ARF's suspension for a six-month period citing not threats to national security, but the presence of foreigners in the party's ruling board. The government claimed that it was by mere coincidence that the six-month suspension was to lapse just after the July 5 elections. Several weeks after the elections, police arrested the ARF's leader, Vahan Hovanesian, on terrorism charges.

The government allowed individual ARF members to run for parliament, but the party's absence paved the way for a resounding victory of the Armenian National Movement, the pro-government party. To its credit, the government allowed weekly mass demonstrations by the political opposition.

Due process violations marred the trial of "Dro" defendants, which began on August 7. Investigators frequently and arbitrarily denied defense attorneys access to their clients; on March 13 the attorney general's office issued new rules reinstating the old Soviet practice of allowing a defendant access to an attorney only after an investigation's completion. The prosecution allowed defense attorneys only fifteen days to peruse eighteen tomes of prosecution materials. A well known paramilitary group attacked a "Dro" defense attorney on March 21, leaving him severely injured. Investigators failed to resolve the case and dropped it after twelve days. Unknown assailants attacked another "Dro" defense lawyer on April 28 in broad daylight in downtown Yerevan. Two "Dro" defendants were reportedly beaten during their investigation.

At least two individuals died in custody in 1995. On May 17, Artavast Manukian, a "Dro" defendant, died of pneumonia—clearly the result of inadequate medical attention—in a prison hospital. The republic prosecutor had denied three separate requests by Manukian's attorney to transfer his client to a civilian hospital.

Romik Grigorian was beaten to death on May 9 in police custody. Police in the Kamo district had arrested him without a warrant on May 8, and family members reported that Grigorian's corpse

bore several bruises, including one on the nape of his neck. As of this writing, no police officer has been held responsible. Similarly, police officers from the Spandaryansky district station in Yerevan, who beat to death Rudik Vartanyan in 1993, had not been brought to justice by November 1995.

The Armenian constitution, adopted on June 7, provides for individual rights, clearly a positive development, but allows most of these rights to be limited or suspended in times of emergency, which in most cases are determined by the president. The president now appoints judges nominated by the Justice Council, whose members have, in turn, been appointed by the president, thus removing judges from any public vetting process. The constitution also reduced to six the number of parliamentary committees, thereby abolishing the human rights committee.

Newspapers expressing a variety of views continued to publish in Armenia, but the government exerted indirect pressure on the press mainly by rigidly controlling the purchase of newsprint. According to reliable sources, the government was directly involved in the temporary eviction in May of Golos Armenii, a Russian-language opposition daily with no ties to the ARF, from its offices in the press building. The government denied any involvement, and President Ter-Petrossian personally intervened to reinstate the newspaper.

On April 18, paramilitary gangs attacked religious groups, rounding up nine members of the Jehovah's Witness, Pentacostalist, Hare Krishna, and other churches, beating several Krishnas, stealing property, and tossing the nine men into a military police prison, where they languished for two weeks. No government agency claimed to be involved, yet the military police told detainees that they were merely following orders.

The Right to Monitor

Local human rights groups reported no government threats or harassment. In June the government denied a visa to an ethnic Armenian with some ties to the ARF who had sought to monitor the "Dro" trial. The government did not prevent local and other international observers from attending the trial.

The Role of the International Community

The European Union

An April 6 European Union (E.U.) resolution condemned the ban on the ARF as an "attack on the basic principles of democracy" and criticized the related closing of twelve newspapers. It remained to be seen whether the E.U. would factor in these concerns as it negotiated a major trade and cooperation agreement with Armenia, which was supposedly premised on conformity with human rights principles.

U.S. Policy

Armenia received \$41 million in U.S. assistance in 1995 (mostly in energy credits), far more per capita than any other state of the CIS. The Clinton administration did not use this assistance as a

lever for improving the Armenian government's human rights record, but did criticize the closure of the ARF. A State Department spokesperson declared in January that "the suspension of a major political party . . . runs counter to the established principles of democracy and free speech. This is all the more important given that Armenia will be holding parliamentary elections," and urged the government to open a dialogue with the ARF. Commenting on July 18 on parliamentary elections, a State Department spokesman pointed to their "inherent unfairness" but praised them as "an important step in Armenia's democratic development." In a speech delivered to Armenian-Americans prior to the elections, senior presidential advisor George Stephanopoulos sharply criticized the ARF's suspension and restrictions on the media and stated that "our relationship will rest in large part on Armenia's commitment to democratic principles and human rights."

The U.S. Embassy in Yerevan was well informed on human rights issues, but generally chose to raise such issues with Armenian officials behind closed doors. In a welcome departure from this pattern, it sent an observer to the "Dro" trial.

The Work of Human Rights Watch/Helsinki

In 1995, Human Rights Watch/Helsinki shifted its focus from documenting Armenia's violations of humanitarian law in Nagorno-Karabakh to exposing the hollowness of the government's professed commitment to human rights. To this end we conducted a fact-finding mission in Yerevan in June which will result in a comprehensive report. A Human Rights Watch/Helsinki representative monitored the "Dro" trial in August; an amicus curie brief to the Armenian Supreme Court expressed our concerns over due process violations in this trial. A May letter demanded that the Armenian government fully investigate the death of Artavast Manukian and criticized the crackdown on the political opposition.

AZERBAIJAN

Human Rights Developments

Two coup attempts rocked Azerbaijan in 1995, the year a US\$7 billion "deal of the century" oil contract made that country a prized international business partner in the CIS. The government of President Heydar Aliyev continued its two-year crackdown on the political opposition, allegedly to achieve the stability required for business, by pursuing a two-pronged attack: against major parties, largely by attempting to exclude them from the November 12 parliamentary elections, and against individual leaders.

The government's attempts to exclude six parties from the country's first parliamentary elections since independence failed under international pressure in September, resulting in the Ministry of Justice registering the Popular Front Party and the Social Democratic Party, among others. This action followed weeks of systematic government intimidation and harassment aimed at preventing people from signing party petitions required for registration, a practice that continued

until the end of the petition period. On October 17, the government excluded Musavat, one of the oldest and largest opposition parties in Azerbaijan, claiming that 5,000 of its signatures were false.

The increasingly repressive atmosphere in Azerbaijan canceled out the gains made by the registration of some opposition political parties. Arrests and criminal investigations of party leaders in 1995 seemed aimed at eliminating President Aliyev's political opponents. Most dramatic of these was the September 19 arrest of Tofiq Qasimov, foreign minister under the Popular Front government from May 1992 through July 1993, a prominent member of the Musavat Party and an outspoken critic of President Aliyev. Qasimov was accused of providing "ideological support" to the March coup attempt. The government's shoddy evidence in this case includes a speech Qasimov made, in which he said that the Aliyev government's strategy of eliminating the opposition was likely to give rise to illegal forms of opposition. Other opposition leaders in custody included Social Democratic Party Deputy Chair Aypara Aliyev, in pre-trial detention for more than one year in connection with a 1994 coup attempt; former Interior Minister Iskander Hamidov, sentenced in September to fourteen years' imprisonment for abusing military authority and theft of state property (his lawyer was arrested one month before trial for allegedly striking a police officer in 1994); and Popular Front leaders Arif Pashaev and Fakhraddin Safarov, in connection with the loss of Shusha and Lachin to ethnic Armenian forces in Nagorno-Karabakh in 1992. Former Defense Minister Rahim Qaziyev was sentenced to death in absentia under the same charges, having escaped prison in September 1994.

The government began a new pattern of harassing family members of opposition politicians. Police arrested and beat relatives of those arrested in the wake of the March coup as they sought assistance from the International Committee of the Red Cross (ICRC) and the U.S. embassy. Police searched the home of Jovdan Rovshanov, deceased leader of the March coup attempt, without a warrant and stole family valuables. (In a positive move, President Aliyev ordered the arrest of the sixteen officers involved) On August 6, Baku police searched the home of Rahman Qaziyev (Rahim Qaziyev's son) and took him, his wife, and his one-year-old child into custody. While the latter were released the following day, Qaziyev remained in custody for allegedly assisting his brother's escape. The same day police arrested the wife and five-year-old child of Rahab Qaziev (Rahim Qaziyev's brother), effectively holding them hostage for three days, until Rahab Qaziyev returned to Baku, and one week later arrested two of Qaziev's cousins in Sheki. Police also repeatedly threatened to arrest the wife of ethnic Talysh leader Aliakram Hummatov (who fiercely opposed President Aliyev's 1993 bid for power and sought to create an autonomous republic for the Talysh people) and evicted her and her three children from their home, driving her into hiding. Her two brothers received fifteen-day administrative sentences.

The government strictly controlled critical speech in the press and in public fora. Government censors had to approve each article before any newspaper went to press, a Soviet-era practice, often resulting in large blank spots in newspaper columns. In March, four journalists from the satirical newspaper Cheshme were arrested and charged with insulting the honor and dignity of President Aliyev (Article 188-6 of the criminal code) in connection with a political cartoon. The

Baku District Court refused to release them on their own recognizance (even though two of the men needed serious medical attention), and on October 19 sentenced them to two, three, and five years respectively. On November 11, on the eve of parliamentary elections, President Aliyev amnestied them. At least one other individual faced similar charges during 1995, but as of this writing had not been tried. In June, two journalists from the Massaly district received eight-year prison sentences reportedly for bribing \$400 from a government official. The charges, which did not justify such a harsh sentence, appeared specious, as the journalists had reportedly written satirical articles in the weekly Ari (The Bee) about the same official.

The prosecutor's office investigated Leila Yunusova, chair of the Independent Democratic Party of Azerbaijan, for telling a political joke, which it interpreted as calling for the violent overthrow of the government, at a public forum. Police raided the opposition daily Azydlyg in October, allegedly claiming to be searching for weapons.

Despite minor skirmishes, both parties to the Nagorno-Karabakh conflict generally respected the cease-fire signed in May 1994. Azerbaijan released thirty-five Armenian prisoners of war following the release of twenty-seven Azeris by the Armenian authorities. The Karabakh Armenian authorities also released at least twenty Azeris in June and July. Still, the fate of hundreds of persons missing and detained during the conflict remained uncertain.

The Right To Monitor

The government generally allowed monitoring related to the internally displaced from the Nagorno-Karabakh war and allowed visits with Armenian prisoners of war, but impeded monitoring of political cases. It withheld information from a well established human rights organization on the number of persons arrested in the wake of the March coup attempt, forbade local organizations access to political prisoners, and refused to register a human rights committee connected with the Musavat Party. In January, police arrested, then released, activists gathering signatures for a petition on the rights of imprisoned opposition leaders. At least one active unregistered group worked unimpeded.

U.S. Policy

The Clinton administration balanced its keen oil interests in Azerbaijan—U.S. oil firms have a 20 percent share in a \$7 billion deal reached in 1995—with some criticism of Azerbaijan's poor human rights record. Congressional restrictions on all forms of U.S. assistance to the Azerbaijan government (related to Azerbaijan's blockade of Armenia), made oil investment the only economic lever available to pressure for change. President Clinton personally telephoned President Aliyev on the eve of the October decision on early pipeline routes to argue in favor of two pipelines—through both Russia and Georgia. In a letter to President Aliyev on Azerbaijani Statehood Day, President Clinton expressed hope that the country would develop democratic reforms, ignoring the deliberately anti-democratic actions so vividly described in the State Department's Country Reports on Human Rights Practices for 1994.

More positively, the U.S. embassy in 1995 led the international community in criticizing the government's failure to register the Popular Front Party. At an August 10 press conference, a spokesperson urged the Aliyev government to reconsider the registration, a strategy that, in combination with private démarches by the U.S. and European embassies, proved successful. U.S. Ambassador Richard Kauzlarich reportedly raised human rights issues at each of his private meetings with President Aliyev.

U.S. humanitarian aid to Azerbaijan, desperately needed to support the approximately 750,000 internally displaced from the Nagorno-Karabakh war, remained limited to grants to nongovernmental organizations: on June 29, Congress rejected legislation that countered the Clinton administration's request for more humanitarian aid.

The Work of Human Rights Watch/Helsinki

After releasing a major report in March on humanitarian law violations, Seven Years of Conflict in Nagorno-Karabakh, and encouraged by the cease-fire in effect in Nagorno-Karabakh, Human Rights Watch/Helsinki decided to focus the rest of its work in 1995 on drawing public attention to Azerbaijan's grim record on civil and political rights. We participated in two press conferences on the topic in Moscow, the second timed to coincide with the announcement of the oil pipeline route decision. Two letters to President Aliyev protested the trial of the Cheshme journalists, and letters to European Union presidency and the OSCE chairmanship urged these bodies to press for the release of the journalists.

BOSNIA-HERCEGOVINA

Human Rights Developments

Attacks against U.N.-declared "safe areas," the expulsion of Muslims and Croats from Bosnian Serb-held areas, and the displacement of thousands of Serbs in western Bosnia following an offensive by Bosnian and Croatian forces resulted in gross human rights violations and forcible transfers of populations in 1995.

In an attempt to break the two-year siege of the Bihac "safe area," Bosnian government and Bosnian Croat forces launched a joint offensive in November 1994. However, by mid-November, Bosnian Serb forces, aided by Croatian Serb troops and rebel Muslims loyal to Fikret Abdic, had recovered most of the territory and begun an assault against the "safe area." The siege of the Bihac pocket lasted until August 1995, when an offensive by Croatian Army, Bosnian Croat and Bosnian Army units in the Krajina region of Croatia and in western Bosnia broke the siege. Thousands of Serbs fled the advancing Bosnian-Croat troops and sought refuge in the Bosnian Serb-held areas near Banja Luka.

Throughout late 1994, Bosnian Serb forces indiscriminately shelled the "safe areas" of Sarajevo, Tuzla, and Gorazde. By mid-November 1994, Bosnian Serbs were repeatedly attacking Sarajevo

with heavy weapons that were supposed to have been under U.N. control, and threatened to attack the humanitarian airlift, thus leading to the closure of Sarajevo's airport and the delivery of relief supplies. Although humanitarian aid destined for Sarajevo since November 1994 finally arrived in February 1995, Bosnian Serb authorities once again refused to guarantee the safety of U.N. relief flights. Aid had to be delivered through a treacherous route along Mount Igman, which was also exposed to Bosnian Serb attacks. Only in September were deliveries of aid regularized.

At the request of rebel Bosnian Serb leader Radovan Karadzic, former President Jimmy Carter traveled to Bosnia as a private mediator on November 19, 1994. To secure Carter's mediation, Karadzic vowed immediate respect for human rights in Bosnian Serb-held territory, free movement for relief convoys, and the reopening of Sarajevo's airport; none of these promises was kept. Nevertheless, during his visit, Carter negotiated a four-month cease-fire between the Bosnian Serbs and the Bosnian government. On December 31, 1994, in a more ambitious "cessation of hostilities" accord, the Bosnian government and rebel Bosnian Serb leadership agreed to the reopening of supply routes, exchange of prisoners of war, free movement of U.N. troops and aid convoys, protection of the "safe areas," restoration of utilities to Sarajevo, removal of foreign troops, and stationing of U.N. peacekeepers at front lines between the warring parties. Neither Fikret Abdic, whose rebel Muslim troops aided Bosnian Serb forces in the assault against Bihac, nor the Croatian Serbs were party to the accord, and attacks by those parties against the Bihac "safe area" continued until mid-1995. Also, rebel Serbs in Croatia and Abdic's forces repeatedly prevented food convoys from reaching the "safe area" of Bihac in early and mid-1995.

Bosnian Serb authorities resumed several rounds of "ethnic cleansing" in northern Bosnia in late 1994 and throughout 1995. Persistent harassment of non-Serbian civilians induced 300 non-Serbs to flee Banja Luka in late February, and prompted 490 to request U.N. assistance in leaving the area. In April, Bosnian Serb authorities expelled another one hundred Muslims from Bijeljina. Bosnian Serb authorities also used non-Serbian civilians as forced labor, commanding them to dig trenches and remove dead Bosnian Serb soldiers. In May, ostensibly avenging the Croatian government's offensive in the western Slavonia region of Croatia, Bosnian Serbs in Banja Luka expelled and harassed Catholic clergy and nuns, destroyed or damaged church property and beat Croatian and Muslim civilians. During and after the Bosnian Croat and Bosnian and Croatian Army offensives in the Krajina region of Croatia and western Bosnia in August, scores of Muslims and Croats were expelled from Bosnian Serb-held areas in northern Bosnia, where thousands of Serbs displaced from Krajina and western Bosnia had sought refuge. The displaced Serbs expelled Muslims and Croats from their homes and occupied their property. Local authorities organized the non-Serbs' deportation to Bosnian government-held areas or to Croatia. In September and October, Zeljko Raznjatovic (widely known as Arkan) and his paramilitary units arrived from Serbia proper into the Banja Luka area, where they expelled thousands of Muslim and Croatian women, children and elderly persons. Approximately 5,000 non-Serbian men were taken to detention centers or were disappeared reportedly by Arkan's troops, which also were responsible for looting, raping, beating and otherwise terrorizing non-Serbs in northwestern Bosnia.

In April, Bosnian President Alija Izetbegovic informed international mediators that the Bosnian government would not extend the Carter-brokered cease-fire. Bosnian Serb forces responded to Bosnian government offensives by intensifying their siege of Sarajevo throughout April and early May. Bosnian Serb troops responded to NATO air strikes against their positions by shelling Tuzla on the evening of May 25, killing seventy-one civilians and injuring more than 150, making it the deadliest single bombing during the three-year war. Karadzic also announced in May that his forces would capture U.N. peacekeepers if the U.N. called on NATO to launch air strikes and threatened to overrun the eastern enclaves of Srebrenica, Zepa and Gorazde. He carried out his threat, and Bosnian Serb forces took approximately 370 U.N. peacekeepers hostage in late May and June and overran the U.N.-declared "safe areas" of Srebrenica and Zepa in July. Following the fall of Srebrenica, Bosnian Serb forces summarily executed hundreds—possibly thousands—of men and boys at various mass execution sites near the Srebrenica area and during their flight from Bosnian Serb-held territory to Bosnian-government-controlled areas. Women, children and elderly persons deported from the area were also terrorized, and thousands of persons remained disappeared.

The Right to Monitor

Human rights monitoring continued to be severely restricted in Bosnian Serb-held territory. The ICRC was given only limited access to persons detained following the fall of Srebrenica in July. Bosnian Serb officials escorted foreign journalists to view the damage caused by NATO bombing but did not allow them to conduct independent investigations. In early September, Human Rights Watch requested access to Bosnian Serb territory to investigate possible violations of the rules of war by NATO, but never received a response. Following the joint Bosnian government, Croatian government and Bosnian Croat militia offensive in western Bosnia in August and September, access was impeded by those forces.

The Role of the International Community

The United Nations and NATO

The U.N. peacekeeping mission was increasingly eclipsed by NATO in 1995. U.N. commanders consistently argued that it was essential to maintain strict neutrality in order to avoid retaliation against U.N. troops. In practice, U.N. neutrality meant inaction. U.N. troops failed to protect the "safe areas" of Srebrenica and Zepa and did little if anything to protect Srebrenica's men and boys from execution, to ensure regular delivery of humanitarian aid, and to maintain operation of Sarajevo's airport. NATO officials grew increasingly frustrated by the U.N.'s persistent reluctance to punish the Bosnian Serb troops for repeated violations of U.N. resolutions and agreements and complained that, as a result, the credibility of the U.N. and NATO had been compromised. By mid-1995, however, NATO's call for a more robust response against Bosnian Serb forces prevailed, and the first sustained bombing campaign against Bosnian Serb military targets took place in June 1995.

In late January 1995, the commander of U.N. forces in Bosnia, Lt. Gen. Michael Rose, was replaced by Lt. Gen. Rupert Smith, a fellow Briton. Smith's willingness to penalize Bosnian Serb

forces for violations of agreements or in retaliation for attacks on "safe areas" contrasted with his predecessor's hesitation to use military force against Bosnian Serb forces. However, although the U.N. command in Bosnia was more willing to use force against abusive Bosnian Serb forces in 1995 than in previous years, U.N. military and civilian personnel—especially Yasushi Akashi, the secretary-general's special representative to the former Yugoslavia—were also reluctant to employ force to defend civilians and often vetoed requests from officers in the field. Only after the decision-making process governing the use of force was revised and Akashi's consent was no longer required to launch air strikes, did NATO begin to take punitive actions against Bosnian Serb forces in response to continuing attacks against Sarajevo.

Throughout 1995, U.N. peacekeepers and military observers found themselves increasingly harassed by all the warring parties, especially by Bosnian Serb forces. Serbian forces in Croatia and in Bosnia repeatedly blocked efforts to resupply U.N. troops in Bosnia, effectively preventing them from carrying out their mandate to protect the "safe areas" and escort relief convoys. Bosnian Serbs frequently stole vehicles, ammunition, and flak jackets from the U.N. and intensified other forms of harassment. Serbian forces repeatedly fired on U.N. peacekeepers and vehicles, killing at least two peacekeepers, and fired on planes at the Sarajevo airport in an attempt to disrupt the airport's normal operation. Bosnian Serb soldiers downed an American F-16 jet monitoring the "no-fly" zone near Banja Luka on June 2, and two French airmen were shot down and captured by Bosnian Serb forces near Pale on August 30. The U.S. pilot was discovered alive and rescued on June 7. The French airmen were detained by Bosnian Serb forces but, in mid-October, rebel Bosnian Serb leader Radovan Karadzic announced that the airmen had been "kidnaped" from the hospital where they allegedly were being held.

