

EUROPE AND CENTRAL ASIA OVERVIEW

Human Rights Developments

THE LONG-anticipated outbreak of violence in the province of Kosovo—with war crimes committed primarily by Yugoslav government forces against the civilian ethnic Albanian population—and the dramatic deterioration of Russia's economy that pushed the country to the verge of chaos were the most notable developments in the region in 1999. Both cases underscored the threat posed when human rights and the rule of law are downplayed in order to promote interests such as territorial integrity, regional security, or economic gain.

While the international community touted the need for regional stability and a regional approach to security concerns, governments such as the United States and the member states of the E.U. often ignored the regional security threat posed by human rights violations and indicated no recognition that the failure to insist on accountability for atrocities in one country or region often fueled abuses in another.

There was a distinct deterioration of the human rights situation in Belarus, the Federal Republic of Yugoslavia (FRY), Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan. And while President Saparmurat Niyazov was being unconditionally welcomed at the White House by President Clinton, the government of Turkmenistan continued to deny its citizens virtually all civil liberties. Other areas of concern in the region included a growing problem of religious persecution, attempts to intimidate or shut down the independent press, widespread ethnic discrimination, and a continuing problem of police brutality that often reached the level of torture. Sporadic fighting occurred in the Abkhazia region of Georgia and in Tajikistan, although cease-fire agreements remained in force in both countries, and numerous abuses continued to be perpetrated by both sides in the conflict in southeastern Turkey, although at a lesser intensity than during the mid-1990s. On a positive note, a peace agreement was reached and overwhelmingly approved by public referendum in Northern Ireland, bringing an official end to the conflict.

Almost ten years of repression, systematic discrimination, and widespread police brutality against ethnic Albanians finally erupted into armed conflict in Kosovo in 1999. Less than three years after the Dayton Peace Agreement ended the war against civilians in Bosnia and Herzegovina, the Yugoslav Army and special police units carried out a military offensive in Kosovo in which civilians were the primary victims. Yugoslav government troops committed extrajudicial executions, systematically destroyed civilian property, and forced thousands of people to flee their homes.

For much of 1999, the international community wrung its hands but remained inactive as the death toll in Kosovo rose and the number of displaced persons and refugees from the conflict grew exponentially. As the Kosovo Liberation Army (KLA) grew in strength, the international community, especially the United States and the European Union (E.U.), were reluctant to take any step that might be construed, in the words of Secretary of Defense Cohen, "as lending support, either moral or military, to those seeking independence." Pointing to the need for protecting international borders and the destabilizing effect an independent Kosovo would have on the region, it closed its eyes to the instability created by unchecked human rights violations.

It was only after the Federal Republic of Yugoslavia (FRY) government had carried out a highly abusive offensive in Kosovo during the months of July, August, and September that seriously weakened the KLA, that the international community intensified pressure and negotiated the framework of an agreement intended to end the conflict and create a large monitoring mission to verify compliance with the terms of the agreement. As of this writing, it remained unclear whether the October agreement would truly end the fighting in Kosovo and ensure the safety and security of those living there.

The conflict in Kosovo exacerbated ethnic tensions in Macedonia between the majority population and the ethnic Albanian minority, yet the international community, which has invested great political and financial resources to maintain Macedonia's stability, rarely criticized the Macedonian government's human rights record, including the mistreatment of the ethnic Albanian minority, apparently viewing human rights protection and regional stability as an either-or proposition. By failing to insist on minority rights and the rule of law, it missed an important opportunity to help dispel the frustrations caused by ethnic discrimination that sometimes foster secessionist movements. The conflict in Kosovo also contributed to an increase in ethnic tensions in neighboring Bosnia and may have played a role in the electoral success of hardline nationalists in the September elections. Provocative statements by hard-line nationalists in Serbia regarding the conflict in Kosovo fueled a series of hostile statements by nationalists during the electoral campaign in Bosnia. The arrival of several thousand ethnic Albanian refugees from Kosovo further strained Bosnia's already limited resources.

As the world negotiated a treaty for an International Criminal Court during the year, the promise of and the obstacles to an effective system of international criminal justice were nowhere more evident than in the former Yugoslavia. Although significant progress was made during 1999 in transferring indicted persons—whether by arrest or by surrender—to the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Hague, the highest ranking persons indicted for atrocities in the region were not arrested and others believed responsible for war crimes remained unindicted. The failure to arrest Radovan Karadzic and Ratko Mladic undermined efforts to secure a lasting peace in Bosnia, damaged the credibility of the tribunal, and compromised the deterrent effect the tribunal might have had in Kosovo.