The Bosnian Army also detained U.N. soldiers at their compounds in Gorazde and Visoko, in May and June, respectively. In response to what was perceived as U.N. inaction to Bosnian Serb attacks against the Srebrenica "safe area" in July, a Bosnian government soldier shot and killed a Dutch soldier stationed in the enclave.

In late 1994 and mid-1995, Bosnian Serb forces took scores of U.N. soldiers hostage as a means to deter NATO air strikes. In late May and June, approximately 370 peacekeepers were taken hostage after NATO warplanes bombed several ammunition bunkers near Pale on May 25 and 26. At the end of May, the Bosnian Serb leadership announced that it would free the peacekeepers on the condition that NATO formally renounce its use of air strikes.

In order to negotiate the release of the U.N. hostages, Serbia proper dispatched Jovica Stanisic, the chief of Yugoslav state security, to Bosnian Serb territory, ostensibly to convince Karadzic to release the hostages. On June 2, 122 peacekeepers were released; on June 7, 108 were released; and on June 13 another twenty-eight were released. Then the Bosnian Serbs demanded the return of the four Serbian soldiers captured by U.N. troops on May 27 during the confrontation at Vrbanja bridge in exchange for the release of the remaining twenty-six U.N. hostages. Despite the U.N.'s demand for the unconditional release of the hostages, it capitulated to Bosnian Serb pressure, releasing the Bosnian Serb soldiers captured at the Vrbanja bridge. U.N. troops had also

abandoned all the weapons collection points around Sarajevo, thus allowing Bosnian Serb forces to retrieve the weapons contained therein and to intensify the siege of Sarajevo. In return, the Bosnian Serbs had freed the remaining U.N. peacekeepers by June 18.

On June 1, as the situation in Bosnia sharply took a turn for the worse, Secretary-General Boutros Boutros-Ghali released a report suggesting several alternatives for the peacekeeping mission in Bosnia. He declared the current mission untenable, but opposed a complete withdrawal of troops. Instead, he suggested either stationing a reinforced multinational force under the command of contributing countries, or his preferred option of completely abandoning military force and reducing the scope of the mandate. On June 25, the U.N. Security Council agreed to send another 12,500 soldiers as part of a "rapid reaction force" that was meant to respond forcefully to any attacks on U.N. peacekeepers in Bosnia. But financing of the force remained a matter of contention, because the Clinton administration had already expressed reservations about the U.S. having to pay part of the cost of the force. The force was eventually deployed but, on October 5, the U.N. announced that it would scale back its mission in Bosnia from 30,000 to 21,000 troops and that part of the rapid reaction force would also be withdrawn and placed on standby in their home countries. On August 19, U.N. forces began moving out of the Gorazde "safe area" and only a handful of U.N. monitors remained in the enclave by year's end.

After the fall of the "safe area" of Srebrenica and Zepa, on July 21 NATO threatened Bosnian Serb forces with air strikes if they attacked the Gorazde "safe area." On August 1, the threat was extended to include Bosnian Serb attacks against the other remaining "safe areas," including Sarajevo, Bihac, and Tuzla. In response to the killing of thirty-seven people by a Bosnian Serb shell in a Sarajevo market on August 29, NATO air strikes were initiated against Bosnian Serb positions around Sarajevo on August 30. The scope of the air strikes was expanded over the course of early September, when Bosnian Serb military targets in the southeast and north were also targeted or destroyed by NATO warplanes. After sustained NATO air raids were conducted for several days, Bosnian Serb forces removed their heavy weapons from around Sarajevo and agreed to resume negotiations to discuss a peace accord to end the war.

In 1995, the International Criminal Tribunal established by the U.N. to adjudicate violations of humanitarian law in the former Yugoslavia issued a series of indictments. In February, the tribunal indicted twenty-one Bosnian Serbs for various violations of international law, including the crime of genocide. In July, Karadzic and Mladic and twenty-one other Serbs were indicted. In addition to other crimes, the tribunal charged Karadzic and Mladic with genocide. A Bosnian Croat military officer accused of commanding troops in a 1993 massacre of Muslims in the village of Stupni Do also was indicted by the tribunal in September. In October, the court began hearing evidence against Dragan Nikolic, the former commander of a Bosnian Serb-run camp who had been indicted by the tribunal in 1994. In November, six more Bosnian Croats were indicted in connection with abuses against Muslims in the Lasva valley in 1993.

U.S. Policy

Plagued by the absence of a clear goal or overall approach for resolving the war or ending human rights abuses in Bosnia, the Clinton administration's policy remained confused and erratic in the latter part of 1994 through mid-1995. By late 1995, the Clinton administration had finally assumed a leadership role in the Balkans, deeply involving itself in a war that it had earlier characterized as a "European problem," and embracing, where it had often rejected, the use of force as a necessary supplement to diplomacy. By late 1995, the U.S. encouraged NATO to counter U.N. impotence in the field, thus forcing a response to the continued siege of Sarajevo and the isolation of the Gorazde "safe area." The Clinton administration assumed control over diplomatic efforts of the so-called contact group—comprising representatives from the U.S., France, Germany, Britain, and Russia—by dispatching Assistant Secretary of State Richard Holbrooke to negotiate a cease-fire and general outlines of a peace plan between the warring parties.

Although the U.S. had urged and won adoption of a September 1994 U.N. Security Council resolution discouraging any diplomatic contact with the Bosnian Serb leadership as long as it continued to reject the contact group plan that would divide Bosnia roughly in half, with 51 percent of the land going to the Muslim-Croat federation and 49 percent to the Bosnian Serbs, U.S. and European diplomats traveled to Pale in January 1995 for direct discussions with Karadzic. Their main goal was to seek Karadzic's acceptance of the contact group plan as a "starting point" for negotiations. Karadzic, however, refused to accept the contact group proposal, even as a basis for initial discussion.

In light of Bosnian Serb intransigence, U.S. and other contact group negotiators generally ceased direct contact with the Bosnian Serb authorities in February. They then turned to Serbian President Slobodan Milosevic, asking him to influence the Bosnian Serbs to accept the contact group plan, to grant diplomatic recognition to Bosnia and offering him concessions—including the easing or lifting of sanctions—in exchange for his cooperation. This proved an extremely embarrassing policy shift when, in early March, a CIA report disclosed that Serbian forces—often with the support of Serbia proper—had committed 90 percent of "ethnic cleansing" in Bosnia.

Following repeated and unsuccessful attempts at persuading Milosevic to recognize Bosnia and to reinforce his isolation of the Bosnian Serbs in early 1995, the Clinton administration turned again in mid-May to the use of force. The U.S. pressured its allies for several weeks to make use of air strikes to revive the U.N.'s authority and applauded the use of NATO air strikes against a Bosnian Serb ammunition depot on May 25. However, the Clinton administration fell silent after approximately 370 U.N. peacekeepers were taken hostage in late May and June. The Clinton administration once again deferred to the Europeans, and approved measures against the wishes of Congress. In June, President Clinton promised \$100 million to support a "rapid reaction force" of French, British and Dutch troops to help protect U.N. troops in Bosnia and vetoed a congressional measure to lift the arms embargo against the Bosnian government in early August.

By late August, however, the U.S. released evidence indicating the probable execution of hundreds, possibly thousands, of Muslims by Bosnian Serb forces following the fall of

Srebrenica and was under increasing pressure to respond to continuing attacks against Sarajevo. Following sustained NATO bombings of Bosnian Serb positions in late August, U.S. negotiators intensified peace efforts, eventually winning, on September 8, an agreement from the three warring parties to nominally maintain Bosnia as a single state that would be divided roughly in half into two entities—the Muslim-Croat federation and the self-proclaimed "Republika Srpska." Subsequent negotiations in Geneva established the outline for a new constitution, and follow-up talks were scheduled for late October in the U.S. A U.S.-brokered cease-fire went into effect throughout much of Bosnia on October 12, after gas and electricity were restored to Sarajevo and aid routes to and from the capital and the Gorazde "safe area" were opened. On November 1, U.S.-led peace talks among Bosnian, Croatian and Serbian representatives began in Dayton, Ohio.

In mid-1995, the Clinton administration issued strong support for accountability in the Balkans, expressly rejecting amnesty for war criminals as a possible bargaining chip at the negotiating table. But as peace talks opened in Dayton, Ohio, in early November, U.S. opposition to an amnesty and support for prosecution of indicted war criminals became less clear.

The Work of Human Rights Watch/Helsinki

In addition to ongoing efforts to document and obtain accountability for violations of the rules of war in Bosnia, in 1995 Human Rights Watch/Helsinki concentrated its efforts on two areas: bringing pressure on the international community, and especially the U.S. government, to take action to protect the civilians who were under attack in the U.N.-declared "safe areas" and insisting that international negotiators include comprehensive and specific human rights guarantees in any overall peace settlement.

In an appeal to world leaders attending the summit meeting of the then-Conference on Security and Cooperation in Europe (CSCE) in December 1994, we argued that failure to protect the "safe area" of Bihac—that was then under attack by rebel Serb forces in Bosnia and Croatia—and accommodation, rather than punishment, of those besieging the enclave, would legitimize "ethnic cleansing." In a June 2 letter to members of the Security Council and the U.N. secretary-general, Human Rights Watch/Helsinki urged the U.N. not to withdraw from the "safe areas" in eastern Bosnia as part of efforts to regroup and redeploy U.N. forces in Bosnia, such abandonment, we stressed would lead to the probable slaughter or displacement of the areas' inhabitants, mostly Muslims.

On July 31, Human Rights Watch/Helsinki and twenty-six other humanitarian, human rights, religious and other groups formed a coalition to increase pressure on the international community to respond to the deepening crisis in Bosnia in particular the unabated human toll of "ethnic cleansing." A statement was issued calling for multilateral military action to stop genocide in Bosnia, as well as for protection of the remaining "safe areas," immediate access to all detainees from Srebrenica and Zepa, the delivery of humanitarian supplies to civilians in the "safe areas," stigmatization of those who direct, assist and supply abusive troops, and the maintenance of

sanctions against Belgrade until such time as it cooperated with the investigation and extradition of indicted war criminals.

In late October and early November, Human Rights Watch/Helsinki representatives met with European and U.S. officials to present a proposal for a series of steps to be incorporated into any peace proposal for Bosnia, aimed at ensuring respect for human rights and accountability for past crimes. We also proposed that international observers dispatched to monitor the peace be empowered to work toward the betterment of human rights in the region. Specifically, our proposal recommended the establishment of an international civilian monitoring mission and the establishment of measures to strengthen a proposed Bosnian Human Rights Commission and a Commission for Displaced Persons. We also urged that NATO forces dispatched to Bosnia to monitor the cease-fire be empowered and required to report, or intervene to prevent or stop, human rights abuses and that all parties cooperate and assist the work of the International Criminal Tribunal for the Former Yugoslavia.

Human Rights Watch/Helsinki remained committed during 1995 to documenting violations of humanitarian law and to supporting efforts to obtain accountability for the victims of abuses. After the fall of the safe areas of Srebrenica and Zepa in July, we sent a mission to investigate, and in October issued a report, *The Fall of Srebrenica and the Failure of U.N. Peacekeeping*. The report documented violations of the rules of war and the U.N.'s mismanagement during and immediately after Srebrenica's fall. In response to the Bosnian Serbs' capture of the two enclaves in mid-July, we issued calls for the U.N. to demand access to and allow ICRC to register all those detained by the Bosnian Serbs and called on the U.N. to take steps to defend the remaining "safe areas."

Our monitoring efforts were conducted with a view to identifying perpetrators of the crimes and providing the international tribunal with additional evidence of war crimes and crimes against humanity in Bosnia. In November 1994, we issued a report about continuing human rights abuses in the Banja Luka area.

Throughout the year, Human Rights Watch/Helsinki also urged U.N. bodies and the U.N. secretary-general to ensure proper funding for the international tribunal for the former Yugoslavia. We maintained regular contact with the prosecutor's office and continued to forward our documentation to the tribunal's staff. In June, Human Rights Watch/Helsinki released a report critiquing domestic war crimes trials in Bosnia, Croatia and the FRY, pointing to their politicization and lack of due process. The report also highlighted the paucity of trials in which members of the parties' own forces are tried for violations of human rights.

BULGARIA

Human Rights Developments

Despite some improvements in Bulgaria's overall human rights record, ethnically motivated violence and the failure of the authorities to provide redress for victims of such crimes continued to be a dominant human rights problem in 1995. There were also frequent reports of police misconduct and use of excessive force, as well as of government restrictions on freedoms of expression and religion.

Widespread impunity for crimes perpetrated by police officers remained common in 1995. Human Rights Watch/Helsinki received numerous reports of police brutality, which is no longer a problem only for minority groups. For example, in a case reported by the Bulgarian daily Twenty-Four Hours, the sergeant who shot a man from Velingrad on June 6, 1993, escaped punishment for the killing when the Plovdiv Military Prosecutor's Office abandoned the indictment in 1995 for lack of sufficient evidence. However, the prosecutor had failed even to interrogate the victim before he died of his injuries months after the incident.

The Roma minority continued to be the target of much police violence. Anguel Anguelov, a Roma, was killed by a police officer in Nova Zagora on March 20, 1995. According to eye witnesses, Anguel was shot when he approached the police and asked why they were beating his brother. Similarly, in March, two Roma children from Vidin were severely beaten by two police officers from the regional police department. The two officers took the boys out of school and broke one boy's arm, allegedly because the two boys had harassed a colleague's son. As of November 1995, no charges had been brought against the police officers in either case.

In addition to numerous cases of police brutality, reports of xenophobic attacks and mob violence intensified during 1995. For example, on February 4, nine Roma from the village of Skobelevo were attacked by unknown people with guns and bats. Toma Yordanov Marinov was beaten to death during the incident. Similarly, four days before the anniversary of Adolf Hitler's birthday on April 20, an arsonist destroyed the homes of at least seven Roma families in Sofia. According to witnesses, approximately one hundred Roma were in the houses; one man died from injuries suffered during the fire, and several others were injured. Human Rights Watch/Helsinki received reports that, in these and other similar cases, the Bulgarian police and prosecutors failed to take prompt and forceful steps to bring the perpetrators to justice.

In addition, other groups not recognized in Bulgaria as national minorities confronted racial attacks. On June 15, a group of unidentified "skinheads" assaulted an African-American in the center of Sofia. Similarly, "skinheads" beat three Arabs in the city of Pleven on May 18.

During 1995, the Bulgarian government continued to restrict the free expression and association of certain Bulgarian citizens who identify themselves as ethnic Macedonians. As in previous years, the leaders of United Macedonian Organization Ilinden (OMO Ilinden) were banned from assembling at the Rozhen Monastery in April to celebrate the eightieth anniversary of the death of Yane Sandanski, a Macedonian leader. In July, the members of OMO Ilinden were again banned from meeting at the Samuil Castle to commemorate, among other anniversaries, the foundation of the Republic of Macedonia. It was widely reported that a Bulgarian court upheld

the ban stating that, "the territory of Bulgaria cannot be used as a place to celebrate events that have no relation to Bulgarian history."

The Bulgarian government continued to restrict religious diversity in 1995. Forty-five "non-traditional" religious groups have been denied legal registration since February 1994, when a new law on non-profit organizations was adopted. Legal registration is a prerequisite to being recognized as a legitimate denomination with contractual and organizational rights to, for example, rent public halls and publish materials in the organization's name. On February 24, police in Veliko Tarnovo disbanded a meeting of members of the "Word of Life" religious sect because the assembly was "illegal." Similarly, in July, an investigation was opened concerning two pastors of the Jehovah's Witnesses, Gueorgui Boyadzhiev and Elena Karinkiova, who were accused of representing and circulating information about an unregistered denomination.

Among some positive human rights developments in Bulgaria during 1995, the Council of Ministers amended the penal code on May 18, 1995, providing for life imprisonment as an alternative to the death penalty in certain cases. However, despite the continued enforcement of a 1990 moratorium on the death penalty, capital punishment remained legal.

The 1992 law for "Additional Requirements Toward Scientific Organizations and the Higher Certifying Commission," known as the "Panev law," was abolished in 1995. The Panev law barred former secretaries and members of the Communist Party from a variety of high-level positions. This law had carried with it an inherent presumption of collective guilt that conflicted with international human rights standards. The abrogation of the Panev law entered into force on April 3, 1995.

The Right to Monitor

Human Rights Watch/Helsinki was not aware of any attempt by the government to impede human rights activists in their investigations and reporting during 1995.

U.S. Policy

The Clinton administration failed publicly to raise human rights concerns, especially the deteriorating conditions for Roma, during its review of Bulgaria's Most Favored Nation trade status in June. Bulgaria is expected to be graduated to permanent MFN status in late 1995. The State Department's Country Reports on Human Rights Practices for 1995 was accurate and comprehensive in its portrayal of the human rights situation in Bulgaria.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki continued to focus attention on human rights violations against minorities in Bulgaria, especially the Roma. Following the release of "Increasing Violence Against Roma in Bulgaria" in November 1994, Human Rights Watch/Helsinki raised concerns with the Bulgarian Embassy to the U.S. on the treatment of Roma and the failure of authorities to provide redress for the victims of these abuses. In late 1994, these concerns were raised with the U.N. Commission on Human Rights. On December 29, 1994, Human Rights Watch/Helsinki

also sent a letter to the Bulgarian ambassador to the U.S., Snezhana Botusharova, calling on the Bulgarian government to establish an independent commission to review cases of police brutality against Roma and determine whether investigatory, prosecutorial and judicial decisions have been influenced by the ethnicity of the victims. In December 1994, Human Rights Watch/Helsinki invited Dimitrina Petrova, supervisor of the Human Rights Project in Bulgaria, to be honored for her work providing legal assistance to Roma victims of police violence at Human Rights Watch's annual tribute to human rights monitors.

CROATIA

Human Rights Developments

Two Croatian Army offensives against the western Slavonia and Krajina regions, in May and August respectively, caused the displacement of hundreds of thousands of Serbs from Croatia and a myriad of human rights violations after Croatian government control was reestablished in both areas. Violations of civil and political rights also continued in Croatia, with the Croatian military again perpetrating most of the human rights abuses in the country, both on and off the battlefield.

During and immediately after the Croatian Army's offensive in western Slavonia and Krajina, access for international observers was restricted or denied and much forensic and other evidence pointing to the possible commission of human rights abuses during or immediately after the offensives may have been destroyed. Although the Croatian government accounted for some of those reported missing after the western Slavonia offensive, officials refused to disclose the fate of others. Graves reportedly containing the remains of Serbs killed during the offensive and buried by Croatian officials in the western Slavonia region were not exhumed to determine the number and cause of death of those interred. Some Serbian men captured and detained by Croatian authorities after the offensive were beaten while in custody.

Croatian Army soldiers burned entire Serbian villages and summarily executed more than 120 mostly elderly Serbs in the two months following the Croatian government's recapture of Krajina. An August 31 decree "temporarily" revoked the property rights of most Serbs who fled the Krajina region and placed such property under the control of the Croatian government, which then allotted the property to Croats who had been displaced or expelled by rebel Serbian forces in 1991 and thereafter. Croatian authorities also obstructed the delivery of humanitarian aid to rebel Muslims loyal to Fikret Abdic and rebel Serbian forces following the Croatian Army's recapture of the Krajina region in August.

Forcible evictions from state-owned housing, and the violence that often accompanied such evictions, continued in 1995, but the Croatian government took virtually no action to address the human rights abuses associated with the evictions. Although the Croatian Interior Ministry had

taken steps since 1992 to purge its ranks of abusive police officers, prosecution of such officers and, more particularly, of abusive members of the Croatian Army remained inadequate in 1995.

From late 1994 to mid-1995, rebel Serbian forces in Croatia aided Bosnian Serb forces and rebel Muslim troops loyal to Fikret Abdic in attacking the U.N.-declared "safe area" of Bihac. Aerial attacks against the enclave were launched from the rebel Serbian-controlled air strip at Udbina, and rebel Croatian Serbs obstructed the delivery of humanitarian aid to the besieged pocket.

Following the Croatian government's offensive in western Slavonia, rebel Serb forces in the Krajina region launched rocket attacks against the capital city of Zagreb, killing six and wounding 177. Rebel Serbian troops and Serbs displaced as a result of the Croatian Army offensive in Krajina expelled Croats and other non-Serbs from their homes in eastern Slavonia, the only area in Croatia that remained under rebel Serbian control by November 1. Bosnian Serb forces also shelled civilian targets in Dubrovnik in April and August.

The Right to Monitor

Human rights monitoring efforts in Croatia increased dramatically in mid-1995, but obstruction of such efforts by the authorities also increased. During and immediately after the Croatian Army offensives in western Slavonia and Krajina, access for international observers and local nongovernmental organizations was restricted at various times. In general, however, international and domestic human rights groups conducted wide-ranging monitoring projects and maintained contact with the Croatian government. A U.N.-established human rights monitoring effort and local nongovernmental human rights organizations monitored human rights and set up a presence in both western Slavonia and Krajina.

The Role of the International Community

The United Nations

From its inception and deployment in 1992, the U.N. mission in Croatia had done little, if anything, to protect non-Serb civilians living in the so-called United Nations Protected Areas (UNPAs), and it similarly failed to protect the UNPAs from attack by the Croatian Army in 1995. The recapture, in 1995, of what were formerly known as Sectors West, North, and South by the Croatian military effectively ended most of the U.N.'s mission in Croatia, although U.N. human rights monitors remained in the recaptured areas.

A U.N. "Humanitarian Crisis Cell" was formed following the Krajina offensive in August, and the U.N. finally undertook a serious, concerted effort to document human rights abuses in the Krajina region—primarily against Serbs by Croatian Army soldiers—and to bring those abuses to the attention of the Croatian government and the international community. Such efforts were rarely undertaken by the U.N. when rebel Serbian forces controlled the areas from 1991 to mid-1995, partly because Serbian forces obstructed such work by U.N. monitors, but also, in part, because U.N. officials accepted "ethnic cleansing" in the UNPAs as a fait accompli, spending more effort evacuating non-Serbs than protecting them.

On January 2, Croatian President Franjo Tudjman announced that he would not renew the mandate of the U.N. peacekeeping mission in Croatia when it was due to expire on March 31. Tudjman justified his decision by claiming that the U.N. had not fulfilled its mandate and that the U.N. presence in Croatia consolidated rebel Serb control over 30 percent of Croatia. On February 3, the U.N. Security Council approved a new configuration for the U.N. mission in Croatia, which was renamed the United Nations Confidence Restoration Operation (UNCRO) and was cut back from a 14,000 to 8,000 troops. U.N. troops were caught in the cross-fire and did not react to protect the UNPAs when Croatian Army forces attacked rebel Serbs in both western Slavonia and Krajina. With the recapture of three of the four UNPAs by Croatian government forces, the U.N. was thus left with a diminished role and announced that it planned to pull out most of its troops in November.

Following attacks in early and mid-November 1994 against the Bihac safe area from Serb-held areas in Croatia, the U.N. Security Council extended the "no-fly" zone to Croatian air space, thereby permitting NATO to follow and attack warplanes flying from Bosnia into Croatia. On November 21, 1994, NATO bombed the rebel Serbian-controlled Udbina air strip, but it was quickly rebuilt and rebel Serb forces in Croatia continued to attack the Bihac "safe area" until August. During this period, the U.N. did nothing to prevent such attacks, although U.N. forces were mandated to demilitarize the so-called UNPAs in Croatia.

On July 24, the International Criminal Tribunal established to adjudicate violations of international law in the former Yugoslavia indicted Milan Martić, the "president" of the self-proclaimed Republic of Serbian Krajina, for ordering attacks against civilian targets in May.

Shortly before he was indicted by the tribunal, in November, the Bosnian Croat commander was promoted by Croatian President Tudjman as an inspector in the army of Croatia proper.

European Union

Croatia's efforts to negotiate a trade and cooperation agreement with the E.U. were halted after the Croatian Army offensive in western Slavonia. On June 12, the E.U.'s General Affairs Council agreed to resume negotiations with Croatia but warned Croatia to respect human rights and work toward peace in the former Yugoslavia. The E.U. also reserved the right to take into account, at any time up to and including the conclusion of the agreement, Croatia's attitude toward the implementation of U.N. resolutions and peace efforts regarding the former Yugoslavia. In a statement issued at its Cannes Summit of June 26-27, the European Council of Ministers confirmed the authorization to open negotiations for a trade and cooperation agreement with Croatia but reiterated its warning against recapturing Krajina through military means. In response to the Croatian Army offensive in the Krajina region, the E.U., on August 4, immediately suspended negotiations with Croatia on the trade and cooperation agreement and suspended implementation of the PHARE aid program for Croatia.

U.S. Policy

In its efforts to contain the fighting in the Balkans, the Clinton administration pressured Tudjman to rescind his threat to expel U.N. peacekeepers from Croatia and worked to broker peace plans

between the Croatian government and rebel Serbian forces. Human rights violations committed by Croatian Army soldiers following their August offensive met with criticism from U.S. officials, but the U.S. issued few public *démarches* against other violations of civil and political rights in Croatia.

On January 29, Peter Galbraith, the U.S. ambassador to Croatia, put forth an internationally brokered peace plan for Croatia (known as the Z-4 plan) that offered the Krajina Serbs virtually complete self-government within Croatia. Both the Croatian government and rebel Serbian authorities eventually rejected the plan but, when Croatian government troops began amassing along the front lines and war appeared imminent, the Croatian Serbs announced that they would consider the plan. The Croatian government ignored the Croatian Serbs' reported consideration of the proposed plan and launched its offensive in western Slavonia, rendering peace efforts moot. Galbraith believed the proposed plan could have been made to work, but Washington reportedly disagreed and appeared to have sanctioned the Croatian Army offensive.

Members of the U.S. administration denounced human rights abuses committed by Croatian forces in the Krajina region. John Shattuck, U.S. assistant secretary for democracy, human rights and labor, traveled to Croatia on two separate occasions to investigate, and then denounce, abuses by Croatian troops in the Krajina area. Ambassador Galbraith, incensed by Croatian civilians' stoning and harassment of retreating Serbs and police inaction to stop such harassment, rode as part of the refugee convoy to demonstrate his protest against the treatment of the Serbian civilians.

Although most of his efforts were aimed at brokering a peace accord in neighboring Bosnia, U.S. Assistant Secretary of State Richard Holbrooke also worked to address the status of eastern Slavonia, the only part of Croatia that remained under rebel Serbian control by November 1. On October 3, Thorvald Stoltenberg, the U.N. envoy to the former Yugoslavia, and Holbrooke announced that a preliminary agreement on the future of eastern Slavonia had been reached. The agreement called for the administration of the area by a transitional authority that would allow for the eventual return of Croatian government authority over eastern Slavonia, with guaranteed minority rights for Serbs. However, in mid-October, Croatian Army troops began to mass along the confrontation line in eastern Slavonia, and both parties were prepared for war by November 1.

The Work of Human Rights Watch/Helsinki

Throughout 1995, Human Rights Watch/Helsinki continued to monitor and protest violations of humanitarian and human rights law, and to demand accountability for such abuses, in Croatia.

In May, Human Rights Watch/Helsinki conducted a mission to Croatia to investigate violations of the laws of war and subsequent violations of human rights during and after the Croatian Army offensive in western Slavonia. A subsequent report highlighted abuses that had taken place and pointed to issues that required further investigation. In a letter to Croatian President Tudjman,

Human Rights Watch/Helsinki urged that all those responsible for abuses in western Slavonia be held accountable for their crimes.

Similarly, following the Croatian Army offensive in the Krajina region, Human Rights Watch/Helsinki sent a letter to President Tudjman on August 10 expressing concern about abuses against civilians and the destruction of Serbian property in areas recaptured by the Croatian Army. We also called on the Croatian government to protect the rights of Serbs wishing to remain in, or return to, the Krajina area. Human Rights Watch/Helsinki and twenty-six other humanitarian, human rights, religious and other organizations sent President Tudjman a similar letter condemning the burning and looting of Serbian homes in Krajina, the failure of the Croatian police to protect Serbs leaving Croatia from Croats who stoned their convoy, and military attacks against civilians fleeing the fighting. From August to November, Human Rights Watch/Helsinki sent missions to Serbia and Croatia to investigate abuses during and after the Krajina offensive and planned to publish the findings of those missions in early 1996. Throughout the year, Human Rights Watch/Helsinki met with U.N. and governmental officials to press for proper funding for the international tribunal established to adjudicate war crimes and crimes against humanity in Bosnia and Croatia, as well as continued funding for the field operation of the special rapporteur for the former Yugoslavia of the U.N. Commission on Human Rights. Two reports and numerous letters sent to U.N. and governmental bodies underscored the need to properly fund the tribunal and to insist that all states cooperate with international efforts to ensure accountability in the region.

In October, in order to draw attention to human rights abuses committed off the battlefield, Human Rights Watch/Helsinki issued a book-length report on the status of civil and political rights in Croatia from 1992 to mid-1995. The report examined abuses associated with the granting of citizenship, forcible evictions from state-owned property, treatment of minorities and refugees, freedom of the press, trials of alleged war criminals and accountability for human rights abuses committed by Croatian government agents. In June, Human Rights Watch/Helsinki released a report critiquing domestic war crimes trials in Croatia, Bosnia and the Federal Republic of Yugoslavia, pointing to their politicization and lack of due process. The report also highlighted the paucity of trials in which members of the parties' own forces were tried for violations of human rights.

THE CZECH REPUBLIC

Human Rights Developments

The Czech Republic had a mixed record on human rights in 1995. The government demonstrated its commitment to human rights by, for example, ratifying the European Convention on the Prevention of Torture and Inhuman Treatment in September. Parliament also passed an amendment to the criminal code on June 29, 1995, under which perpetrators of hate crimes will face tougher sentences. At the same time, however, "skinhead" violence increased and became

increasingly brutal, especially against the Roma minority. A restrictive citizenship law, which negatively affects the Roma minority, codified widespread resentment against that minority.

Provisions of the Law of the Czech National Council on Acquisition and Loss of Citizenship, which had granted citizens of the Slovak Republic more favorable conditions than non-Slovak citizens for acquiring citizenship, expired in July 1994. Yet, the government did not resolve the fate of many Roma who were effectively left without Czech citizenship by the law. The Tolerance Foundation, a human rights organization in Prague, has documented more than 400 cases in which Slovak citizens of Roma ethnicity living in the Czech Republic have not been able to acquire Czech citizenship. The majority of those Roma who were denied Czech citizenship are long time or lifelong residents of the Czech Republic.

Although the law does not specifically refer to Roma, its requirements on residence, ancestry, and petty criminality appear to have a disproportionate impact on Roma, and as such are discriminatory. What is more, the law imposes criminal penalties that were not in existence at the time the crime was committed. Those denied citizenship are unable to vote, run for office or receive full social benefits.

There continued to be reports of violent attacks on Roma. In May, four youths armed with a baseball bat forced their way into the home of Tibor Berki, a Roma, in the town of Zdar nad Sazavou. Mr. Berki, a bakery worker, was clubbed to death in front of his wife and five children. On October 7, ten "skinheads" armed with baseball bats attacked and severely injured a Roma couple who were waiting for a bus in Breclav. Approximately thirty Roma have been killed by racist violence in the Czech Republic since the fall of communism in 1989. Human Rights Watch/Helsinki received credible reports that police failed to protect Roma from racist violence and rarely conducted a prompt and thorough investigation into such incidents.

On September 27, the Czech parliament extended the 1991 "lustration law"(screening law) that bans former high-ranking Communist Party officials and secret policemen from holding important political, economic, and judicial posts until the year 2000. The lustration law, which was to have expired at the end of 1996, has affected some 140,000 people since its adoption. Human Rights Watch/Helsinki is concerned that persons prosecuted under the lustration law are not being prosecuted for acts that were criminal at the time they were committed, but for having belonged to a now-discredited group. With regard to evidence provided in the former communist government's police files, the law does not take into consideration the possibility that false information might have been planted. Hundreds of people have protested that they were registered as police collaborators without their knowledge. Many have sued the Ministry of Internal Affairs and won, because there was inadequate evidence of their guilt.

The Right to Monitor

Human Right Watch/Helsinki was not aware of any attempt by the government of the Czech Republic to impede human rights activists in their monitoring activities.

U.S. Policy

Several high-level meetings between representatives of the Czech Republic and United States were held during the year to discuss privately such issues as the citizenship law and its effects on the Roma minority, as well as the extension of the lustration law. The section on the Czech Republic in the State Department's Country Reports on Human Rights Practices for 1994 was accurate in reporting on the human rights situation, giving a particularly comprehensive evaluation of abuses against the Roma minority.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki's primary concern in the Czech Republic continued to be the treatment of the Roma minority and, in particular, the impact that the citizenship law has on Roma. Human Rights Watch/Helsinki maintained contacts with local human rights organizations throughout the year, especially with regard to the Roma situation.

ENGLAND

Human Rights Developments

Racial violence and police misconduct in responding to racist incidents continued to be a serious human rights concern in England during 1995. Racial violence has increased dramatically in recent years, according to police figures. In the five years between 1989 and 1994, the number of violent attacks rose over 200 percent, from 4,383 to 9,762. It was widely recognized, however, that these reported figures significantly underestimated the actual level of violence. The official British Crime Survey estimated that racially motivated violent attacks for 1991, for example, were as high as 32,500, ranging from intimidation to verbal threats.

The government was outspoken against racial violence and encouraged initiatives by the police, community organizations, and legal organizations to find effective solutions. Positive steps to improve police response to racial violence, however, were offset by significant failures.

In addition to numerous incidents of police brutality, victims and community groups often reported that police were unable or unwilling to respond to racial violence, and that the police sometime threatened those who reported a racist crime or even arrested the victim. Many victims of racist violence ultimately stopped reporting such incidents because the police appeared unable or unwilling to investigate the crimes effectively. As a practical matter, it was sometimes difficult to determine to what degree and in which cases poor response by the police was due to a lack of resources, a lack of professionalism of senior officers, the inexperience of junior officers, a lack of effort, and/or racial bias. However, solicitors, victims, and community groups indicated that in cases where a lack of effort and racism played a clear role, there were few effective means for making the responsible officers accountable for their behavior.

The Right to Monitor

Human Rights Watch/Helsinki received no information to indicate that human rights observers in England were prevented from conducting their investigations and reporting on their findings during 1995.

U.S. Policy

The only significant statement by the U.S. government regarding racial violence in England appears in the State Department's Country Reports on Human Rights Practices for 1994. The report highlighted the continuing and substantial problem of racial discrimination throughout the criminal justice system, as well as in areas of employment. However, the report made no reference to police brutality against minority groups or to the inability or unwillingness of many police officers to respond effectively to incidents of racial violence.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki focused its efforts during 1994 on monitoring racist violence and investigating the ability of the criminal justice system to respond. In June and July, a fact-finding mission was sent to interview victims of racial violence, community organizations, solicitors, as well as with police and government officials. A report was in preparation as of this writing.

FRANCE

Human Rights Developments

Institutional xenophobia and incidents of anti-immigrant violence were the primary human rights concerns in France in 1995. Disparate treatment and harassment were particularly directed against persons of North African origin. The strong showing of the anti-immigration Front National Party (FN), which garnered 15 to 20 percent of the vote in presidential and municipal elections, encouraged the major political parties to endorse anti-immigrant positions.

France's restrictive immigration policy remained a matter of concern. The French government adopted a highly restrictive definition of refugee, limiting the notion of "agent of persecution" to state actors. The number of applications for refugee status granted in France dropped from 23.5 percent for 1994 to less than 11.5 percent for the first five months of 1995. Representatives of foreigners' rights organizations reported that France's policy on safe third countries resulted in violations of the fundamental principle of non-refoulement. There were reports of France's attempt to send Iraqis to Jordan, Afghans to Russia and Zairians to Cameroon to seek asylum with no assurances that they would have a fair opportunity to state their claim. In addition, the French authorities decided categorically that certain countries were incapable of producing refugees. Asylum seekers, such as Roma from Romania, were denied the opportunity to state their claims for asylum despite evidence of well-founded fears of persecution.

Sporadic incidents of violence against foreigners continued in France throughout 1995, and were of particular concern when committed by law enforcement officers. For example, on August 11,

1995, following a routine identity check, three uniformed policemen in Marseille beat a French citizen of Algerian origin. The victim was driven by police to a deserted quarry where he was beaten and allegedly robbed by police. The police were apprehended when one of them returned to the scene of the crime to recover his club. The officers were suspended and imprisoned for three weeks. During the investigation, one of the officers testified that the police hierarchy was aware of the use of intimidation tactics and did not condemn such practices.

Further, police officers convicted of violence against foreigners or immigrants appeared to receive light sentences in contrast with the gravity of the crimes. For example, on November 3, 1994, a twenty-four-year-old police officer sodomized an Algerian detained in the Paris Retention Center for Foreigners (Le Dépôt des Etrangers de la Préfecture de Police de Paris), which was formerly located in the basement of the Ministry of Justice. The European Committee for the Prevention of Torture of the Council of Europe reported on the inhumane and degrading conditions of the retention center. Following protests by French NGOs, human rights lawyers and activists, the Paris center was closed on April 26, 1995. The officer convicted of sodomy was sentenced to eighteen months in prison, of which twelve months was a suspended sentence.

Government bans of books violated the right to free speech and expression. In April 1995, the Interior Ministry banned the book *The Legal and Illegal in Islam*, by the Egyptian theologian Youssef Qaradawhi, on the grounds that it was anti-Western. The ban was later rescinded. On August 17, 1995, the government banned *The White Book on the Repression in Algeria (1991-1994)* published by Hoggar publications in Switzerland. According to the Interior Ministry, the book was "FIS [Front islamique du salut] propaganda" whose "appeal to hate" could lead to "incidents of public disorder."

The Right to Monitor

Human Rights Watch/Helsinki has received no information to indicate that human rights monitors in France were prevented from conducting their investigations and reporting on their findings during 1995.

U.S. Policy

The only significant public statements by the U.S. on human rights in France were found in the State Department's Country Reports on Human Rights Practices for 1994. Its section on France, while generally accurate, omitted credible reports by human rights groups of police ill-treatment, especially of non-Europeans, and failed to note that minimal sanctions for excessive use of force by police appeared to be systematic in France.

The Work of Human Rights Watch/Helsinki

As part of an ongoing project to analyze and help reduce xenophobia throughout Europe, Human Rights Watch/Helsinki conducted a three-month mission to France in 1995 to assess the treatment of foreigners and immigrants. Human Rights Watch/Helsinki focused its efforts on an investigation of violations of international refugee law in the treatment of asylum seekers in

France. A report on the findings of that mission and our recommendations were in preparation at this writing.

GEORGIA

Human Rights Developments

In 1995, the Georgian government strengthened human rights mechanisms, and the U.N. Mission in Georgia (UNOMIG) and Commonwealth of Independent States (CIS) peacekeepers in Abkhazia continued to prevent renewed hostilities in that former war zone. However, political stalemate over the proposed federative status of Georgia's breakaway regions of Abkhazia and South Ossetia jeopardized human rights there and prevented some 250,000 internally displaced persons from repatriating. Also, despite some positive new steps, such as requiring police to wear identifying badges on duty, the government was unable to reduce chronic abuses such as police brutality; politically motivated killings, violent attacks and detentions; and violations of due process rights.

On March 10, 1995, Georgia adopted a law enshrining minority rights and, on August 24, passed its first post-independence constitution. On April 17, a new independent human rights group, the All-Georgian Human Rights Council, was created. The government maintained an open dialogue about human rights problems, admitting for the first time that law enforcement bodies had practiced torture, and distanced itself from the Mkhedrioni (Horsemen), an abusive paramilitary group the government had tolerated for years as an unspoken arm of law enforcement.

Sadly, one of the greatest government achievements in Georgia—curbing organized crime—came at the expense of respect for human rights. Within hours of the explosion of a car bomb that narrowly missed Head of State Eduard Shevardnadze on August 29, law enforcement agents detained some 200 individuals as suspects and searched countless offices and homes, all reportedly without court orders. This aggressive, arbitrary sweep stood in stark contrast to the relatively passive investigations conducted in connection with the approximately six actual or attempted assassinations against other leading political figures this year, reflecting politics' influence in law enforcement in Georgia.

The eighteen-month trial of criminal case No. 7493810, which was a microcosm of abuse including torture and gross violations of due process, ended with convictions in two sets of sentences on March 6 and in May, 1995. The nineteen defendants, most of whom credibly asserted they were tortured during investigation and denied proper legal defense, had been charged with offenses ranging from murder and terrorism to petty theft. They received prison sentences of one and one-half to fourteen years; two of them—Irakli Dokvadze and Petre Gelbakhiani—were sentenced to death. The subsequent Supreme Court review had reached no decision as of this writing, six months after it began.

The May 14, 1994 cease-fire continued to hold in Abkhazia, although the U.N.-mediated peace talks failed to make notable progress toward a lasting peace. Violence broke out in Abkhazia's Gali region on March 12-13 and April 2 when, according to the U.N., Abkhazian policemen beat and tortured some thirty-five people, murdering at least ten of them and forcing the temporary displacement of some 1,500 inhabitants. The combating parties systematically failed to investigate and punish war crimes dating back as far as 1992.

The Right to Monitor

The authorities prevented access to the Gali Canal along the Inguri River and to some Georgian weapons storage sites, thus hindering somewhat the work of UNOMIG; UNOMIG also faced some security problems. In a reversal of past practices, the Georgian government allowed International Committee of the Red Cross (ICRC) personnel access to imprisoned rebel leader Vakhtang "Loti" Kobalia, but it continued to deny them access to former Defense Minister Tengiz Kitovani, who was arrested in January 1995 for alleged illegal armed activity.

The Role of the International Community

U.N. Policy

UNOMIG extended its presence in Abkhazia through January 12, 1996. In June 1995, the Security Council augmented the responsibilities of the collective peacekeeping forces in Abkhazia, and the secretary-general and the Human Rights Centre submitted several situation reports. However, the UNHCR repatriated only 1 percent of the internally displaced people (IDP), leaving some 40,000 to repatriate at their own risk.

European Union and OSCE Policy

These bodies played an active role in promoting human rights in Georgia this year. The OSCE monitored and reported on the human rights situation in Abkhazia, helped build human rights protections into new legislation, conducted prison investigations, and forcefully condemned prison conditions and other aspects of abuse. It failed to hold the pertinent authorities accountable for war crimes in South Ossetia and Abkhazia, however.