Serious violations of the laws of war were also committed in Georgia and Tajikistan, where efforts to transform fragile cease-fires into a lasting peace remained unsuccessful. More than 200 people were reportedly killed when violence erupted in the Abkhaz region of Georgia in May, and scores of civilians were killed in Tajikistan when fighting broke out on several occasions during the year. In both countries, the fighting resulted in a campaign against civilians, including summary executions, rape, torture, and the looting and destruction of civilian homes and property. Armed insurgency groups in Kosovo, Northern Ireland, and Turkey were also linked to serious violations of the laws of war and other abuses during the year.

The most hopeful note in 1999 came in April when the political leaders and citizens of Northern Ireland, with the active engagement of the governments of Ireland, the United Kingdom, and the United States, reached an historic agreement to end the conflict. Human rights concerns featured prominently in the peace agreement, which acknowledged the need to address, among other things, the abusive conduct of the police. However, the government of Tony Blair moved slowly to address key human rights concerns during the year, and, in the wake of the August 15 Omagh bombing that killed twenty-nine people, strengthened the already draconian emergency legislation that has often been condemned by human rights organizations.

Armed conflict continued to produce forced displacement in the region. The fighting in Kosovo caused at least 300,000 persons to flee their homes, and in Georgia more than 30,000 people were displaced by the May fighting. The reluctance of many refugees and internally displaced persons to

return to their homes was often a consequence of an incomplete transition from war to peace that did not include accountability for past and on-going abuses.

The "year of return" in Bosnia and Herzegovina produced few so-called "minority returns"—returns to areas where the post-war majority is of a different ethnicity than the returnee. In many cases, the return of refugees and displaced persons was impeded by the ongoing presence and influence of police and government authorities with a history of abuse, the atmosphere of impunity that surrounded police misconduct and ethnically motivated violence, as well as by the government's failure to grant equal access to the law in relation to property return and other administrative issues. The absence of a final peace agreement in the Nagorno Karabakh conflict caused at least 750,000 Azeri refugees to remain homeless and destitute in Azerbaijan. An internationally praised Croatian government plan for the return of displaced persons and refugees did little to alter the pattern of official discrimination against and harassment of ethnic Serbs in the country. As a result, the exodus of ethnic Serbs from Eastern Slavonia continued, while few of the more than 300,000 Serb refugees who had earlier fled Croatia were willing to return.

A number of states adopted policies that undermined the refugee protection that is required by international law. The European Union was particularly eager to ensure that displaced persons stayed as close to their homes (and as far away from the E.U.) as possible, even if regions and countries bordering the conflict zone were ill-equipped to provide refuge and were themselves still reeling from the aftermath of war. In August, the republican government of Montenegro (an autonomous province of FRY)—which had already received an estimated 30,000 internally displaced persons and complained of little international aid—closed its internal border with Kosovo and deported 3,200 ethnic Albanians—themselves citizens of FRY—to neighboring Albania.

Concerns regarding the impact of corruption on the rule of law and access to human rights protection intensified throughout the region. Nowhere was this concern more prominent than in Russia, where the collapse of the ruble and the ensuing economic crisis threatened to send the country into anarchy. The Russian government's failure to address the severe problem of corruption has created a vicious cycle: unfettered corruption has laid waste to the public institutions crucial to long-term economic development and the rule of law, has eroded public trust in the state, and has weakened the state's ability to enforce its laws. The weight of neglect and corruption has produced weak institutions that were not able to prevent the current crisis and are particularly ill-suited to resolve it.

Human rights are inevitably compromised when corrupt officials are not held accountable for their conduct. Corruption is rampant in Russian law enforcement agencies, in which Russian police often conducted law investigations, preferring instead to rely on torture to "solve" crimes. But Russia is not the only country in the region suffering a human rights crisis that is fueled, at least in part, by corruption. Corruption riddled the police force, prisons, and the judiciary in many other countries in the region, including Albania, Armenia, Georgia, Macedonia, Romania, as well as the five Central Asian countries, undermining any hope that these institutions would respect and protect citizens' rights and interfering with efforts at reform.

A disturbing number of journalists were killed this year in Bulgaria and Russia, many under circumstances believed to be associated with their writing about corruption and organized crime. Journalists were arrested, beaten, and otherwise harassed and newspapers and other media subjected to various degrees of restrictions in Belarus, FRY, Kyrgyzstan, Russia, and Turkey. There was no independent media whatsoever in Uzbekistan and Turkmenistan.

Predictably, independent media were perceived as a threat by the most repressive governments in the region. However, almost every country specifically covered by this report used criminal libel statutes and/or vaguely worded laws on national security to prosecute and imprison journalists who were critical of government officials or policies.

Religious persecution and discrimination have become disturbingly widespread in the region, in part a backlash against new religions and religious groups allowed to flourish in the immediate aftermath of the collapse of communism. Churches such as the Orthodox church in Armenia, Bulgaria, Greece, Romania, and Russia, which often enjoy a privileged status, have sought to limit the influence of evangelical groups that might threaten their influence. In some cases, the hostility toward religious groups was also rooted in xenophobia, a perception that these groups are a foreign threat to national traditions and beliefs. Religious groups were often denied the opportunity to register, making them all the more vulnerable to police harassment and extortion. Proselytizing was prohibited or severely limited to a privileged few in Armenia, Greece, Turkmenistan, Uzbekistan and, to a certain degree, Russia. The governments of some West European countries also took steps to limit the activities of certain, non-traditional religious groups, for example, by placing these groups under surveillance, refusing to grant them tax-exempt status, and discriminating against their members.

Government-sponsored campaigns against orthodox or so-called "fundamentalist" Muslims intensified dramatically throughout much of the CIS, and continued unabated in Turkey, during 1999. Russia, Tajikistan, and Uzbekistan announced in May that they had formed a troika to combat "fundamentalism" and engaged in a campaign of arrests, brutality, and harassment against many viewed as pious. On September 17, authorities in Kyrgyzstan expelled Pakistani missionaries for distributing religious literature. The campaign against "fundamentalism" took on dramatic proportions in Uzbekistan, where the government carried out a brutal campaign culminating in the detention of an estimated 1,000 Muslim men in the cities of Namangan and Andijan alone. In Turkey, 129 persons from the Alevi sect were imprisoned for periods ranging from twenty months to six years for wearing religious dress that violated the "modern dress reform" of Atatürk. Similarly, in Uzbekistan female students who wore traditional Muslim dress were not allowed to pursue an education and feared they would face further punishment under a new law prohibiting "ritual dress" in public.

Other basic freedoms such as the right to assembly and association, as well as academic freedom, came under attack during 1999. In Azerbaijan, Belarus, Croatia, Kazakhstan, Kyrgyzstan, Turkey, and Uzbekistan, governments limited the opportunities for legally-sanctioned rallies—often arbitrarily denying applications for demonstrations without any legitimate justification or approving demonstrations only in remote locations—and then frequently used excessive force to disperse demonstrators. Restrictions on academic freedom in Belarus, FRY, Turkmenistan, and Uzbekistan were intended to silence any remaining vestiges of critical thought in the society.

Creating adequate mechanisms for ending torture and police brutality remained an unanswered challenge for the region's governments. Severe ill-treatment and torture were common practice, most notably in Armenia, Azerbaijan, Belarus, Georgia, Russia, Turkey, Turkmenistan, and Uzbekistan. Police misconduct went largely unpunished, and a biased and often corrupt court system functioned to deny adequate recourse to victims of torture and other ill-treatment. Although in Turkey some police were prosecuted for ill-treatment and torture of detainees, their lenient sentences or acquittals did not serve to alter the atmosphere of impunity.

In many states of the former Soviet Union, state institutions such as prisons and the army continued to reflect the highly abusive legacy of the

Soviet past in their treatment of persons in their charge. There continued to be allegations of severe mistreatment of conscripts and horrendous working and living conditions in the Russian and Armenian armies, with numerous deaths reported in 1999. Abusive officers were not held accountable for the ill-treatment of those in their charge.

Abhorrent prison conditions continued to plague much of the region, and few governments undertook the comprehensive reforms that would provide anything other than a stop-gap solution for the problems. The death penalty remained in force in Albania, Belarus, Bulgaria, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan, and Uzbekistan, but only Kazakhstan and Turkmenistan continued to carry out executions during the year. On a positive note, Azerbaijan abolished the death penalty in 1999.

The marginalization of and severe prejudice against ethnic groups such as Roma continued unabated and was often exacerbated by open government hostility that, in some cases, verged on incitement. Ethnically motivated violence by skinhead groups or the police typically went unpunished in Bulgaria, the Czech Republic, Greece, Macedonia, Romania, and Slovakia. In the Czech Republic, Greece, and Slovakia, local government officials tried to expel Roma from their towns and/or to contain them in ghettos outside the city limits during the year. Discrimination against gay men and lesbians was not only tolerated by some governments, but sometimes openly condoned. In Romania, homosexuality remained a criminal act under the penal code. Skinhead violence against ethnic minorities in Russia rose alarmingly during the year, but was rarely vigorously investigated and prosecuted.