On March 9, at a meeting of the Permanent Council of the OSCE, France, on behalf of the European Union, expressed concern about the legal proceedings for defendants in case No. 7493810, and on March 23 issued a follow-up statement. On April 6, the European Parliament adopted a resolution calling for the commutation of the two death sentences and for proper appellate procedures in the cases, among other measures.

U.S. Policy

U.S. human rights policy in 1995 appeared confused, with stronger protests seeming to emanate from Washington than from the embassy in Georgia. The Helsinki Commission devoted a March 28 hearing to human rights in Georgia and spoke out on specific violations, but the embassy appeared to limit its response to closed-door and tardy reprimands.

Among other important contributions, the embassy frequently intervened on behalf of victims of human rights and exhibited a sound understanding of the scope of human rights abuse in the State Department's Country Reports on Human Rights Practices for 1994. However, the report was uneven. For example, regarding Case No. 7493810 it noted the problem of denied access to defense counsel but failed to note the even more glaring problem of torture. Moreover, the report concluded that there were no political prisoners in Georgia in 1994, but failed to indicate the fate of the approximately 100 claimed in the previous year's State Department report.

The U.S. approved a much-needed rule of law program that provided in part for training and reform in Georgia's law enforcement. However, the program that included work with Georgia's notoriously unreformed Ministry of Internal Affairs (MVD) was not accompanied by a clear public statement of goals and a strict timetable for implementation, thus leaving the unfair impression that the U.S. was unaware of or unconcerned with curbing the ministry's abuse.

The Work of Human Rights Watch/Helsinki

This year Human Rights Watch/Helsinki worked to inject human rights concerns into the peace process in Abkhazia and to protest entrenched civil rights abuse by documenting and publicizing abuse and monitoring trials.

In March 1995, the Arms Project and Helsinki divisions of Human Rights Watch released the report "Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict" at a Moscow press conference (see the Human Rights Watch Arms Project section). We traveled to the capital and to Abkhazia to communicate the report's findings and recommendations to the necessary authorities and gather updated information about unfolding concerns in Abkhazia. In March we began an exchange of views with the UNHCR regarding the difficult repatriation process, and on May 16 wrote to Secretary-General Boutros-Ghali enumerating our concerns in Abkhazia. In July we wrote to the Abkhazian authorities regarding nine Georgians reportedly in their custody.

In January Human Rights Watch/Helsinki again observed the trial of case No. 7493810 and raised concerns with pertinent government authorities. That same month we released "Urgent Update: Trial in Georgia Draws to a Close" at a Moscow press conference. In March we met with OSCE missions in Vienna, and in July with the OSCE's Amb. Audrey F. Glover to offer updates on developments and urge action. We also submitted an evaluation of the OSCE's human rights work in Georgia to help strengthen its ongoing programs.

On March 28, we testified before the U.S. Helsinki Commission on Georgia's human rights record, and in August wrote to key U.S. officials urging them to build clear public goals into the U.S.'s assistance program to the Georgian MVD.

GERMANY

Human Rights Developments

The primary human rights concern in Germany was the government's response to violence against foreigners and non-ethnic Germans. While government actions helped to reduce the number of attacks against foreigners in 1995, xenophobic violence continued to be a serious problem. In addition, human rights organizations reported a rise in cases of police brutality against foreigners living in the country.

Due, in part, to more forceful government measures to combat right-wing violence, there was a significant decrease in the number of violent crimes against foreigners in Germany during 1995. The government expanded the number of police and prosecutors trained to investigate and prosecute cases of xenophobic violence. Some local police stations took on liaison officers to deal directly with ethnic and minority communities.

Despite these improvements, however, the number of violent attacks against foreigners was still significantly higher than before German unification. According to foreigners' rights groups, a large number of attacks also went unreported. In addition, 1995 saw an increase in police violence against foreigners. Especially in Berlin, human rights organizations reported numerous cases of police ill-treatment against foreigners, including illegal arrests and beatings during detention. Investigations into reported cases were often initiated, but very few police officers were disciplined and none of the victims were compensated.

While violence against foreigners decreased in 1995, other forms of xenophobic violence appeared to be on the rise. Anti-Semitic crimes soared during 1994 and continued to be a serious problem in 1995. A growing number of right-wing crimes against other minorities, such as the handicapped and homosexuals, was also reported, including a "skinhead" attack against seven handicapped people on a Magdeburg streetcar in August.

The government's firmer measures to combat right-wing violence, which included increased surveillance of far-right groups, sometimes went further than necessary by excessively restricting expression, association and assembly. In total, ten right-wing organizations were banned in Germany from 1993 to 1995, including the Free German Workers' Party, one of the country's largest extremist groups, and the National List. Police conducted numerous raids on the offices and homes of their members, confiscating propaganda materials and some weapons and making numerous arrests.

In April 1995, the German government signed an agreement with Vietnam that guaranteed \$140 million of development aid if Vietnam would take back 40,000 Vietnamese citizens who had not yet received legal asylum in Germany. The first four deportees arrived in Vietnam on October 18, and the Vietnamese government promised they would be treated in a "humanitarian manner." But German human rights groups and Vietnamese in Germany expressed concern that some of the deportees, many of whom had been long-time residents of Germany, might face persecution

if returned to Vietnam. In addition, there was concern that Vietnamese would be more hesitant to report cases of violence to police for fear of deportation.

Criticized in the past, the judiciary did improve its response to racist violence in 1995. In October, a Dusseldorf court imposed stiff prison sentences on three German youths found guilty of murdering five Turks in a firebomb attack on their home in Solingen in 1993. However, the number of prosecutions dismissed for insufficient evidence remained alarmingly high, suggesting that the prosecutors' offices, as well as the police forces, were not preparing thorough cases. In addition, many violent attacks against Turks were attributed to Kurdish terrorists. Although there is evidence to support this claim, foreigners' rights groups fear that the blame for some right-wing attacks will be shifted away from German citizens.

U.S. Policy

The State Department's Country Report for Human Rights Practices recognized far-right violence as a problem in Germany in both 1993 and 1994 reviews. The report on 1994, however, generally applauded the German government's responses without commenting on the work that remained to be done. Official relations between the two states remained very friendly; no high-level criticism was directed publicly at the German government's response to violence against foreigners.

The Right to Monitor

Human Rights Watch/Helsinki was not informed of any restrictions on the right to monitor human rights in Germany.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki focused all of its attention in 1995 on right-wing violence and the German government's response. In April, a comprehensive report, "Germany for Germans: Xenophobic and Racist Violence in Germany," was released at a press conference in Germany. The report outlined the positive measures the German government had undertaken, as well as those areas needing improvement.

HUNGARY

Human Rights Developments

Hungary continued to make significant strides toward the protection of human rights. Adding to its international human rights commitments, on September 25 Hungary signed the Council of Europe Convention on the Rights of Minorities. Despite these legal protections, Hungary experienced a dramatic rise in xenophobia and right-wing-violence during 1995. The most serious human rights abuses involved police brutality, primarily directed at the Roma minority. In addition, "skinhead" and community violence increased during 1995, and the lack of a concerted response on the part of the authorities to such violence was troubling.

A large-scale incident of "skinhead" violence against Roma occurred on May 1, 1995, in the town of Kalocsa. Human Rights Watch/Helsinki received reports that many people had gathered to celebrate May Day in the Bishop's Garden. A group of right-wing racists, many with shaved heads, attacked a groups of Roma. More than twenty Roma were beaten, including an expectant mother who was trying to flee the scene. The police arrived at the scene two and one-half hours after being notified about the violence. Nemeth Istvan, a Roma man, was already handcuffed and in the custody of the police when, according to his account, a "skinhead" hit him in the head in front of the police. When he screamed, the policemen pressed his bloody head against the wall and told him to stop shouting because he had only injured himself by falling on some stairs.

After two years of investigation, a report filed against several police officers for severely beating Roma from the village of Orkeny was dismissed in 1995. However, six Roma were found guilty of using armed and collective force against public officials. The incident had occurred in 1993, in the village of Orkeny, when local police went to the Roma neighborhood to investigate a car theft.(No charges related to the car theft were ever filed against the Roma.) During the course of the police action, police tore out a tube from the throat of a Roma woman who needed it to facilitate breathing, a pregnant woman had a miscarriage due to be severe blows by police, and several people suffered serious injuries.

In July, in the village of Paszto, four police officers searched Laszlo Amasi's home because he was suspected of having committed a burglary. In the course of the search, the four police officers severely beat Amasi, apparently in an effort to force him to confess to the crime. Amasi died the same day from his injuries. In October 1995, the Hungarian Helsinki Committee reported that only ten cases (9 percent) of misuse of authority and ill-treatment during official procedures, out of 1,138 reported in 1994, reached the courts. What is more, reported incidents represent only a fraction of the actual number of such cases precisely because the victims know that there is almost no chance of legal redress.

A rise in the crime rate and a perceived scarcity of policemen in Hungary has spurred the creation of "citizens' guard organization" (Polarorseg). These groups of private individuals, which are organized by the law enforcement officials, are supposed to provide information on criminal activities to the local authorities. However, in some cases, groups have actively participated in law enforcement. For example, in March, in the town of Papateszer, a family was attacked by members of the local citizens' guard. In Ozd, a former industrial town that has unemployment rates that exceed 80 percent for the Roma population, many Roma reported being routinely beaten by citizens' guards when they were caught foraging for wood for heating from the forest next to the town. The abusive conduct of citizens' guard organizations has been largely tolerated by local authorities.

The Right to Monitor

Human Rights Watch/Helsinki received no reports of any attempt by the government to impede the work of human rights monitors during 1995.

U.S. Policy

The State Department's Country Reports on Human Rights Practices for 1994 was accurate and comprehensive in its portrayal of the human rights situation in Hungary.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki's work in Hungary centered on one principal issue, human rights violations against Roma. During July and August, Human Rights Watch/Helsinki investigated many cases of violence against Roma, both by police officers and "skinheads." Human Rights Watch/Helsinki representatives traveled throughout Hungary, conducting more than 215 interviews with Roma victims, government officials, policemen, and human rights activists. A report on the findings of that mission and our recommendations were under preparation.

KAZAKSTAN

Human Rights Developments

The dissolution of parliament and removal or reduction of judicial checks and balances changed Kazakhstan from a country under representative government to one ruled by presidential decree in 1995. While citizens continued to enjoy widespread free speech, some attempts to criticize these political developments met with government repression, indicating that Kazakhstan had taken a giant step backward on the road to democracy.

The erosion of legislative power began on March 6, when the Constitutional Court ruled that the popular 1994 elections that had created the parliament were unconstitutional. Within days, President Nursultan Nazarbaev, citing that ruling, dissolved parliament and governed for the rest of the year by presidential decree. His promise that new elections would take place "within two to three months" still had not materialized eight months later. On April 29 a popular referendum which some observers claimed was riddled with violations, approved the president's proposal that the electorate do away with the scheduled 1996 presidential election and allow him to retain his post uncontested until the year 2000.

On August 31, after less than a month's deliberation, reportedly 89 percent of participating voters approved a draft constitution that vastly expanded presidential prerogatives, giving Nazarbaev the authority to dissolve the parliament for something as minor as the parliament's failure to approve his nomination for prime minister, and making it all but impossible to remove the president from office. The draft also effectively dissolved the Constitutional Court, the only body that could challenge these changes.

After printing criticism of the dissolution of parliament, on March 23, the outspoken local newspaper Karavan was forced to close for two weeks when a fire swept through its offices in

what some observers believed was political arson. On April 4, the Procurator General's office closed the newspaper *Kazakhstanskaia Pravda*, charging that it had incited ethnic hatred. On April 29, the day of the presidential referendum, B. Itterman, head of the village administration for Krasnodol'sk in Kellerovsky rayon, was assassinated "for refusing to distort the result of the referendum," according to a June 2 protest statement from the Russian Federation's Federal Assembly State Duma. On August 21, just days before the constitutional referendum, the Ministry of Internal Affairs reportedly arrested approximately half of a group on hunger strike, representing the pressure group Anti-Dictatorship Bloc and urging an election boycott, for allegedly holding an unauthorized protest. That same day, one of the strike organizers, deputy of the dissolved parliament Vladimir Chernyshev, reportedly was beaten at the entrance to his apartment, in an apparent effort to end the strike.

The Right to Monitor

There were no known impediments to human rights monitoring during 1995.

The Role of the International Community

The European Parliament demonstrated its opposition to President Nazarbaev's dissolution of parliament in March by indicating that it would not ratify its partnership and cooperation agreement with Kazakhstan without a return to parliamentary democracy.

The U.S. response to the string of blatantly undemocratic actions was tentative and sometimes contradictory. Ambassador William Courtney hailed the March dissolution of parliament as a move "to strengthen the rule of law in Kazakhstan," according to *The Moscow Tribune* of March 14, while Defense Minister William Perry protested the move. U.S. criticism of the presidential referendum and of parts of the draft constitution was more categorical: Secretary of State Warren Christopher stated on August 31 that backsliding along the path to democracy would "affect the closeness of U.S.-Kazakhstan relations."

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki focused primarily on ongoing violations of civil and political rights and the deterioration in the government's commitment to democratic reforms.

KYRGYZSTAN

Human Rights Developments

The Kyrgyzstan government's crackdown on the press during 1995 marked a sharp break from its four-year policy of encouraging the independent media. To compound last year's government-ordered closing of two newspapers, the government this year began to prosecute individual journalists. In areas other than press freedoms, Kyrgyzstan continued to foster human

rights protection and monitoring and in February successfully conducted the country's first multiparty parliamentary election since becoming an independent state.

The crackdown on free speech, which began in mid-1994 with the closure of the parliamentary newspaper Svobodnye Gory (Free Mountains) and a newspaper insert called Politika (Policy), sharpened in 1995 with arrests and trials of journalists for their criticism of President Askar Akaev. On July 11, 1995, editor-in-chief of the weekly newspaper Res Publica Zamira Sydykova and her deputy, Tamara Slashcheva, were sentenced under article 128, part 2, of the criminal code (slander with the use of mass media) to one and a half years in prison for their articles criticizing President Akaev. Upon sentencing, they were released on their own recognizance. The court forbade both women from working as journalists, a punishment provided for under article 27 of the criminal code. According to recent reliable reports, on October 5, 1995, the prosecutor's office summoned Tamara Slashcheva and another journalist, Marina Sivashova, for interrogation in connection with an article in support of Kubanychbek Apas, former candidate to Kyrgyzstan's parliament.

Proceedings against Dr. Apas began in June 1995, also under article 128, part 2, after the newspapers Kyrgyz Rukhu (The Kyrgyz Spirit) and Res Publica published his articles sharply criticizing President Akaev. Apas's political affiliations appeared to have cut back his job prospects; a surgeon, he had not been able to find a decent job since he defended his doctoral dissertation in late 1994.

According to the Glasnost Defense Foundation, a nongovernmental Russian organization, police beat several journalists, including Vladimir Pirogov, a correspondent for the tri-weekly newspaper Slovo Kyrgyzstana (The Word of Kyrgyzstan), and Zamira Sydykova during a meeting of leaders of Turkic-language countries in Bishkek on August 26-27.

The February parliamentary elections revealed some promising signs that Kyrgyzstan fostered true democracy. Twelve parties ran candidates for the parliament, collectively representing a broad array of platforms, from communist to national-patriotic. On February 27, President Akaev established an independent thirty-four-person public commission to investigate allegations of scattered voting violations.

The Right to Monitor

There were no known impediments to monitoring. On the contrary, Kyrgyzstan continued to foster human rights work.

The Role of the International Community

The international community extended humanitarian and development assistance to Kyrgyzstan this year. In December 1994, the OSCE seminar on "Free Media and Free Association" drew strong participation on these well chosen topics.

The U.S. government reportedly raised concern over the alarming backsliding in protection for free speech during meetings with Kyrgyz government officials. The State Department's Country Reports on Human Rights Practices for 1994 gave a solid and honest analysis of current problems, such as violations of free speech and due process and corruption in the judiciary.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki focused its efforts during 1995 on monitoring free expression in the republic. The chairman of Human Rights Watch/Helsinki's advisory board met with President Akaev and with human rights activists in Kyrgyzstan in June to discuss our concerns about, inter alia, restrictions on free speech.

MACEDONIA

Human Rights Developments

In 1995, Macedonia faced a number of serious obstacles associated with the transition from communism. Once a member of the Yugoslav federation, the young republic must now construct democratic institutions, revitalize its civil society and decentralize its economy—all demanding tasks in any circumstances. But Macedonia also found itself on the borders of a Balkan war. Bloody conflict in the former Yugoslavia severely affected the country by exacerbating inter-ethnic tensions, damaging the economy and threatening stability in the region. An assassination attempt on President Kiro Gligorov in October 1995 underlined the fragility of the country's political balance. United Nations forces have been deployed in the country since 1992 to prevent a spill-over of the war.

Despite these obstacles, Macedonia has taken some significant steps toward democratization since declaring its independence four years ago. Substantive reform has opened the door to the Council of Europe and laid the foundation for a multiparty system based on the rule of law. Human rights are satisfactorily guaranteed in Macedonia's new constitution and relevant legislation. Nevertheless, while human rights are guaranteed in Macedonian law, their application has remained selective and incomplete.

The main human rights problem in 1995 was the treatment of national minorities. Macedonia has a vast number of minority groups, including Albanians, Turks, Roma, Serbs and Vlachs, all of whom reported state discrimination. While some of their complaints were politically motivated, the Macedonian government did not always take adequate steps to provide for basic minority rights, especially regarding equal access to state employment and education in minority languages. While the government addressed some of these problems in recent years, including a

1995 decision to expand the pedagogical academy in the Albanian language, the lack of improvement in many areas contributed to a deterioration in inter-ethnic relations.

By far the largest and most vocal of the ethnic communities is the Albanians who, according to official statistics, comprised almost one quarter of the population. Despite some improvements in recent years, Albanians were still grossly under represented in the police force and state administration, even in areas where they constituted a majority of the population. For example, Albanians made up 4.12 percent of the staff of the Ministry of the Interior (which includes the police) in June 1995, only a slight improvement from 1.7 percent in 1992. In addition, some voting districts in the western part of the country, where Albanians predominate, were three times larger than districts in the east inhabited primarily by ethnic Macedonians.

One major complaint of the Albanians concerned higher education in the Albanian language. An attempt in early 1995 to open a private Albanian-language university in Tetovo was deemed illegal by the state, and the university was ordered shut down. The initiative continued nevertheless, and one Albanian man was killed during clashes with police on the first day of classes on February 17. In April, the organizers of the university were sentenced to between eight months and two and one-half years' imprisonment after a trial that violated international standards of due process. They were released on bail one month later.

But Albanians were not the only victims. All citizens of Macedonia suffered from the country's weak democratic institutions, immature political parties and economic hardships. Despite the adoption of democratic legal standards, for example, there were numerous violations of due process in Macedonian courts. Defendants were sometimes held in detention for longer than the twenty-four hours allowed by Macedonian law, did not have proper access to a lawyer or were denied the right to a fair trial. The political opposition also reported continued mistreatment by the state during 1995, including phonetapping and police harassment.

Freedom of the press also remained a concern during 1995. The state-run company Nova Makadonja maintained a virtual monopoly on printing and distribution, which severely limited the possibilities for an independent press. In May 1995, the government closed eighty-five private radio and television stations, including the most influential minority stations, allegedly for technical reasons. On December 17, the director of the private television station ART was detained and ordered to hand over a videotape of the founding of the university initiative in Tetovo. On February 17, the first day of classes in Tetovo, journalist Branko Gerovski was severely beaten by police as he left the scene of fighting between police and ethnic Albanians. The Interior Ministry subsequently disciplined the policemen responsible.

The Role of the International Community

The United Nations and OSCE

The international community took a strong interest in Macedonia, primarily because of a fear that fighting there would spark a larger conflict in the region. To prevent this, a 1,200-member

United Nations Preventive Deployment Force (UNPREDEP) and an Organization for Security and Cooperation in Europe (OSCE) monitoring mission had been deployed in Macedonia since January 1993 and September 1992, respectively, to observe and report on the internal and external threats to the country. In addition to U.N. patrols along the physical borders, both organizations attempted to assist the government with the process of democratization and occasionally to mediate among the various political forces, especially the ethnic communities. Both the government and leaders of the different ethnic communities praised the preventive role the U.N. played in helping to maintain peace.

To preserve stability, however, both the U.N. and the OSCE tended at times to downplay human rights problems within the country. Only gentle criticism was directed against a friendly Macedonian government that is seen as a stabilizing force.

U.S. Policy

The United States maintained close relations with Macedonia after its independence from Yugoslavia in 1991, although Greek pressure prevented the establishment of full diplomatic relations until October 1995. Approximately 500 American troops were based in Macedonia during 1995 as part of the United Nations preventive deployment force. They were responsible for monitoring the border in the north between Macedonia and Serbia. Officially, U.S. assistance totaled approximately \$25 million a year. Military cooperation was close, with a number of joint exercises taking place during 1995 and more planned for the coming year.

The Department of State's Country Report for Human Rights Practices in 1994 presented an accurate, though general, picture of human rights in Macedonia. Official U.S. statements on Macedonia were largely sympathetic to the government. Regarding inter-ethnic relations, the U.S. mostly called for "dialogue" and "tolerance" rather than criticize governmental actions.

The Right to Monitor

Human Rights Watch/Helsinki received no reports of Macedonian or foreign organizations that were restricted in their right to monitor human rights in the country. However, in December 1994, the ethnic Albanian organization Forum for Human Rights had 200 copies of a book titled "Evidence of Crimes Committed Against Albanians in Macedonia" confiscated on the Macedonian border as it was brought in from Albania. The government's reason for confiscation was "not possessing a permit for importing and distributing foreign printed materials."

The Work of Human Rights Watch/Helsinki

During 1995, Human Rights Watch/Helsinki focused primarily on raising public awareness about violations of civil and political rights in Macedonia, especially restrictions on minority rights. It also examined the work of UNPREDEP and the OSCE monitoring mission and their role in preventing the spread of war and promoting democratization in the country. A fact-finding mission to Macedonia during the summer of 1995 examined the status of minority rights, press freedom and allegations of police abuse.

ROMANIA

Human Rights Developments

Despite pressure from the international community and assurances from the Romanian government, in 1995 ethnic minorities, and especially the Roma minority, continued to face severe discrimination and mistreatment without adequate legal redress. This situation was exacerbated during the year by local officials who exploited and manipulated ethnic tensions for their own political gains. Frequent attacks on Roma were not only tolerated by law enforcement officials, but were often actually perpetrated by police officers.

On March 21, 1995, during a police raid in the Roma neighborhood of Ilfov, Emilian Niculae and his brother, whose house had been burned down in 1991 during mob violence against Roma in Bolentin Deal, were brutally assaulted by a policeman. When a police officer entered the brothers' home, they asked to see a search warrant. The policeman then beat them and took them half dressed to the Jilava police station. They were released several hours later without an explanation. No charges were filed against them. Similarly, in April, Viorel Constantin was viciously beaten by several police officers in a bar in Tandarei, Ialomita county. He was then taken to the police station, where he was released later that night without charges or explanation.

Mob violence against Roma and impunity for the perpetrators of such crimes continued to be among the most severe human rights abuses in Romania during 1995. In the aftermath of a fight between a group of young Roma and a local Romanian family, two Roma, Maria Savu and Marinache Meclescu, were shot on January 7, 1995, in the town of Bacu. Maria Savu was taken to a nearby hospital where her leg was amputated. The following day, after villagers were called together by the tolling of church bells, a small group attacked the Roma neighborhood, burning down three Roma houses and completely destroying a fourth. The Roma whose houses were destroyed had not been involved in the incident during the previous night. Although authorities were in a position to prevent the violence and to identify the perpetrators, they did not take adequate measures to prevent the attack. As of November 1995, no one had been charged with crimes related to the violence.

During 1995, local authorities continued to provoke ethnic tensions and hostility between the Romanian majority and the ethnic Hungarian minority; among other things, the authorities attempted to remove all traces of Hungarian history and culture from several Transylvanian towns. Gheorghe Funar, the nationalist mayor of Cluj, publicly announced a series of anti-Hungarian measures in April. In 1994, Funar had sought to remove a statue of King Mathias, long a cultural symbol for the Hungarian minority. In mid- April 1995, he announced that he would place a Romanian and English-language inscription at King Mathias's birthplace, explaining that the greatest Hungarian king was Romanian. In addition, he threatened to transfer use of St. Michael's church in Cluj from the Hungarian minority to the German community.

Several laws were adopted during 1995 that severely restricted freedom of expression and also fueled ethnic tensions. For example, on September 22, the Romanian parliament approved a law that criminalized hoisting the flag, using symbols or singing the national anthem of another country in a public place. Although neutrally-worded, this law was clearly directed against the large Hungarian minority.

Furthermore, a controversial new education law that was adopted on June 29 significantly limits mother-language education. Ethnic German and Hungarian minorities criticized the law, insisting that education in the mother tongue is fundamental to preserving the identity of national minorities. The education law also made religious study compulsory for primary school children between the ages of six and ten, even if their parents do not share these religious beliefs and oppose having their children receive religious instruction.

On September 18, the Chamber of Deputies adopted Articles 205 and 206 of the penal code, which provides criminal penalties for journalists who offend public officials and will have a chilling effect on freedom of speech and the press.

Criminal sanctions against homosexual acts were eased somewhat during 1995. Amid protests by human rights and minority rights groups, on September 12 the Chamber of Deputies voted to amend the penal code to prohibit homosexual acts only if committed in public, in cases of rape, in incidents involving those under the age of consent, or if such conduct produces a public scandal. Although this language was an improvement over earlier drafts, by preserving criminal prosecution for same-sex relations that "produce a public scandal," the Chamber of Deputies adopted dangerously vague language that invites arbitrary enforcement. The law has not yet been promulgated by President Iliescu.

The Right to Monitor

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

U.S. Policy

On May 19, the Clinton administration determined that Romania was in full compliance with the immigration criteria of the Jackson-Vanik amendment, thereby approving Most Favored Nation (MFN) trading status for Romania without the need for a waiver. Romania is now one step from being granted permanent MFN status, which is not subject to annual review. On September 26, 1995, during a meeting at the White House, Romanian President Ion Iliescu and President Clinton discussed the granting of permanent MFN status to Romania. In an improvement over 1994, the Clinton administration took this important opportunity to emphasize that permanent MFN status would be conditional on Romania's continued progress in several areas, including the treatment of the Hungarian minority. However, President Clinton failed to elicit specific human rights commitments from the Romanian government. The administration also minimized the severity of human rights abuses in Romania, especially against the Roma minority, in the U.S. Department of State Country Reports on Human Rights Practices for 1994.

The Work of Human Rights Watch/Helsinki

During 1995, Human Rights Watch/Helsinki continued to focus its efforts on raising public awareness of violence against Roma and the pattern of impunity for such violence, as well as of the government's continued effort to downplay the ethnic tensions that fuel such violence. In late 1994, Human Rights Watch/Helsinki raised these concerns with the U.N. Commission on Human Rights.

RUSSIAN FEDERATION

Human Rights Developments

The Russian Federation's human rights record worsened significantly in 1995. Russian forces prosecuted a brutal war in the breakaway republic of Chechnya with total disregard for humanitarian law, causing thousands of needless civilian casualties. The Russian government also initiated a backlash against human rights in legislation and in government institutions, and made no noticeable attempt to curb police brutality, stop state-sponsored gender and racial discrimination, end abuse in the army, or improve appalling prison conditions.

Russian President Boris Yeltsin ordered 40,000 troops to Chechnya on December 11, 1994, to stop that republic's bid for independence. A December 17, 1994, government statement promised that "force [in Chechnya] will be employed with due consideration of the principle of humanity." But within one week Russian forces began bombing Grozny, Chechnya's capital, in a campaign unparalleled in the area since World War II for its scope and destructiveness, followed by months of indiscriminate and targeted fire against civilians. Russian Human Rights Commissioner Sergei Kovalyev, who remained in Grozny through much of the bombing, bore personal witness to the destruction of homes, hospitals, schools, orphanages and other civilian structures. Indiscriminate bombing and shelling killed civilians and destroyed civilian property not only in Grozny but also in other regions in Chechnya, especially in the southern mountain areas.

Russian forces attacked civilians many times throughout the war. For example, on December 17, 1994, Russian troops fired on a column of refugees fleeing toward Ingushetiya, killing at least nine. The most notorious civilian massacre took place on April 7-8 in Samashki. According to a report by the independent Russian watchdog group Memorial Human Rights Center, Ministry of Internal Affairs divisions killed 103 civilians during the operation, including fifteen women and children; and the majority of men killed were summarily executed during house-to-house searches.

In the early months of the war, Russian forces arbitrarily and illegally detained and systematically beat, tortured and humiliated Chechen men suspected of being rebel fighters. Conditions in these detention centers, known as "filtration camps," were inhuman; methods of torture used to force confessions included repeated beatings with fists and rifle butts, electric shock, and attacks by

dogs. According to Memorial, most of the 500 men detained were later released for lack of evidence against them.

Russian forces also repeatedly blocked or otherwise delayed the delivery of humanitarian assistance to civilians, particularly in the early stages of the war, and on at least one occasion fired on a clearly marked Médecins Sans Frontières vehicle.

Chechen forces admitted to the summary execution of captured Russian pilots throughout the war, and of at least eight Russian military detainees. Chechen forces also used civilian structures to store arms, and employed indiscriminate fire. On April 14, they reportedly summarily executed U.S. disaster relief expert Frederick Cuny, his translator, and the two doctors accompanying him. In perhaps the most heinous humanitarian law violation known to have been committed by Chechen forces, on June 14 a Chechen unit led by Shamil Basaev captured more than 1,000 civilians and held them hostage in a hospital in Budyonnovsk, in southern Russia, not far from Chechnya. They killed at least seven civilian hostages, denied them food, water and medicine, and used the civilian hospital as a shield.

OSCE-led negotiations yielded an agreement on July 30 linking Russian troop withdrawal from forward positions to disarmament of Chechen fighters, but neither side achieved significant progress. After the October 6 assassination attempt on Lieutenant General Anatoly Romanov (commander of Russian forces in Chechnya), both sides withdrew from the agreement, and low-level hostilities resumed, including aerial bombardments of villages.

Russian investigatory commissions denied the applicability of humanitarian law to the Chechen conflict altogether; however, military courts sentenced seven Russian servicemen for crimes committed against civilians, and the military prosecutor's office investigated another twenty-five crimes against civilians.

Not only did the government fail to hold commanders responsible for some of the grossest violations of human rights in Russia in the post-Soviet era, but the administration sought to dissolve by decree the Human Rights Commission, headed by Mr. Kovalyev, which documented and publicly condemned these violations, and to replace it with a group of non-specialist civil servants. As of this writing President Yeltsin had not signed the decree.

The Russian Federation's backsliding on its path to democratic reform also took the form of emasculating some government human rights mechanisms and passing legislation that encouraged abuse. On April 21, the Yeltsin administration reorganized the Department for Judicial Reform, a body that since 1992 had promoted desperately needed reform of Russia's criminal justice system. After key figures in the department were pressured to step down, its effectiveness was reduced to nil.

The April 3 passage of the Law on the Federal Security Service (or FSB, formerly the KGB), which permits the FSB to conduct searches without warrants, conduct their own

investigations, arrest suspects, and run their own prisons, suspended fundamental civil rights and restored powers that were among the hallmarks of the Soviet era. The Law on Investigative Operations, signed in August, granted undercover agents the right to tap phones, open mail, establish fake organizations, infiltrate organizations, and engage in other secret activities. Their activities are effectively beyond civil control, yet evidence gathered in such operations may be used against an individual in a court of law.

This legislative carte blanche is especially alarming since the FSB increasingly has been involved in human rights violations. The FSB's reported refusal to question the only witness to the January 22 murder of Timofei Grigoriants, son of Sergei Grigoriants, a long-time dissident who monitors the FSB and the KGB, strongly suggests it was involved in the murder. The Viktor Orekhov case also bears the mark of FSB intervention: Orekhov, a former KGB officer who served eight years in a labor camp for assisting dissidents in the 1970s, had participated in seminars on the KGB organized by Sergei Grigoriants. In May, Moscow police found on Orekhov an unregistered pistol, whose firing pin was reportedly broken. Police investigators grossly violated the rules of handling evidence, and when the pistol reached ballistics experts one month after the arrest, the latter ruled it fireable. A Moscow court sentenced Orekhov to three years in a maximum security labor camp, an unusually long term, in a trial prosecuted with blatant due process violations. An appeals court later reduced his sentence to one year.

Unchecked police brutality continued in 1995. A report by the Moscow-based Society for the Social Defense of Prisoners described the hundreds of police abuse claims it received every month and noted that complaints filed against the police are almost always dismissed as groundless. In July, police in Saransk reportedly suffocated a man to death in custody; two police officers were investigated, but no charges were brought against them. Human Rights Watch/Helsinki continues to monitor this case.

Police abuse combined with the growing xenophobic mood in Russia produced a brutal, state-sponsored campaign against dark-skinned people that has been waged since at least 1993. Law enforcement agents in Moscow routinely detained, intimidated, extorted money from and beat people of color, mainly people from the Caucasus and Central Asia, who stood out in this Slavic capital.

Some policemen participated in this campaign simply to extort money or vent racist hostilities. Others acted under anti-crime measures, such as those mentioned above. Still others were enforcing city rules that require people to have a propiska (an obligatory residence permit, which today must be purchased at impossibly high prices). New arrivals must pay for a temporary permit and register with the city authorities, or be subject to fines and deportation. The police regularly detained people of color in mass sweeps at marketplaces and refugee hostels, more brutally and punitively in the wake of domestic unrest, such as the war in Chechnya and the Budyonnovsk hostage crisis, both of which involved dark-skinned people and violence against Russians.

Police in Budyonnovsk not only refused to protect local Chechens from retaliatory violence in the wake of the hostage crisis but actively encouraged them to leave altogether. Local Chechens were given less than twenty-four hours to gather their belongings. The Stavropol regional authorities in southern Russia forced people without propiskas to leave the area within seventy-two hours.

The war in Chechnya produced hundreds of thousands of refugees who, along with other new migrants leaving behind war, discrimination and economic hardship, were clearly unwanted in major Russian cities. Even before the outbreak of hostilities, the Moscow city government issued Ordinance No. 2154, which allowed only those individuals with Moscow propiskas to register as refugees in Moscow, an absurd proposition. The directors of newly privatized Moscow hotels forcefully evicted Armenian refugees from Azerbaijan who had been granted housing there in 1988 and 1990 by the Soviet government. The Russian government offered them no alternative housing.

Despite the 1991 court decision that rendered the propiska regime illegal, the government has made little if any effort to discontinue it in major cities. Under a July 17 order from the Council of Ministers, local authorities may refuse to register an individual for temporary or permanent residence based on a long list of conditions that are vaguely formulated and leave open ample opportunities for arbitrariness and abuse. To obey the letter of the law, anyone wishing to stay in a Russian city for more than ten days must register with authorities, in gross violation of freedom of movement.

A scathing report issued on November 16, 1994 by the United Nations Special Rapporteur on Torture has had no noticeable effect on inhumane and life-threatening conditions in Russia's overcrowded pre-trial detention facilities. By far the worst result of this negligence occurred in July at the Novokuznetsk facility, where eleven people died and dozens of others required hospital treatment for oxygen deprivation. Two people died in a labor colony (where individuals are mainly sent after conviction) in Perm, also due to oxygen deprivation.

The Moscow Center for Prison Reform and the Society for Prisoners' Social Defense both attributed the increase in overcrowding conditions to the free rein police now have to detain suspects without bringing charges and to the lack of progress in criminal justice reform, which was brought to a halt in 1995 (see above). Suspects spend on average ten months in detention during the investigatory period, and 16 percent of all pre-trial inmates languish for months or even years more awaiting trial. Convicts often remained in these facilities after conviction for lack of transportation to labor colonies or lack of space in the colonies.

The Russian army in 1995 continued to be a dangerous institution for Russian youth. The independent Soldiers' Mothers Committee reported that the rate of death due to abuse recruits remained unchanged at 3,000 for 1995. Instead of seeking an end to hazing, the Ministry of Defense won a six-month increase in service time, which affected retroactively those already serving. Young men now serve two years in the army in conditions so impoverished that, in

certain areas of Siberia, recruits were given only animal feed to eat. Although the constitution provides for alternative service, the Duma has not adopted an implementing law, and the Ministry of Defense has begun prosecuting scores of men who refused to serve.

Police utterly failed to protect women from domestic and sexual violence, denying them their right to equal protection under the law. Statistics released in 1995 showed that in 1994 roughly 43 percent of female victims of violent crime suffered at the hands of their domestic partners; the prosecutor's office, however, has no official statistics on the rate of prosecution for domestic violence. A draft law on family violence which was debated in parliament in October—the first of its kind in Russia—marked a positive shift from years of relegating criminal violence to a "family matter."

Russia had a mixed record on press freedoms in 1995. The mass media brought the Chechen war in gory detail to television sets and front pages, and newspapers professing a wide variety of views continued to publish in Russia's largest cities. But provincial governments increasingly hounded the independent press, and the central government waged a campaign against the aptly named Independent Television station ("Nezavisimoe Televidenie" or "NTV"). In December 1994, authorities threatened to close NTV because of its candid reporting, and in July the prosecutor's office pressed charges against NTV journalist Elena Masyuk for withholding information on the whereabouts of a wanted criminal in connection to her interview with Chechen rebel leader Shamil Basayev. The prosecutor's office also opened an investigation of the popular satirical television program "Kukly" (Puppets) for its allegedly slanderous portrayal of government leaders. Both cases were dropped with the sacking of the acting general prosecutor. Law enforcement agencies failed to solve the execution-style March murder of celebrated television journalist Vladislav Listyev, and made little progress in the murder of Natalya Alyakina, a journalist who was shot by a Russian soldier on June 17, 1995, as she passed through a military checkpoint during the hostage siege near Budyennovsk. President Yeltsin, in a positive departure from the backlash outlined above, took a stand in defense of press freedoms in a key speech on September 1, in which he pledged personally to oppose any new draft criminal code that contained the Soviet-era article providing for the suspension of journalists' activities.

In a departure from past practice, when Russian law enforcement agencies passively cooperated with attempts by repressive Central Asian governments to harass and capture their dissidents residing in Russia, the Yeltsin government refused to extradite them: in January 1995, it dropped the investigation of two Turkmen dissidents, Murad Esenov and Khalmurad Soiunov, and in October refused to extradite a third, Shirali Nurmuradov, in all three cases concluding a lack of evidence. However, Moscow police detained Mirzo Salimov, a dissident journalist from Tajikistan, for ten days while it awaited confirmation from Tajik authorities that he was no longer on their "wanted" list (see Tajikistan section).

The Right to Monitor

Throughout January and most of February, Russian Army and Ministry of Internal Affairs (MVD) forces repeatedly blocked efforts by Memorial and Sergei Kovalyev to monitor filtration

camps in North Ossetia and Chechnya. (On February 24, the MVD finally granted the group access.) On January 27, the Ministry of Defense refused to allow Sergei Kovalyev to accompany an OSCE delegation to Mozdok, North Ossetia. In another incident, an army officer reportedly threatened to kill Sergei Kovalyev if he did not leave Mozdok. MVD forces forbade humanitarian organizations, human rights monitors and journalists access to Samashki for two days after they had finished their violent search-and-seizure operation. Russian forces twice denied Human Rights Watch/Helsinki access to Mozdok and once refused it access to southern Dagestan. Russian soldiers detained two of our representatives in Grozny and confiscated audio tapes containing interviews with witnesses to human rights abuse.

Disaster relief expert Frederick Cuny was reportedly detained and summarily executed while on a mission for the Open Society Institute to assess food and medicine needs in southern Chechnya. A U.S. citizen and a member of the Human Rights Watch Arms Project Advisory Committee, he was reportedly captured by Chechen forces who may have been acting on Russian intelligence information. It is widely believed that he became a target because of his outspoken views on the abusive conduct of the war.

The Role of the International Community

The United Nations

In January, when the war in Chechnya was at its most brutal, U.N. Secretary-General Boutros Boutros-Ghali told journalists he had "no comment" on human rights violations there. However, other U.N. committees and officials compensated throughout the year for this lapse in U.N. leadership. In February, the Commission on Human Rights issued a chairman's statement (a document weaker than a resolution) expressing "deep concern over the disproportionate use of force by the Russian Armed Forces."

Later in the year, the Human Rights Committee considered the first periodic report by Russia since the collapse of the Soviet Union. The committee's evaluation rightly chided the report's lack of information on government practice and in particular deplored violations of the right to life in Chechnya, and condemned inhuman conditions in pre-trial detention, arbitrary interference in private life by intelligence services, gender discrimination, and the propiska system.

The special rapporteur on torture's November 1994 report was presented at the 51st session of the Commission on Human Rights, held in February and March 1995. The report described in vivid detail the "infernal conditions" of Moscow pre-trial detention facilities and recommended, among other things, wider use of bail or recognizance and U.N. training for criminal justice agencies.

The European Union

The European Union distinguished itself with early activism on the Chechnya war but allowed its involvement to wane prematurely. On at least twelve occasions throughout the year, E.U.

institutions deplored Russia's violations of humanitarian law, including use of indiscriminate and disproportionate force, blocking of humanitarian aid, and, in particular, atrocities committed against civilians in Samashki.

The European Commission gave teeth to its sharp public criticism of Russia's conduct in Chechnya by suspending on January 6 the ratification of the interim trade agreement that underlies the E.U.'s agreement on partnership and cooperation with Russia. The latter's article 1 clearly conditions the agreement on fulfillment of human rights principles. On January 19, the European Parliament approved this decision and called on the commission and the Council of Ministers to refrain from taking any further steps toward final ratification of the agreement until military attacks and gross violations of human rights ceased. From February through April, the Council of Ministers successfully used both trade agreements to pressure Russia to accept a semi-permanent OSCE presence in Chechnya.

In April and June, the E.U.'s Council of Ministers upheld the freeze on the interim accord, but after the Russian-Chechen negotiations began, its position softened. A European summit at Cannes in July recommended unfreezing the interim agreement before the peace agreement had been reached and in total absence of any Russian attempt to seek accountability for humanitarian law abuse. The interim agreement was signed on July 17. As military activities resumed in Chechnya in October the European Parliament again discussed the question of ratification of the partnership and cooperation agreement, but a final decision was not taken.