As noted above, women remained vulnerable to gender-specific abuse during armed conflict. Some incidents of rape were reported during the conflict in Kosovo, as well as during renewed fighting in Georgia and Tajikistan. The suffering produced by the forcible trafficking of women for work in the sex industry and/or the forcing of women into debt-bondage once in the "host country" was a concern of growing proportions. Governments' absolute neglect of the victims of domestic violence was one of the least addressed human rights abuses in the region.

Defending Human Rights

On the eve of the fiftieth anniversary of the Universal Declaration of Human Rights (UDHR), it is appropriate to note the dramatic progress that the human rights movement has made in the region in the past decades. Fifty years ago, Europe lay in shambles and the Cold War was just beginning. Independent human rights groups did not figure in the discourse of the day. Nevertheless, the seeds of what would become the UDHR, as well as of the International Covenant on Civil and Political Rights and the Helsinki Final Act, existed in the moral and political obligation to prevent the repetition of the slaughter of Jews and others in Europe during World War II.

Over the ensuing decades, human rights activists gradually emerged in the countries of the Soviet bloc, particularly in the 1970s, when local activists seized upon the Helsinki accords' guarantee that each individual had the right "to know and act upon his rights." Human Rights Watch's own history is clearly linked to this process. The Europe and Central Asia Division (then known as Helsinki Watch) was established in 1979 in response to the persecution of human rights monitors in the Soviet Union and Czechoslovakia who tried to exercise this right.

Since the collapse of communism, there has been an explosion of human rights groups throughout the former communist bloc, and they are a force in all but a few countries in the region. Even in countries such as Belarus, the FRY, Turkey and Uzbekistan, government hostility and state-created obstacles for NGOs have not prevented such groups from forming and playing an increasingly important role in their countries and among the international community. What is more, human rights has become an accepted topic of bilateral and multilateral relations throughout the region, with few governments daring to claim that human rights violations are solely a matter of internal concern. The establishment of the Council of Europe, with its preeminent human rights agenda, and the establishment and expansion of the Organization for Security and Cooperation in Europe (as a result of the Helsinki accords) have further established human rights concerns in the common discourse of the region.

Nevertheless, human rights activists and groups continue to face many difficulties. During 1999, human rights activists in Azerbaijan, Belarus, FRY, Kyrgyzstan, Russia, Turkey, and Uzbekistan were threatened, arrested, and/or violently assaulted. Activists in these and other countries also faced smear campaigns by the government, state-sponsored harassment, police brutality, and arrest because of their outspoken criticism of their government's human rights record. Although there is a strong human rights community in Turkey, it remained under constant pressure and surveillance by the state security apparatus during the year. In May, Akin Birdal, head of the Human Rights Association in Turkey, was shot repeatedly. A number of persons have been charged in the attack, including an army sergeant. Human rights groups in the Federal Republic of Yugoslavia—especially those reporting on or speaking out about abuses committed by Yugoslav government forces in Kosovo—were threatened and were the targets of a government-sponsored campaign of intimidation during the year. Ethnic Albanian human rights activists in Kosovo were detained and tortured during the year. In Turkmenistan, government harassment is so severe that there are no independent human rights organizations.

Many NGOs, especially those in countries of the former communist bloc, face severe obstacles related in part to the legal framework that governs their activities. Many countries in the region have laws providing for excessive government involvement in the establishment and supervision of nongovernmental organizations. Governments in Armenia, Azerbaijan, Belarus, Bulgaria, and Uzbekistan often used such legislation to deny registration to NGOs and intrude excessively into the activities of NGOs. The absence of not-for-profit tax status in some countries is a further impediment to NGO activities. In particular, NGOs advocating for the rights of unpopular religious or ethnic groups, as well as gays and lesbians, have been the target of repressive government actions.

Despite the many obstacles, human rights activists in Europe and Central Asia were remarkably creative and energetic in defending human rights. There were many positive examples of their work during 1999. A growing network of human rights activists has emerged in Russia, not only in Moscow where there is a large and vibrant community, but increasingly also throughout Russia's regions.