The OSCE

The establishment in April of the OSCE Assistance Group (AG) in Grozny, following three months of tough negotiations and field work, was a great achievement. The AG's ambitious mandate included facilitating peace talks, investigating human rights violations, and building democratic institutions in Chechnya. In accordance with its human rights mandate, it gathered information on some individual cases of human rights abuse; forwarded cases to the Russian authorities; kept a register of missing persons; on occasion urged Russian commanders to exercise caution with respect to the civilian population; and requested, along with local NGOs, the evacuation of civilians from the Shatoi area before the commencement of military activities.

The AG also proved indispensable in forging the July 30 armistice. Severely understaffed, it was unable to deal with human rights for about half of the mission's first four months. An October 11 Permanent Council statement condemned the renewal of military activities in Grozny and the attack on the OSCE headquarters there.

The Council of Europe

The Council of Europe's Parliamentary Assembly condemned Russia's conduct in the war in Chechnya and voted on February 2 to suspend consideration of Russia's membership application. On September 26, the assembly voted to resume consideration.

U.S. Policy

The Clinton administration responded sluggishly to the slaughter in Chechnya and failed to link Russian conduct with important concessions, such as the May summit with President Yeltsin or support for IMF loans. At the same time, it promoted human rights in Russia at other official meetings through useful democracy-building programs and embassy activities.

Washington's first reaction to Chechnya was to belittle it as an "internal matter" and to make only mild statements urging restraint. Only after public criticism of its position and after its European partners deplored Russian conduct did the Clinton administration show appropriate concern. In February, Defense Secretary William Perry characterized the conflict as "wrongheaded. . .with serious human rights violations," and in April a State Department spokesman condemned the bombings in the south of Chechnya. Secretary of State Warren Christopher, at a March summit with Foreign Minister Andrei Kozyrev, suggested that the Chechnya conflict hampered Russian aspirations to join the Group of Seven nations.

President Clinton declined to use his May summit in Moscow as a forum for protesting abuse in Chechnya. Indeed, he made no significant remarks on the subject at the post-summit press conference, which had featured President Yeltsin's false proclamation that military activities had ended. President Clinton reserved his more critical remarks for a speech delivered at Moscow State University.

To its credit, the Clinton administration actively lobbied for the establishment of the AG, sent \$20 million in humanitarian relief, and raised the issue of accountability in the bilateral meeting between Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck and his Russian counterpart. Neither the Clinton administration nor European governments, however, sought to link support for the \$6.2 billion IMF loan to Russia with significant progress on resolving the Chechen conflict.

Much of the \$342.8 million of U.S. assistance to Russia earmarked for 1995 under the Freedom Support Act funded useful programs promoting democracy, human rights and the rule of law. A cause for concern, however, was its Law Enforcement Assistance program, which organized seminars by the Federal Bureau of Investigations, the Drug Enforcement Agency, and other law enforcement agencies for their Russian counterparts on, among other things, combatting organized crime. Of the forty-eight seminars conducted in Russia and the U.S., not a single one was devoted to maintaining respect for civil rights in fighting crime, although this issue has come strongly to the fore in the past two years.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki made Chechnya a top research priority and focused Chechnya-related advocacy efforts on the OSCE and the European Union. The first international human rights organization to report on Chechnya, we sent three missions there and published four reports in the first five months of the war. We combined publishing reports with increased, on-site public advocacy to engage intergovernmental organizations and Western governments to help end abuse in Chechnya. To this end we traveled twice to Vienna to address the OSCE

Permanent Council: in February, to urge the OSCE to establish a semi-permanent mission in Grozny; and in July, to present a briefing paper pressing for criminal accountability and to urge the OSCE to appoint a special envoy to monitor and assist Russia in holding violators accountable. We also prepared a review of the AG mission for the OSCE Implementation Meeting on Human Dimension Issues in October. In July we traveled to Geneva to brief the U.N. Human Rights Committee on Chechnya.

In many written démarches, Human Rights Watch/Helsinki used results from fact-finding missions to urge European bodies to reconsider important concessions to Russia in connection with the conduct of the Chechnya war, a strategy that proved successful. These concessions included the European Union's interim trade agreement and Council of Europe membership. Numerous Human Rights Watch/Helsinki letters to the OSCE pressed for the speedy establishment of the AG. Also, a February letter condemned Boutros Boutros-Ghali's failure to speak out on Chechnya, and we also issued a statement at the time of the U.N. Human Rights Commission meeting urging it to take a forceful stand on Chechnya.

We repeatedly called on the Clinton administration to condemn violations in Chechnya, and on all world leaders to condemn abuse in Chechnya at the May summit. We released our last report on Chechnya at a press conference in Moscow on the eve of the summit and presented it to members of the OSCE.

Human Rights Watch/Helsinki used its Moscow office to monitor and draw public condemnation of state-sponsored discrimination in Russia: against women, ethnic minorities, and people of dissenting opinion. On March 8, International Women's Day, we released *Neither Jobs Nor Justice*, a Human Rights Watch Women's Rights Project report on gender discrimination and violence against women, at a Moscow press conference. Moscow based staff of Human Rights Watch/Helsinki participated in discussions and seminars with local women's organizations on domestic violence and developed a common advocacy strategy with them to use the draft law to raise awareness about domestic violence. We also featured the problem of domestic violence in our written intervention to the U.N. Human Rights Commission.

The Human Rights Watch/Helsinki office in Moscow closely monitored abuse of individual rights and responded to racial intolerance and threats to free speech. Our report *Crime or Simply Punishment?*, released in September at a Moscow press conference, documented police attacks on ethnic minorities in Moscow. We also submitted our findings and recommendations to the U.N. Committee reviewing Russia's compliance with the Convention on the Elimination of All Forms of Racial Discrimination in July. A letter to Prime Minister Viktor Chernomyrdin, released to the press, called on the government to preempt the threat of communal violence in the wake of the Budyonnovsk tragedy. In a July 18 letter to the Minister of Justice, we urged the repeal of Articles 74 and 206-2 of the Criminal Code, which punish some types of peaceful speech, including by prison terms. We protested the charges against three journalists who wrote on racist or homosexual themes. The Ministry of Justice wrote that it was unconvinced by the free speech arguments, but the MVD showed sincere interest in at least one of the cases raised.

We urged Mikhail Krasnov, legal advisor to President Yeltsin, to intervene in the Viktor Orekhov case, spoke at a press conference organized in his defense, and attended his appeal. We also wrote Foreign Minister Kozyrev and Internal Affairs Minister Kulikov in October, urging them to expedite the release of Tajik journalist Mirzo Salimov.

THE SLOVAK REPUBLIC

Human Rights Developments

The political in-fighting between President Michal Kovac and Prime Minister Vladimir Meciar during 1995, had a decidedly negative impact on respect for human rights and the rule of law in Slovakia, particularly with regard to governmental interference with the independence of the media. Tensions between the Slovak majority and the ethnic Hungarian and Roma minorities also ran high during the year.

Friction among the political parties was highlighted on August 31, when President Michal Kovac's son was abducted from Slovakia, beaten and given electric shocks by eight unidentified men, and dropped in front of an Austrian police station. After Austrian police took him to a hospital for treatment, they detained him on the basis of an international arrest warrant issued by a Munich court for suspicion of fraud. However, because the Slovak courts had not yet pronounced on the issue of extradition to Germany, Kovac was returned to Slovakia where his extradition case is currently pending.

During the course of the investigation into the kidnaping, Slovak police said they suspected the Slovak Information Service (SIS) had been involved. SIS chief, Ivan Lexa, a close associate of Prime Minister Meciar, refused to allow SIS members to be relieved of their oath of secrecy in order to give evidence to the police. He accused the regular police of revealing state secrets and demanded that the investigation team be replaced. As a result, three senior police officials investigating the kidnaping were dismissed from the case. The government made little effort to ascertain the truth about the SIS involvement and did not adequately investigate the serious allegations made by the police. Parliament refused to open debate on the circumstances leading up to the kidnaping.

Since the return to power of Prime Minister Meciar and his Movement for a Democratic Slovakia (KDH) after the parliamentary elections in November 1994, there has been a crackdown on free expression and the press. Shortly after the elections, parliament replaced most of the members of the State Television and Radio Council with members who were political allies. The Slovak government also used various means to prevent journalists from criticizing its policies. On March 9, thousands of demonstrators demanded the return of three widely-televised political satires, which had been taken off the air by the government.

Tensions between the Slovak majority and the Hungarian minority throughout the year reflected tensions between the Slovak and Hungarian governments. Although a basic agreement on the rights of minorities was signed by both countries in March, the Slovak government has yet to ratify the agreement, and has expressed disagreement with provisions concerning the autonomy of national minorities. Slovakia's controversial draft language law also delayed ratification of the bilateral treaty between Hungary and Slovakia. The draft language law limits the use of other languages in schools, state institutions, and both state- and privately-owned media, and was to have gone into effect on September 1, 1995. However, in September Meciar announced that the draft law would be discussed with the Council of Europe before being submitted to parliament.

The Roma minority, the second largest minority in Slovakia, experienced numerous incidents of "skinhead" violence in 1995. On September 1, 1995, a dozen Czech and Slovak "skinheads" broke into the Nevsvady home of a fifty-seven-year-old Roma man and beat him with a baseball bat and police truncheons. The Roma man suffered severe chest and elbow injuries. As of November 1995, the investigation was continuing.

In Ziar nad Hronom, the death of Mario Goral, a Roma, sparked public debate about violence against Roma. Mario Goral was set on fire on July 21 by a gang of forty youths. Goral suffered burns over 60 percent of his body. He died ten days after the attack. On August 10, in response to the incident, the Slovak government's Council for Nationalities held an extraordinary session at which it addressed the issues of racism and violence against Roma.

The Right to Monitor

Human Rights Watch/Helsinki was not aware of any interference with the work of human rights monitors by the government of the Slovak Republic during 1995.

U.S. Policy

Defense Secretary William Perry visited Slovakia in September and took that important opportunity to mention that Slovakia needed to strengthen democratic principles before it would be able to join NATO. After his meeting with government leaders, Mr. Perry said that "a test of progress toward democracy is the government tolerating diversity of opinion, fully supporting constitutional rights and providing transparency of government."

President Michal Kovac met with U.S. Vice President Al Gore on August 8, 1995. Kovac told Slovak radio that U.S. representatives were interested in the progress of democracy in Slovakia and had stressed that Slovakia is not living up to the same standards as other countries in the region. However, the U.S. did not issue a public statement concerning the meeting.

The State Department accurately commented on human rights in the Slovak Republic in its Country Reports on Human Rights Practices for 1994.

The Work of Human Rights Watch/Helsinki

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

TAJIKISTAN

Human Rights Developments

The political, social and economic situation in Tajikistan remained unstable in 1995, three years after the end of the Tajik civil war, which had resulted in 20,000 to 50,000 dead and produced over 800,000 refugees and displaced persons. Despite the government's ostensible goal of reconciliation, the presidential elections of November 1994, held in a climate marred by intimidation and fraud, were followed by similarly flawed parliamentary elections in February 1995. The regional animosities that exacerbated, and ultimately overshadowed, the ideological conflicts of the civil war continued to generate violence in 1995.

U.N.-sponsored peace negotiations between the Afghanistan-based Tajik opposition and the Tajik government in early 1995 and a meeting between the opposition leader Seyyed Abdollah Nuri and President Emomali Rahmanov in mid-1995 had limited success in furthering national reconciliation. The September 1994 cease-fire agreement was, however, extended to February 1996, although armed clashes continued along the Tajik-Afghan border. Failure in implementing confidence-building measures, such as prisoner exchanges, endangered the viability of further talks to be held before the end of 1995. Peace in Tajikistan was further endangered by the Tajik government's inability to exercise centralized control over large areas of the country, resulting in pro-government paramilitary and military forces' acting with near impunity even in the Kuliab area (south of Dushanbe), the residents of which dominate the government.

As in 1994, civil and political rights violations occurred throughout Tajikistan, even though there was a decline in the number of summary executions, disappearances and murders. In general, the government made no attempt to investigate such incidents or punish the perpetrators. In particular, a climate of fear and intimidation reigned over the Gharm region (northeast of Dushanbe) and in Kafarnihan (east of Dushanbe), where government forces continued to harass, detain, and abuse individuals, targeting in particular young men of Gharmi and Pamiri origin who were perceived to be opposition sympathizers. The presence of various opposition groups in the mountains of the Gharm region and a military build-up by the government there greatly increased tensions in that region.

Human Rights Watch/Helsinki received frequent reports of illegal searches of homes, as well as violations of due process rights of detainees, including the right to legal counsel, the right to a fair and public hearing by an impartial tribunal, and the right to be tried without undue delay. Many individuals detained even for short periods reported systematic beatings and torture in detention centers. In the Gharm area alone, at least six individuals died in detention or as a result

of brutal beatings, torture, and shootings by the official militia forces. In addition, despite the announcement of several amnesties, the government continued to hold scores of political prisoners, and to detain without trial many who were arrested in early 1993 for having exercised their right to legitimate nonviolent dissent.

The government also maintained its suspension of opposition newspapers and continued to censor independent journalists. Editors of independent newspapers, who had already been practicing self-censorship, were regularly harassed by the government. As a result of the tight official control over the registration of new newspapers and paper distribution, no new journals emerged.

The Right to Monitor

Although more than forty associations and foundations have received official registration since 1990, including several dealing with human rights and women's issues, no indigenous nongovernmental organization confronted the government over human rights violations. Human rights were monitored by a small international community including several U.N. agencies, the International Committee of the Red Cross (ICRC), the Organization on Security and Cooperation in Europe (OSCE) mission to Tajikistan, and the International Organization for Migration (IOM). In addition, Human Rights Watch/Helsinki has had a representative stationed in Dushanbe since 1994. Despite unsatisfactory response to our written and verbal protests, government officials did not directly interfere in our activities and on numerous occasions acknowledged, albeit with reservations, the importance of our interventions. The ICRC continued to be denied universal access to prisoners. In general, however, the government cooperated with the UNHCR and IOM in the repatriation and integration of returnees.

The Role of the International Community

The United Nations

Under the auspices of the U.N., further talks were held between the government and the opposition, with limited success. The U.N. Mission of Observers in Tajikistan (UNMOT), established by the Security Council in December 1994 for six months and later extended to December 1995, monitored the cease-fire agreement between government and opposition forces. The UNHCR played a key role in facilitating repatriation and in protecting the human rights of Tajik refugees and internally displaced persons (IDPs). But unfortunately, it also decided in September 1994 to reduce its operations in Tajikistan by late 1995, despite continued security problems facing refugee and IDP returnees, leaving protection and human rights monitoring functions to the OSCE, which lacks experience in such operations. The United Nations Development Programme (UNDP) initiated several programs to promote community development and to develop income generating projects for women.

The European Community

The OSCE mission to Tajikistan was established in December 1993 and became operational in February 1994. Despite its broad mandate including the promotion of human rights, the OSCE

focused in its first year on legislative reform, evaluating a draft Tajik constitution and electoral laws, with limited success because of its inability to engage the government in a meaningful dialogue and because some of its efforts at legislative review occurred after passage of relevant laws. In July 1995, the Permanent Council of the OSCE decided to monitor and report on the human rights situation in the country, including the rights of IDP and refugee returnees. By October, however, the OSCE had failed to field the staff necessary to undertake those functions, especially with regards to monitoring the rights of those refugees and IDPs returning to the south. The OSCE also recommended that the government establish a human rights ombudsman and began reviewing a government proposal to create such a position. In general, the OSCE was reluctant to address individual cases of human rights violation, and as of this writing, it was unclear how the OSCE would be able to implement its human rights mandate without doing so.

Russian Federation Policy

The Russian government continued to take a special interest in Tajikistan. Several agreements between the Russian and Tajik governments significantly strengthened Moscow's economic ties with the republic and provided for greater military involvement. The reinforced 201st Motorized Rifle Division continued to form the bulk of the Commonwealth of Independent States (CIS) peacekeeping forces established in 1993. Despite their peacekeeping mandate, the forces are alleged by several sources to be involved in the hostilities. Russia also sought to safeguard the rights of ethnic Russians in Tajikistan.

U.S. Policy

The Tajikistan section of the State Department's Country Reports on Human Rights Practices for 1994 described a broad spectrum of human rights abuses committed by both the government and the opposition. However, the report gave insufficient attention to the security problems facing IDP and refugee returnees in the south, an issue that would become particularly important as the UNHCR planned to turn over its monitoring and protection functions in that area to the OSCE. Representatives of the U.S. Embassy in Tajikistan frequently raised human rights concerns with the government and intervened before the government on behalf of victims of violations.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki established an office in Tajikistan in April 1994. Our goal in 1995 was to continue monitoring the post-war transition period and to urge those governments with interests in Tajikistan to condition military aid and non-humanitarian economic assistance on improvement in the government's human rights record. We also sought to engage the Tajik government, at both the national and local levels, in dialogue on human rights issues. We intervened regularly before the General Procuracy and the Ministries of Internal Affairs and Security on behalf of individuals who had suffered human rights violations, and briefed multilateral organizations, nongovernmental organizations, and journalists on the current conditions in the country. Intervention by Human Rights Watch/Helsinki in mid-1995 was instrumental in suspending the return of internally displaced persons from Badakhshan in the absence of sufficient safeguards.

In May, Human Rights Watch/Helsinki released the report *Return to Tajikistan: Continued Regional and Ethnic Tensions*. In September, we submitted to the OSCE a critique of the activities of the OSCE's mission to Tajikistan. A report on human rights violations in the Gharm region was in preparation as of this writing.

TURKEY

Human Rights Developments

Strong human rights statements by some government officials, the release of scores of political prisoners, the reform of an abusive law, and a reduction in the sheer numbers of political killings brought some improvement to the human rights situation in Turkey in 1995. Problems still remained. Free expression was still punished with arrests and imprisonment, torture was still employed as a routine instrument of police investigation, an abusive counterinsurgency campaign continued to empty Kurdish villages, and there were continued reports of disappearances. The most notable change was the October 27 amendment to the 1991 Anti-Terror Law. Under this and other laws an estimated 170 writers, intellectuals, and journalists were imprisoned for exercising their right to free expression. As of this writing eighty-two had been ordered to be released from prison, and all others convicted under that article are to have their sentences reviewed.

A multiplicity of factors influenced the drop in reported abuses. In its desire to achieve a customs union with the European Union, Prime Minister Tansu Ciller's coalition government—especially her junior partner, the Republican People's Party (CHP)—pushed for a democratization package and paid more attention to human rights concerns. Her efforts came to a standstill on September 21, however, when the CHP left its four year union with Ciller's ruling True Path Party (DYP). The same coalition was patched back together at the end of October and is expected to take the country to early elections on December 24.

There were some welcome positive statements by government officials, such as former Justice Minister Mehmet Mogultay's (CHP) April acknowledgment that extrajudicial executions do take place in Turkey and former Minister of Human Rights Algan Hacaloglu's (CHP) criticism of a deadly house raid. At the end of October Ciller suggested ending emergency rule in the ten provinces in southeastern Turkey, and in March, she ordered the Interior Ministry to guarantee due process to detainees, register prisoners in pre-trial detention to prevent disappearances, and remove "any equipment allowing ill-treatment (if there is any)." There was speculation, however, that Ciller issued the order to prevent publication of a report by the European Commission for the Prevention of Torture (CPT) based on its October 1994 investigation. Nevertheless, these orders, if properly executed, would go far to reduce torture. The changed nature of the armed conflict with the PKK was an equally important reason for the drop in reported violations. After four straight years of serious abuses (1991-94), however, it was still too early to assess the long-term impact of this year's improvements.

Serious problems still remain. The armed conflict between the PKK, the outlawed Workers Party of Kurdistan, and government forces in the mostly Kurdish southeastern Turkey, where most recent abuses have occurred, entered its eleventh year. The PKK, an armed group that has regularly violated international humanitarian law, certainly presented Turkey with a legitimate security concern, but the government's attempts to address that threat have habitually violated the basic rights of Turkish citizens. Security forces continued to depopulate villages forcibly in their counterinsurgency struggle against the PKK. Torture remained routine in most political cases, although the number of deaths in detention dropped. Reports of disappearances while in police detention or under suspicious circumstances increased. Death squad-style killings also remained a problem, albeit at a reduced level. For its part, the PKK continued to attack "village-guard villages" in which numerous civilians believed to be loyal to the Turkish government were killed or summarily executed, although also at a lower level than in 1994.

In January, Prime Minister Ciller vowed to bring Turkey in line with the European Convention for the Protection of Human Rights and Fundamental Freedoms, among other things by amending article 14 of the constitution, which broadly limits rights and freedoms that aim to violate the "indivisible unity of the state." In an April visit to the United States, she vowed to enact a "democratization package" that had stalled in 1994 in parliament and specifically mentioned changing article 8, a notorious provision of the Anti-Terror Law that punishes free speech and has sent scores of Turkish writers to jail. After weeks of debate, in July, several amendments to its restrictive, coup-era 1982 constitution were passed, the first time a civilian government—and not the military—has changed Turkey's fundamental law.

But the amendments that were passed, while increasing some freedoms, such as allowing academics and students to join political parties and permitting trade unions to collaborate with political parties (article 52), did little to address chronic human rights violations. The code of criminal procedure (CMUK), continued to allow political suspects to be held in incommunicado detention up to fifteen days in western Turkey and up to thirty days in emergency rule areas in southeastern Turkey, and is believed to encourage torture.

Freedom of expression in Turkey suffered notable setbacks in 1995, though the amendment of article 8 of the 1991 Anti-Terror Law may reverse this trend. The unamended article 8 punished writing as so-called separatist propaganda "regardless of method, aim, and intent." Although the mainstream press and television were often a lively forum for debate, some efforts by journalists, authors, and intellectuals to discuss the Kurdish issue, human rights abuses by security forces, or the armed conflict in southeastern Turkey were met with severe repression, including censorship, imprisonment and torture of journalists and writers, and the banning of newspapers.

Even Turkey's most famous writer, Yasar Kemal, was charged in January under article 8 for an article, "Campaign of Lies," that first appeared in the German weekly *Der Spiegel* and was subsequently published in the Turkish press. Other mainstream press figures also faced legal actions. In October, journalist-writer Ahmet Altan was found guilty under article 312 and given

a suspended sentence for an article, "Atakurt," which posits the existence of a land called "Kurdiye," where Turks must demand their rights. By mid-1995, approximately 2,000 cases awaited trial under article 8 in State Security Courts. In August, the prosecutor in a case against ninety-nine leading intellectuals charged under article 8 for publication of Freedom of Thought and Turkey accepted the defendants' arguments that article 8 contradicted international conventions and appealed the constitutionality of the law to the Constitutional Court.

On October 27, the Turkish parliament passed amendments to article 8. Most importantly, the state must prove intent, a change from the old text. Sentences will also be reduced under the new amendment. Although not an amnesty, all cases were to be reviewed within a month; as of early November, at least eighty-two people convicted under article 8 were ordered to be released.

Both main pro-Kurdish dailies, Ozgur Ulke (Free Land), and its successor, Yeni Politika (New Policy), faced attacks and government censorship and restrictions. Journalists were detained, threatened, jailed and tortured under article 8 of the Anti-Terror Law or article 312 of the penal code. In at least one instance, on August 22, a Yeni Politika reporter, Sayfettin Tepe, died under suspicious circumstances in police custody. On December 3, 1994, bomb blasts struck Ozgur Ulke offices in Istanbul and Ankara, killing one and causing great damage. In February, authorities closed Ozgur Ulke under Turkey's press law. In August, Yeni Politika was shut down under the same statute; of the 126 issues that were published, 117 were confiscated and censored during its brief, four-month existence. Other radical, Kurdish, or left-wing publications, as well as the publishers of such material, faced similar obstacles.

Repression against Kurdish politicians also continued, although some of the imprisoned DEP parliamentarians were released. On December 8, 1994, seven deputies from the banned Democracy Party (DEP) and one independent were found guilty on a variety of charges such as "participating in armed gangs," "knowingly giving comfort to armed gangs," and making "separatist" propaganda. Two, independent Mahmut Alinak and Sirri Sakik, were released for time served in pre-trial detention, while six others were given prison sentences of between seven and fifteen years. In October, Ahmet Turk and Sedat Yurtdas were released by the Turkish Supreme Court (Yargitay) with the ruling that they be tried again in State Security Court along with Alinak and Sakik. The court, however, ratified the fifteen year sentences of Hatip Dicle, Leyla Zana, Orhan Dogan, and Selim Sadak.

Party administrators and members of the People's Democracy Party (HADEP), the successor party to DEP, were arrested and put on trial for alleged links with the PKK and in some cases tortured. Five HADEP members were murdered in death squad-style killings during the first eight months of 1995, bringing to twelve the number of members murdered since its founding in May 1994. In June, legal proceedings were launched to close another pro-Kurdish party, the Democracy and Change Party, headed by the former head of the People's Labor Party (HEP), the party that preceded DEP, because the party "demand[ed] cultural rights for Kurds," which the prosecutor's office perceived as separatist. The chairman of the Democracy and Change Party,

Ibrahim Aksoy, was arrested on his return to Turkey because of charges against him under article 8 of the Anti-Terror Law in October.

Death squad-style assassinations (so-called actor unknown murders) continued in 1995, albeit at a lower level than in the previous three years when a total of 1,242 individuals fell victim to such attacks. (In 1994, 423 people were killed.) As of September, there had been an estimated ninety-eight death squad murders. Targets included PKK members and sympathizers, HADEP party members and journalists, especially of radical or Kurdish papers.

During the past four years, substantial evidence has accumulated pointing toward collusion between perpetrators of death squad attacks, such as Hezbollah, a radical Islamic group, and security forces, especially in southeastern Turkey. Government efforts to bring the guilty to justice have been lax at best, with convictions in only a minority of the more than 1,000 murders. In 1994 and 1995, however, security forces arrested seventy-four Hezbollah members and charged them in at least seventy-one murders, including five of HADEP members committed in 1995. While these arrests were welcome, they have done little to refute credible allegations of police involvement in such killings or too explain the failure promptly and fully to investigate all killings. This spring, for example, a draft of a report prepared by a Turkish parliamentary commission on death squad killings and leaked to the press contained information alleging a connection between death squad killings and security forces.

The decrease in death squad killings is most likely attributable to the changed nature of the conflict, though the arrests mentioned above were also clearly a factor. After three years of almost non-stop armed conflict in southeastern Turkey, the political and actual landscape of the area where most abuses occur has changed radically. Pro-PKK villages in rural southeastern Turkey that were home to rebel sympathizers, one of the death squads' prime targets, have been forcibly depopulated. Active political life in the region, both legal and illegal, has also been curtailed, and many activists for pro-Kurdish parties like the banned DEP or guerrilla militants have either left the area, been killed, imprisoned, or gone underground.

Disappearances while in police custody or after being detained by unidentified individuals or those identifying themselves as police also continued. According to the Human Rights Foundation, in 1994 there were forty-nine such disappearances confirmed. The Human Rights Association of Turkey received 158 reports of disappearances in the first nine months of 1995. In August, the Interior Ministry announced that a network of centers would be set up to allow family members to locate detainees, but it is too early to assess the impact of this announcement, with some reports indicating that the centers do not have access to information from Anti-Terror police units.

There were also six deaths in police custody under suspicious circumstances in the first seven months of 1995. According to the Human Rights Foundation of Turkey, thirty-four people died in police custody in 1994. Police officials often claimed that an individual committed "suicide," though autopsy reports usually indicated severe torture. Past trials against abusive police have

been slow to start, lasted years, and ended in light sentences or acquittal. In at least one case in 1995, however, the Elazig Public Prosecution office in August charged eight police with torturing Sinan Demirbas to death on July 20. The trial is presently underway.

Police in Turkey continued to use excessive force in performing their duties in violation of both Turkish and international law. In mid-March, police in Istanbul fired into crowds of Alevi demonstrators, killing twenty-one. Although agitators from extreme left-wing organizations were active in the demonstration, and rocks, bottles, and molotov cocktails were thrown, the police response was not proportional to the threat faced. Alevis, members of a liberal off-shoot of Shia Islam and an estimated 30 percent of Turkey's population, were protesting a March 12 armed attack by extreme right-wing groups against coffee houses frequented by Alevis and leftists that left two dead and scores wounded. The district police chief was removed from his post shortly after the shootings, and in July the trial of twenty police officers alleged to have used firearms during the demonstration "exceeding the limits of defense and obligation" began in Istanbul.

There were also several incidents in both southeastern and other areas of Turkey where police, the army, or the gendarmerie fired at vehicles at roadblocks or at individuals near military bases, alleging that they had not obeyed orders to halt. Several were killed. In one incident in early July in Tunceli province, so-called police special team (Ozel Tim) members fired wildly at civilians and civilian structures, causing damage and wounding at least one individual. After the incident many were reassigned, and it was announced that team members would receive human rights training. This was a welcome development, especially because special team members have routinely abused civilians with impunity since the units were organized in 1993.

Police also continued to kill suspects under suspicious circumstances in house raids. While in some instances police and suspects exchanged fire and both suffered dead and wounded, in other cases it appeared that all suspects were killed even though no armed resistance was reported. After a house raid on April 12 in Ankara left three suspected Dev-Sol (Revolutionary Left) members dead, the former Turkish Minister for Human Rights, Algan Hacaloglu, stated, "this is an extrajudicial killing."

Armed conflict in southeastern Turkey between government forces and the PKK continued, where combined Turkish army and police forces conducted major military operations against the PKK. The Turkish military also continued its policy of forced evacuations of rural settlements within Turkey to deprive the PKK of its logistical base of support: by the end of 1994, official figures put the number of totally or partially depopulated villages and hamlets in southeastern Turkey at 2,664 since the conflict started eleven years ago. While some villagers left for economic reasons and some—especially village guard settlements—left the area due to PKK pressure, most of more than 2,000 villages were forcibly evacuated by security forces. Torture, disappearances, and detentions often accompanied evacuations. While the government stated that villagers were removed for their own protection, the majority of cases indicated that forced evacuation was meant as a punishment for refusing to enter the village guard system or for aiding

the PKK. There were also allegations of food embargoes, especially against villages in Tunceli province, by which security forces limited the amount of food villagers could bring back to their homes. Some village guards, a civil defense force that reached 70,000 in number, have been implicated in various killings and illegal behavior. In August, the former Minister for Human Rights stated that in 1996 some villagers would be allowed to return to their homes and would receive two heads of livestock and aid in rebuilding homes.

In spite of the PKK's December 1994 claim that it would abide by the Geneva Conventions, in 1995 the group continued to kill civilians, especially in villages that chose to form village guard units, to execute so-called "state supporters," to plant bombs in non-military targets, and to kidnap journalists and tourists whom they later released unharmed. Through August 4, PKK militants had killed at least fifty-four civilians.

Illegal radical leftist and rightist groups continued their activities. Dev-Sol executed imprisoned members and others on charges of "collaboration" with the state. The Islamic Great East Raiders Front (IBDA-C) was responsible for several bombings this year, including one in mid-January that killed two individuals including Onat Kutlar, a well-respected writer and journalist, and another in August that took the life of a Romanian tourist.

The Right to Monitor

Severe repression in 1995 impeded the human rights monitoring of both domestic and international groups in Turkey. Several members of the Turkish Human Rights Associations (HRA), a decentralized, membership-based group legally registered and operating in most of Turkey's provinces, including the Diyarbakir branch's secretary, Mahmut Sakar, were arrested during the course of the year. Many of those arrested reported being tortured and treated inhumanely in custody. Other members reported receiving death threats. The human rights group Mazlum-Der reported interference in its efforts to distribute aid to the displaced from southeastern Turkey.

The leadership of both the HRA and the Turkish Human Rights Foundation (THRF), which runs a documentation center and four torture treatment centers, faced prosecution primarily for their nonviolent expression. For example, in June, the former chairman of the Istanbul HRA, Eren Keskin, began serving a thirty-month sentence for an article she wrote calling for a cease-fire between the PKK and government forces; however she was released in November because of the amendment to article 8. In late 1994, the chairman of the THRF, Yavuz Onen, and research director, Fevzi Argun, were prosecuted for a book they published on torture in Turkey, and three members of the HRA, including its chairman, Akin Birdal, were prosecuted for publication of a book on Turkey's counterinsurgency campaign. Both trials ended with acquittals in January. In November, prosecutors opened another trial against Onen, HRF documentation chief Fevzi Argun, former Balikesir bureau chief Turgal Inal, and six others for insulting the laws of the republic and decisions of the parliament, under article 159/3 of the penal code, in connection with publishing and writing the book, A Present to Emil Galip Sandalci.

Police conducted raids on several HRA branch offices during the year, forcing several offices, including those in Diyarbikir, Mersin and Adana, to remain closed for extended periods of time.

In June, Amnesty International consultant Helmut Oberdiek was deported from Turkey while conducting research in Adana. In 1994, Amnesty International's Turkey researcher had been declared persona non grata by the Turkish government. Human Rights Watch was able to continue its monitoring in Turkey during 1995.

The Role of the International Community

The European Union

The European Union and its member states took a keen interest in events in Turkey in 1995. On March 6, Turkey signed a "customs union agreement" with the E.U., which represents the closest link to the E.U. aside from full membership. However, the European Parliament must ratify the treaty, and it has insisted on an improvement in Turkey's human rights record setting three main conditions: passage of a number of constitutional amendments; abolishment of article 8; and the release of all DEP deputies imprisoned in 1994. In April 1995, the European Parliament stated that human rights abuses in Turkey were too serious to allow ratification of the agreement. In early July, the European Commission, the executive body of the E.U., issued an interim report concluding that, "the current situation in Turkey with regard to the rule of law and the respect for human rights is unsatisfactory. Despite the imperfections . . . its institutions are essentially democratic, secular, and pluralistic." The E.U. welcomed the passage of numerous amendments to Turkey's constitution in late July as a step in the right direction, but urged further reform and democratization.

The European Parliament has conditioned a positive vote ratifying the customs union agreement on improvements in Turkey's human rights record. A vote on the accord was scheduled for the end of 1995. While some members of the European Parliament were not satisfied with human rights improvements and referred to recent legal reforms as "cosmetic," both the European Commission and the European Council of Ministers were pushing hard for approval. In October, E.U. External Affairs Commissioner Hans van den Broek declared that a rejection of the customs union by the European Parliament could result in "a severe backlash in Turkey," where he said only Muslim fundamentalists are against closer ties with western Europe and that "there is now every reason for the European Parliament to approve the accord."

U.S. Policy

In 1995, the Clinton administration consistently raised human rights concerns, but also reiterated that those concerns would not outweigh Turkey's important role as an ally and a "big emerging market." Government officials, including Assistant Secretary of State John Shattuck, U.S. Ambassador to Turkey Marc Grossman, and Deputy Secretary of State Strobe Talbott publicly expressed concern about Turkey's human rights record. The State Department's Country Reports on Human Rights Practices for 1994 was forthright in its judgment of the human rights situation

in Turkey: "Despite the Ciller Government's pledge in 1993 to end torture and to establish a state based on the respect for human rights, torture and excessive use of force by security personnel persisted throughout 1994." Pursuant to a congressional request, the State Department, in consultation with the Department of Defense, issued a report on the use of U.S. weapons in Turkey's counterinsurgency and forced village evacuation campaign. The U.S. government estimated that it had supplied 80 percent of Turkey's military inventory. While the report did not acknowledge that a Turkish state policy existed to depopulate villages, its discussion of the abusive use of U.S. supplied weapons against civilians was the most compelling and critical statement on Turkey's human rights record ever made by the U.S. government.

The Clinton administration used encouragement, rather than punitive actions, to bring about an improvement in Turkey's human rights record. In February, asked if U.S. military credits would be linked with Turkish human rights actions, Assistant Secretary of State for European Affairs Richard Holbrooke bluntly stated, "I never said that. That is not something I am prepared to say." He added, "...I think it is extremely unproductive to leave the impression that human rights, while it is a major issue, is going to become something that would rupture the U.S.-Turkish relationship." In a June 1995 letter to Rep. Sonny Callahan, chair of the House Appropriations Subcommittee on Foreign Operations, Chairman of the Joint Chiefs of Staff General Shalikashvili underscored Turkey's "strategic value to the United States" in an effort to head off congressional efforts to reduce military aid to Turkey based on human rights concerns. In an August 15, 1995, letter to Representative Lee Hamilton, (D- IN), Secretary of State Warren Christopher stated that, "Turkey's human rights record raises serious concerns, but we do not believe that it has engaged in a consistent pattern of gross violations . . . of human rights." Consequently, Christopher stated that the U.S. would not invoke Section 502B of the Foreign Assistance Act, which requires that the U.S. cut off military aid to states that grossly abuse human rights.

In fiscal year 1995, the administration proposed giving Turkey \$405 million in military credits, but Congress slashed this to \$364.5 million and then withheld 10 percent until the State Department presented the report on the use of U.S. weapons in Turkey mentioned above. Turkey refused to accept the 10 percent. For 1996, the administration proposed \$450 million in military credits; in the foreign aid bill for fiscal year 1996, Congress slashed that to \$321 million.

The Work of Human Rights Watch/Helsinki

Our top priority during 1995 was to raise the profile of Turkey's human rights abuses and to insist that all available leverage be used to elicit human rights concessions from the Turkish government. In September, we testified before the Helsinki Commission of the U.S. Congress in hearings devoted to Turkey. In June, we sent a mission to Turkey to investigate PKK abuses and also the plight of Kurds forcibly evacuated from the southeast living in Adana, a city in western Turkey. We were forced to cancel the trip, however, after former Minister of the Interior Nahit Mentese turned what was to have been a private meeting into a press conference and made the continued work of the delegation impossible. In October, another mission was sent to Turkey to investigate torture and the process of application by Turkish citizens to the European

Commission on Human Rights. Throughout the year, we followed cases of prisoners of conscience, victims of torture, and disappearances in police custody, issuing intervention letters and press releases, which were distributed to policymakers in Europe and the United States.

TURKMENISTAN

Human Rights Developments

In 1995, illegal arrests of dissidents, elections of parliamentary candidates who ran unopposed, and the brutal dispersal and detention of the hundreds of residents who held the first protest rally in recent years confirmed Turkmenistan as one of the most repressive governments in the world. The campaign to discredit dissent took on theatrical proportions when the state charged that leading dissidents plotted to kill President Saparmurad Niyazov and labeled peaceful marchers "drug addicts."

President Niyazov, enjoying an uncontested presidency until the year 2002, continued to rule his one-party state under the strict control of security forces and to suppress nearly all dissenting speech. In late 1994, four men reportedly associated with his political archrival, Avdy Kuliev, were charged with plotting a presidential assassination: Mukhammetkuli Aimuradov, Murat Esenov, Khoshaly Garaev and Khalmurat Soiunov. Esenov and Soiunov, who were arrested in Moscow on November 24 and 25, 1994, respectively, were cleared of charges for lack of evidence by the Russian Procuracy General on December 21, 1995. Garaev and Aimuradov, however, were extradited from Uzbekistan without due judicial review on October 28, 1994; on June 21, 1995, a Turkmenistan court sentenced them to twelve and fifteen years, respectively, in a strict-regime labor colony.

In early December 1994, Dyrzymurat Khodzhamukhammetov, co-chairman of Agzybirlik, a banned dissident political group, disappeared. It is not clear whether he was arrested or went into hiding. On August 10, 1995, the other Agzybirlik co-chairman, Khudaiberdy Khallyev, reportedly was kidnapped, severely beaten and abandoned outside Ashgabat in a politically motivated attack.

On December 11, 1994, at the height of the political manhunt, the Turkmenistan government conducted elections for its parliament. Since all candidates were nominated by the president, the results, as reported by Agence France-Presse, were not surprising: 99.8 percent of the electorate voted, and all of the candidates won.

On July 12, 1995, a group of between several hundred and 1,000 residents held a peaceful march in the capital, Ashgabat, during which they distributed flyers calling for new popular elections and urging the police not to oppose them. According to one eyewitness, the protestors, surrounded by nearly as many police and secret service agents as there were demonstrators, proceeded for about an hour toward the presidential palace before the police began to beat them

and carry them off in cars. In all, some 200 protestors reportedly were detained; roughly fifteen of them are believed to remain in custody four months later. The Turkmenistan authorities have not responded to requests for information about the charges against these individuals.

Abuses abounded in the wake of the rally. One protestor, Sukhanberdi Ishanov, approximately twenty years old, reportedly was badly beaten during interrogation, during which he incriminated at least one person as a rally organizer and apologized in a television appearance. Upon his release, Ishanov reportedly hanged himself; relatives who prepared his body for burial reported that it was covered with bruises, presumably from blows suffered during detention. Relatives who protested his death reportedly were themselves detained, interrogated and threatened.

Vladimir Kuleshov, for the last ten years the Ashgabat correspondent for the Moscow-based daily newspaper Izvestia, reportedly was interrogated and threatened with criminal charges by the Turkmenistan Procurator's office in the days following the march. In his coverage, he described the rally as a "protest march." (According to an Izvestia report of July 29, his interrogator objected, "We never had and never will have 'protest marches'.") On July 20, authorities reportedly sealed his office without a court order, and Kuleshov was forced to leave Turkmenistan. On July 18 and 25, respectively, journalists Mukhammet Myratly and Yovshan Annagurban reportedly were arrested on suspicion of involvement in the march, although authorities have failed to reveal the charges against them.

The Right to Monitor

The government finally registered the Russian community's independent advocacy group. However, it did so only on condition that the group become part of a government structure, thus depriving it of independence. Otherwise, there was no known attempt by local residents to monitor the human rights situation. On the contrary, some activists who previously had been willing to serve as sources of information asked not to be contacted in 1995 for fear of government retaliation.

The U.S. government's Helsinki Commission monitored the elections in December 1994, and the OSCE hosted a human rights legislation seminar in Ashgabat in September 1995, both without reported interference.

The Role of the International Community

The OSCE's September seminar in Ashgabat offered a rare forum for international concern about human rights in Turkmenistan and the region, which Amb. Audrey F. Glover, Director of the OSCE's Office for Democratic Institutions and Human Rights, used to advantage by raising concern over specific violations. However, the seminar suffered from a poorly chosen topic: "Central Asian human rights legislation" attracted almost exclusively mid-level officials and deflected attention from the point that in Turkmenistan abuses occur not because of inadequate legislative protections but because laws are inadequately enforced.