Although government hostility and public support for discriminatory policies toward Roma is widespread in Europe, local groups in the Czech Republic, Bulgaria, Greece, Hungary, Romania, and Slovakia, together with the European Roma Rights Center based in Budapest, fought tirelessly to raise awareness about the abuses committed against Roma and to defend their rights.

Human rights groups in the former Yugoslavia remained a singular bright spot in the region, offering an alternative vision—one not based on ethnic hatred—to that proffered by their governments. In stark contrast to their governments, multi-ethnic human rights groups from Albania, Bosnia, Croatia, Macedonia, and from the FRY provinces of Kosovo, Montenegro, and Serbia, sometimes united in public condemnation of the abuses perpetrated against ethnic minorities in the region, and many formed cross-border coalitions to facilitate the safe return of refugees and defend their rights. During the conflict in Kosovo, multi-ethnic teams of Serbs and ethnic Albanians from the Humanitarian Law Center documented the abuses being committed by the Yugoslav Army and special police units. A number of Yugoslav groups united in the Association of Independent Electronic Media

(ANEM) carried out a skillful campaign to highlight the crackdown on independent media in FRY.

Human rights groups were particularly active and effective in the period leading up to the Multi-Party Agreement in Northern Ireland, ensuring that human rights figured prominently in the peace agreement. After years of campaigning, human rights groups finally obtained a new inquiry into the events of Bloody Sunday, a 1972 demonstration during which British paratroopers killed thirteen civil rights demonstrators.

The NGO community was particularly active in efforts supporting ratification of the Landmines treaty. In March, NGOs from nineteen Central and East European countries met in Budapest to launch a campaign in countries including Azerbaijan, Georgia, and the Russian region of Chechnya. In May, more than 150 NGOs from Russia and the CIS met together with the International Campaign to Ban Landmines to coordinate pro-ban activities.

The emergence of a network of women's crisis centers throughout Russia over the course of the past four years represented a major success in the development of nongovernmental organizations and civil society. Despite a devastating lack of financial support, these extraordinary groups succeeded in moving rape and domestic violence and the state's abysmal response to these scourges from obscurity and into mainstream policy debates. They also galvanized the movement against the trafficking of women.

The Role of the International Community

United Nations

Throughout the year, various U.N. bodies neglected the key human rights concerns in the region. The Security Council remained divided and largely paralyzed in responding to the violence in Kosovo, imposing an arms embargo on FRY on March 31 only after repeated warnings had been ignored. While the abuses mounted during the summer, the Security Council failed to take any further action, a failure largely attributable to obstruction by China and Russia. Only after Milosevic had brutally achieved his strategic objectives did the Security Council adopt another resolution in late September, calling for an end to the violence.

Fearful of spillover from Kosovo to neighboring Macedonia, the United Nations extended the mandate and increased the size of its Preventive Deployment Force (UNPREDEP), which focused on warding off instability from abroad but did not speak out against the human rights abuses that fueled instability within the country. Meanwhile, the U.N. Commission on Human Rights dropped Macedonia from the mandate of its rapporteur on the former Yugoslavia, leaving a worrisome vacuum in human rights monitoring and reporting there.

The Security Council reacted more swiftly on Georgia, with a President's statement in May expressing grave concern at renewed violence in Abkhazia and a strong July Security Council resolution about the events. It also extended the mandate of the U.N. Observer Mission in Georgia until 1999.

In Tajikistan, the Security Council extended the mandate of the United Nations Mission of Observers to Tajikistan through November 1999. However, U.N. policy on Tajikistan floundered. The U.N. had been deeply involved since 1993 in peace negotiations, but in 1999 UNMOT had no coherent response to the parties' failure to meet most deadlines established by the peace accords. After four UNMOT staff were murdered in July, UNMOT recalled all U.N. staff to the capital, Dushanbe.

The International Criminal Tribunal for the Former Yugoslavia continued to advance the cause of international justice for war crimes in 1999. NATO arrests and surrenders brought the number of those indicted for crimes committed during the war in Bosnia and Herzegovina to twenty-eight. The tribunal had six trials underway during the year against a total of fourteen defendants. Arguing that she needed to devote scarce resources to prosecuting major war criminals, the prosecutor dismissed charges against fourteen minor defendants. Her strategy of targeting the "big fish" was substantially undermined, however, by the persistent unwillingness of the NATO-led SFOR troops to apprehend Radovan Karadzic, the primary architect of Bosnia's "ethnic cleansing." In Kosovo, the prosecutor acted quickly to announce her intention to conduct an investigation into alleged war crimes, but the subsequent slow pace of that investigation squandered some of its potential deterrent effect and may have cost the tribunal key evidence of war crimes.