The U.S. remained the only country known to build human rights concerns into its bilateral agenda. However, it persisted in expressing concern only behind closed doors; thus, to the people of Turkmenistan, it seemed the U.S. tolerated widespread abuse as silently as did the rest of the international community. According to the State Department's April-June 1995 quarterly report on assistance, the U.S. kept assistance "moderate" because of "Turkmenistan's general lack of movement on political and economic reform." The State Department's failure to make its disappointment public, however—including shying from high-level diplomatic sanctions even when peaceful marchers were beaten and illegally arrested as they passed near the very gates of the U.S. Embassy in July—undermined the impact of limiting aid.

The Work of Human Rights Watch/Helsinki

In 1995, we worked to break the silence on abuse created by censorship and nearly uniform international tolerance of human rights abuse in Turkmenistan. We held two joint press conferences in Moscow on political arrests, sent two letters of inquiry or protest to President Niyazov, raised concern in person about the welfare of specific victims at the OSCE seminar, and helped secure third-country asylum for persecuted dissidents.

UZBEKISTAN

Human Rights Developments

The government of Uzbekistan began a concerted campaign to shed the reputation of serious human rights abuser that it had gained in 1992. At this writing it remained too early to tell whether changes during 1995 marked the beginning of the end of state-sponsored human rights abuse in Uzbekistan or a mere toying with the trappings of democracy.

The government registered its first alternative parties in years and held a multiparty election and a popular referendum. It adopted institutional mechanisms for strengthening human rights and reached out diplomatically to its political opposition and to the international community far more than in previous years. These developments effected some short-term improvements, most notably the release of seven political prisoners: Pulatjon Okhunov, Otanazar Oripov, Inomjon Tursunov, Salavat Umurzakov and Nosir Zokirov (November 1994), Ibragim Buriev (April 1995) and Mukhtabar Akhmedova (June 1995).

However, the violations that earned Uzbekistan's government its stigma in the first place continued in 1995, including politically motivated arrests of political dissidents and Islamic leaders, violent abuse of opposition and human rights activists, cruel and inhuman treatment in pre-trial detention, violations of due process rights, refusal to register opposition parties and independent advocacy groups, and oppressive censorship.

The most dramatic improvements during the year were on the diplomatic front. The government welcomed the opening of an Organization of Security and Cooperation in Europe (OSCE) regional liaison office in the capital, Tashkent; began to engage in a joint project on human rights and governance with the U.N. Development Programme; in November 1995 reversed an almost three-year ban on Human Rights Watch's fieldwork by extending its representatives an invitation to return to Uzbekistan; and held high-level meetings in Washington, D.C. with Human Rights Watch and with leaders of its own political opposition, with whom there had been no dialogue in several years. These steps were welcome, but as of this writing, dialogue appeared more sustained with foreigners than with domestic critics: the scheduled follow-up meeting between the government and the opposition had not materialized six months later.

Efforts to promote human rights on the institutional level were also a promising sign but as of this writing had not yet effected real change. In February, the government created a human rights commission as part of the Supreme Council; in June set up a Commission on the Observance of the Constitutional Rights and Liberties of Citizens; and in August passed a law allowing any action or decision violating civil rights and liberties to be contested. These moves seemed to be mere window-dressing, however: the government liquidated the existing human rights commission, and the right to protection of civil liberties was already enshrined in Uzbekistan's federal and international obligations.

The government claimed—so far unconvincingly—that decentralization of political power was one of its prime advances. On December 25, 1994, it held what were hailed in the local media as the first multiparty parliamentary elections since independence, and on March 26, 1995, conducted a national referendum on the presidency. But these proved a sham. By June 3, 1995, the government had registered three parties other than the ruling Popular-Democratic Party, but did not lift its effective ban on the most vocal opposition parties, Erk (meaning Strength or Will) and Birlik (Unity) and refused to register a nascent opposition party, Adolat (Justice), indeed registering a much tamer party under that same name. Thus, while the elections were technically multiparty, differences among the party platforms were insignificant and the electorate was still denied access to the full spectrum of political options.

Moreover, the elections were held in an intimidating atmosphere. For example, Rashid Bekjon, a leader of the banned Erk Party, was arrested on December 11, 1994, reportedly in possession of flyers urging an election boycott, and was sentenced a half-year later to five years in jail on unrelated charges. Similarly, on March 31, one co-founder of the embryonic Adolat Party, Ibragim Buriev, was arrested on charges of, inter alia, illegal drug and arms possession, which were believed to have been falsified. He was released a month later, allegedly for health reasons, but also as a concession to criticism of his arrest. Ultimately, 90 percent of parliamentary seats went to members of the ruling party, and in the March referendum, an implausible 99.6 percent of eligible voters approved extending President Islam Karimov's tenure to the year 2000.

Soon after the referendum, the other unregistered Adolat co-founder and a leading political opponent of President Karimov, Shukhrullo Mirsaidov, was violently assaulted for the fifth time in two years, allegedly by security agents. On April 18, he reported, he was kidnaped, drugged, stripped of his clothes, and photographed on video with a naked woman, presumably to discredit or blackmail him later, and his son was kidnapped and rendered helpless after being sprayed with gas. Saidov's unprecedented ability to hold a high-visibility press conference following the incident was a sign of the increased tolerance of critical speech the government exhibited for foreign consumption in 1995; the fact that the abuse occurred in the first place, and that no criminal investigation resulted, as of this writing, was a sign of how far the government would have to go to improve its actual human rights record.

Free, peaceful expression continued to be in jeopardy since publication of our last World Report. At the end of 1994, the government stripped American correspondent Steve LeVine of his journalist's accreditation and forced him to leave Uzbekistan, apparently because his writings displeased the government. Later in the year he was allowed to return to Uzbekistan but as of this writing, his accreditation had not yet been restored. On January 22, 1995, dissident Mukhtabar Akhmedova was arrested on charges of insulting a public official in connection with a letter she wrote protesting a government proposal to raze parts of the capital's old town. She was sentenced to four years in prison but amnestied on June 13.

Two cases indicated continuing abuse of criminal suspects during arrest and interrogation. On March 30, seven people associated with the unregistered Erk Party were sentenced to long prison terms stemming from allegations of involvement in a plot to overthrow the government. Reportedly, most were badly beaten during arrest and interrogation and forced to incriminate themselves and others. In July, two young women held in detention were intimidated into submitting to unwanted abortions, allegedly to elicit a confession. In a clear concession to public outcry, prison authorities released the women pending trial on October 5, and in late October reportedly ordered the head of the National Security Service (former KGB), the government agency responsible for their mistreatment, to take immediate, unplanned retirement.

The Right to Monitor

There was no reported interference in monitoring by foreign observers; on the contrary, the government actively encouraged such monitoring efforts. Domestically, the government augmented state-controlled human rights mechanisms at the same time as it continued to repress local groups and individual activists. The Ministry of Justice failed to register an independent human rights group for the third year in a row, despite repeated petitions, and effectively stripped the registered National Association "Russian Culture" of accreditation by making it submit a new application, which it then did not approve.

A small number of independent activists did monitor human rights this year, though at personal risk. To note only one case, Mikhail Ardzinov reported that security agents were probably behind the violent assault on him on March 9: two men knocked him down and drove off with his briefcase, but drove by again within minutes and threw it back to him. Trial monitoring

equipment, notes he had been taking as he observed a political trial, and the iron rod he habitually carried with him to protect himself from just such attacks were missing from the briefcase.

The Role of the International Community

The European Union and the OSCE both made démarches during 1995 concerning the cases of forced abortion. The E.U. démarche, executed by the Italian embassy, was on the initiative of the Spanish mission to the OSCE, with strong support from Hungary and the U.S. On the basis of a June 12 decision, the European Commission took the first steps toward beginning negotiation of a partnership and cooperation agreement with Uzbekistan. In April, the OSCE created a liaison office in Tashkent, and that office conducted effective monitoring.

The U.S. continued to be the only country known to have kept human rights high on its bilateral agenda with Uzbekistan. The Clinton administration actively monitored human rights conditions, issued démarches and conducted interventions even as it welcomed the government's increased willingness to address human rights concerns. To highlight only one example, the U.S., working bilaterally and through the OSCE and the Congressional Working Group on International Women's Human Rights, vigorously protested the cases of forced abortion.

A visit in May by Deputy Assistant Secretary of State for Democracy, Human Rights and Labor Nancy Ely-Raphel, during which she reportedly raised concern about ongoing violations and met with activists, was followed by the signing of a treaty in June allowing U.S. citizens to travel freely within Uzbekistan. Through the National Democratic Institute (NDI), a government-funded organization linked to the Democratic Party, the U.S. sponsored the unprecedented meeting of official and opposition figures in January and again invited top officials to Washington for talks in June.

The administration also conveyed its distaste for Uzbekistan's practices by refusing to issue President Karimov a coveted invitation, although Vice-President Gore met with him in Washington, D.C. while President Karimov was in the U.S. in November for the fiftieth-anniversary U.N. celebrations.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki worked in 1995 to keep awareness of violations high, promote the work and safety of local human rights activists, and reverse visa denials for international monitors. In April and September, we wrote to President Karimov to protest the mistreatment of peaceful political dissidents and the abuse of detainees, and worked with the OSCE and the U.S. State Department to promote action on these cases. In May, the chairman of the Human Rights Watch/Helsinki Advisory Board traveled to Uzbekistan, in a non-affiliated capacity, and met with the Foreign Ministry and several dissidents to help reassess our monitoring efforts and pave the way for a full-fledged investigation. In June, our representatives met with the Minister of Foreign Affairs and Minister of Justice in Washington, D.C. to communicate concerns and help secure permission to re-enter Uzbekistan, which finally came in November. In September we

launched a campaign urging that the two victims of unwanted abortions be released pending trial and that those responsible be prosecuted. As noted above, the women were released in October, and the head of the government agency responsible for their mistreatment reportedly was forced to retire.

FEDERAL REPUBLIC OF YUGOSLAVIA

Human Rights Developments

Human rights conditions continued to deteriorate in the Federal Republic of Yugoslavia (FRY) during 1995. Abuses against minorities, repression in Kosovo and Vojvodina, government efforts to limit entry or deny refugee status to Serbian refugees fleeing the Krajina region of Croatia and western Bosnia-Herzegovina and furthermore, press ganging large numbers of them to return and fight in the aforementioned republics were the most serious human rights abuses during the year.

After a number of military setbacks in Croatia and Bosnia-Herzegovina, which created an exodus of approximately 250,000 refugees headed for Serbia, the FRY announced in mid-August that all men of fighting age coming from Krajina would be barred from entering the country and would be redirected to the battlefields in Bosnia-Herzegovina. Reviews of their claims for refugee status were often rejected, and they were forcibly conscripted into abusive armed forces, as members of which they were likely to commit violations of international humanitarian law. Earlier in the summer, the Yugoslav police and army had arrested military-aged Serbian refugees in Serbia who were then forcibly mobilized by either the Bosnian Serb Army or, more recently, by notorious war criminal Arkan's paramilitary forces based in eastern Slavonia, Croatia. By June 22, the campaign widened to include even citizens of Serbia proper who in the past had lived or worked in Croatia or Bosnia-Herzegovina for some period of time. The scale of the governments's roundup was so large that it even prompted outrage within the parliament.

Serbian refugees and some Serbian citizens physically harassed Croats and Hungarians and forcibly evicted them from their homes in Vojvodina in reprisal for the Croatian Army's military successes in Krajina and western Slavonia in May and August, respectively.

The human rights situation in Kosovo—a region in the south of Serbia in which approximately 90 percent of the population is Albanian—continued to deteriorate. Shielded from international scrutiny, Serbian President Slobodan Milosevic's government intensified oppression of ethnic Albanians during the year. As of late 1995, eleven people ranging from ten to sixty-six years of age had been arbitrarily killed and eleven others wounded by the Serbian police and/or Yugoslav Army soldiers. There were approximately 2,400 cases of arbitrary arrests of Albanians by Serbian authorities, and thousands more summoned for "informative talks." Many of these individuals were beaten by the police; at this writing, over 200 were reportedly still in police custody under spurious charges. Serbian police continued to raid Albanian villages, conduct indiscriminate and brutal house raids without official search warrants, and arbitrarily arrest and

imprison individuals. Excessive force and torture during detention were often reported. Forced expulsions from houses and apartments also continued to exacerbate tensions in the area.

A number of Albanians, particularly former government employees in the police and army, were especially targeted by the Serbian authorities during the year. During 1995, over 200 Albanians were reportedly prosecuted for, among other things, "acts of hostility against the state" and "jeopardizing the territorial integrity of the Federal Republic of Yugoslavia." In addition, some were accused "of forming a parallel Ministry of Foreign Affairs and Ministry of Interior Affairs, with the goal of jeopardizing the constitutional order and territorial integrity of Serbia and Yugoslavia." Many of the defendants were subjected to beatings and torture, were coerced into making incriminating statements, and were held for up to four days without the right to contact their lawyers or relatives.

As of late 1995, an estimated three-quarters of the overall number of formerly employed Albanians had been dismissed from their state jobs. The Kosovo Albanians continued to refuse to recognize Serbian direct rule in the province and established a "parallel society" and government, including "underground" schools, clinics and other civic institutions.

Approximately 13,000 Serbian refugees, many of whom had fled the Krajina region during the Croatian offensive or areas of northwestern Bosnia that fell to Bosnian government forces, were settled in Kosovo by the Belgrade government during the last quarter of 1995. Another 3,000 had been settled in Kosovo earlier during the year. This resettlement initiative served the government's longstanding goal of changing the demographic composition of the region. The refugees were given incentives to settle permanently in the region, including free land, jobs, credits, and in some cases Albanians' houses and apartments that were either temporarily vacant or from which Albanian tenants had been evicted.

The Right to Monitor

The Yugoslav government continued to obstruct international observers from monitoring human rights developments in Kosovo, Sandzak and Vojvodina, yet several domestic groups were able to monitor human rights in FRY throughout 1995. The Belgrade-based Humanitarian Law Fund investigated Serbian-perpetrated violations of human rights in Kosovo early in the year; the Belgrade-based Serbian Helsinki Committee and the Center for Anti-War Action launched a protest against the recently revived campaigns in Serbia to forcibly draft refugees. The Humanitarian Law Fund and the Serbian Helsinki Committee also interviewed Serbs displaced from Krajina and investigated expulsions of non-Serbs in Vojvodina. The Council for the Defense of Human Rights in Kosovo, the Kosovo Helsinki Committee, Albanian political parties, Muslim groups in Sandzak, and Croatian and Hungarian groups in Vojvodina also documented abuses committed against their respective ethnic groups, encountering sporadic interference by the government.

The Role of the International Community

The possibility of a peace agreement for Bosnia-Herzegovina in 1995 contributed to European and U.S. leaders' reluctance to address the human rights record of the Yugoslav government and Serbia's continued material support of the Bosnian Serb army, which committed atrocities when it overran the U.N.-declared "safe area" of Srebrenica (see Bosnia section). Although Bosnian Serb leaders Radovan Karadzic and Gen. Ratko Mladic were indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in July, they continued to appear at Milosevic's side during meetings with U.S. and European negotiators.

Despite Milosevic's numerous past promises to the international community to seal the border with Serbian-controlled areas of Bosnia-Herzegovina and to cut all political, economic and military ties with the Bosnian Serbs, as well as U.N. certification that the border was sealed, the international press reported that the border remained porous and that Serbia continued its support for Bosnian Serb forces. According to a July 26 article in *The Independent* (London), there were frequent sightings of petrol, munitions, soldiers and vehicles with Yugoslav army registration plates crossing over from Serbia into Bosnia-Herzegovina. In January, according to U.N. representatives, more than sixty-two helicopter flights crossed the Serbian-Bosnian border, in violation of the U.N.-imposed "no-fly" zone over Bosnia. By exploiting loopholes in the border closure agreements drawn up by the international community, the FRY continued to provide important material and manpower assistance to the Bosnian Serb army.

On July 4, the *International Herald Tribune* (Paris) reported that Belgrade was, in effect, running the Bosnian and Krajina Serb war machines: in the aftermath of Croatia's offensive to retake Serbian-controlled western Slavonia, uncovered documents reportedly revealed that 300 officers were on Belgrade's payroll. Moreover, in May, a member of the Yugoslav Army's general staff—Lt. Gen. Mile Mirksic—was sent from Serbia as the replacement commander for the forces of the self-proclaimed Republic of Serbian Krajina in Croatia. In March, Milosevic sent up to 900 troops, twenty tanks, ground-to-ground rockets and other equipment from the rump Yugoslavia into the Serb-controlled area of eastern Croatia. This was all carried out in the presence of U.N. troops mandated to demilitarize the zone, who were ordered by their Russian commander not to block the movement.

At the end of May and beginning of June, after Bosnian Serbs took hostage approximately 400 U.N. soldiers, Milosevic's chief of security Jovica Stanisic was a ubiquitous figure at the Bosnian Serb-U.N. negotiations to bring about the U.N. prisoners' release. Stanisic's appearance in Pale just before each group of hostages was freed further underscored the view that Milosevic had never broken off his military and strategic support for the Bosnian Serbs despite a highly publicized feud with Karadzic.

At the outset of the year, the contact group—comprising representatives from the U.S., France, Germany, U.K. and Russia—agreed to lift sanctions imposed on rump Yugoslavia if Milosevic would recognize Bosnia-Herzegovina and Croatia and tighten its border with the Bosnian Serbs. Throughout the year, countless European—and more recently American—diplomats traveled to Belgrade, invariably attempting to convince Milosevic to recognize Bosnia-Herzegovina in

exchange for a lifting of the international sanctions. Milosevic turned down such offers a number of times, insisting that sanctions be lifted first. Although the international community was not satisfied with his preconditions, Milosevic was able to score a fundamental political success for FRY: he brought an end to the country's status as an international pariah by linking his personal involvement in the Bosnian peace negotiations with the issue of lifting the international sanctions against rump Yugoslavia.

In November, the International Criminal Tribunal for the former Yugoslavia indicted three Yugoslav Army officers in connection with war crimes perpetrated during and after the fall of the city of Vukovar in Croatia in 1991.

U.S. Policy

Through most of the year, the Clinton administration's peace negotiators, led by Assistant Secretary of State Richard Holbrooke, continued to meet with President Milosevic to discuss peace in Bosnia-Herzegovina (see Bosnia section). Eagerly seeking Milosevic's cooperation in the peace process, the Clinton administration noticeably abandoned its longstanding policy, most clearly articulated by U.S. Ambassador to the United Nations Madeleine Albright, that the U.S. would not support a diminution of sanctions unless the Serbian government cooperated with the International Criminal Tribunal for the Former Yugoslavia. In fact, in late October, members of the Clinton administration suggested suspending U.N. sanctions against the FRY as an incentive for Serbia to cooperate during U.S.-led peace negotiations in Ohio. The proposal was quashed after protests from other members of the administration, notably Ambassador Albright.

The Work of Human Rights Watch/Helsinki

Human Rights Watch/Helsinki continued to monitor Serbia's role in perpetrating human rights abuses and violations of the laws of war in conflict areas within the former Yugoslavia, and more specifically, its support for abusive rebel Bosnian and Croatian Serb forces and for individuals who have been indicted as war criminals. We also focused on the need for accountability to remain a key issue in the peace process and worked to condition the lifting of U.N.-imposed sanctions against the FRY on its cooperation with international efforts to establish accountability for war crimes and crimes against humanity in the former Yugoslavia. On January 10, Human Rights Watch/Helsinki urged the U.N. Security Council to reinstate sanctions against the FRY until it ended all direct and indirect support of forces committing human rights abuses in Bosnia-Herzegovina and Croatia and cooperated with the International Criminal Tribunal for the Former Yugoslavia. Human Rights Watch/Helsinki issued similar calls to the members of the Security Council on February 15 and June 2, protesting the international negotiators' proposal to suspend sanctions against the FRY in return for Milosevic's recognition of Bosnia-Herzegovina and Croatia, without providing for FRY's cooperation with the tribunal. On July 31, Human Rights Watch/Helsinki and twenty-six other humanitarian, human rights, and religious groups called for multilateral military action to stop genocide in Bosnia-Herzegovina, specifically to halt the Bosnian Serb offensive against the U.N. designated "safe areas" of Srebrenica and Zepa. The

statement also called, among other things, for the stigmatization of Serbia if it could be proven to be directing, assisting and supplying abusive troops in Bosnia-Herzegovina, and the maintenance of sanctions against Belgrade until it cooperated with the investigation and extradition of indicted war criminals.

By substituting individualized guilt for the assumptions of collective ethnic guilt that now fuel the conflict, the International Criminal Tribunal for the Former Yugoslavia—the only existing fair trial venue and viable road to accountability—offered an historic opportunity to provide justice to victims of atrocities, possible deterrence against further abuse, and a basis for eventual peace in the region. In June, Human Rights Watch/Helsinki released a report critiquing domestic war crimes trials in Bosnia-Herzegovina, Croatia and the FRY, pointing to their politicization and lack of due process. The report also highlighted the paucity of trials in which members of the parties' own forces are tried for violations of human rights.

Human Rights Watch/Helsinki also focused its efforts in the FRY on monitoring and exposing abuses against non-Serbs and Serbian refugees from Krajina in the FRY. In January, we submitted written statements concerning minority rights in the FRY to the 51st Session of the U.N. Commission on Human Rights.