European Union

The E.U., like other international bodies, failed to take unified and decisive action to bring the abuses in Kosovo to an end. Slow to implement sanctions and quick to withdraw them at the slightest sign of improvement, the E.U. effectively gave FRY President Slobodan Milosevic the green light to continue his violent campaign without meaningful repercussions. As an example, in May, after Milosevic held one inconclusive, ninety-minute meeting with the ethnic Albanian leadership, the E.U. rewarded him with a decision not to implement a planned investment ban on Yugoslavia. That same week, Belgrade launched a major new offensive, involving serious breaches of international humanitarian law.

E.U. relations with Turkey remained chilly, in the wake of the 1997 E.U. decision to postpone consideration of Turkey's application for E.U. membership.

Although Turkey's human rights record was cited as a reason for this decision, ulterior motives—including discomfort with the prospect of admitting a largely Islamic country—undermined the impact of its critique of Turkey's human rights record. Moreover, when other E.U. interests were at stake in relations with Turkey, human rights concerns slipped from the agenda. This was evident when the E.U. pressed Turkey to contain Iraqi refugee flows within its borders, notwithstanding serious deficiencies in Turkey's asylum law and procedure. Similarly, notwithstanding the E.U.'s Code of Conduct on weapons transfers, which was adopted in June and contains human rights criteria for weapons sales, E.U. member countries continued to promote their arms industries in lucrative deals with Turkey, which has reportedly earmarked U.S. \$30 billion for arms purchases over the next ten years.

Despite a clear obligation to make the granting of trade concessions contingent upon respect for human rights, the E.U. signed an important trade agreement with Turkmenistan in February, utterly squandering an opportunity for leverage in one of the region's most repressive countries. The interim agreement established favorable terms of trade that were to remain in effect until the Partnership and Cooperation Agreement (PCA) enters into force. The PCA itself contains clear language about human rights compliance, yet the government of Turkmenistan systematically repressed civic freedoms in 1999, as it had done in previous years. Regrettably, the E.U. moved to end its suspension of the PCA with Uzbekistan, making way for approval despite persistent human rights violations. The E.U.'s 50 million ecu (U.S.\$55.7 million) Transport Corridor Europe Caucasus Central Asia project represented a major E.U. investment in the region, aimed at creating an east-west transport corridor by improving roads, port facilities, and other transport networks. The E.U. did not appear to match this investment with heightened concern for human rights in the region as a whole.

E.U. assistance to NGOs and independent media in CIS countries contributed significantly to building civil society. In Belarus, for example, such support, in tandem with support from the U.S. government, served as life-support for independent NGOs and the independent media, which that country's

GOVERNMENT HAD ATTEMPTED TO DRIVE OUT OF EXISTENCE.

Organization for Security and Cooperation in Europe (OSCE)

With an ever-widening field presence, the OSCE was often the most important front-line actor in many human rights trouble spots in the region. Unfortunately, human rights monitoring and reporting was too often sidelined by competing political and security interests. With 280 monitors on the ground, 120 of which are police monitors, the OSCE became the lead international agency in Croatia after the UN Transitional Authority for Eastern Slavonia (UNTAES) pulled out in January. While the mission often took a critical stance in confidential reports, its self-styled "political" function, coupled with diplomatic public statements and an unwillingness actively to monitor or intervene in human rights cases, fell short of the full potential of its mandate. The OSCE mission in Macedonia downplayed human rights abuses, particularly those against the ethnic Albanian minority, opting instead to give its unconditional support to the government, which it viewed as a force of stability in the region. As this report went to press, the OSCE was poised to deploy 2,000 "verifiers" to Kosovo to monitor compliance with the agreement's provisions providing for a cessation of hostilities, the partial withdrawal of Yugoslav security forces, and the beginning of dialogue on Kosovo's political status. The success of this new mission will depend on the ability of the OSCE to learn from its mistakes in other arenas and pursue its human rights mandate aggressively and publicly.

The OSCE's monitoring and liaison missions in the CIS improved their human rights efforts compared with previous years. The liaison office in Uzbekistan was engaged in trial monitoring, and the OSCE lodged official protests on several cases of illegal detention and pressed for access for the international community. The OSCE Permanent Council increasingly raised human rights issues in Tajikistan, based on reports from its mission. The mission in Tajikistan, however, did little follow-up on cases of abuse, thereby compromising its role as principal guarantor of the development of human rights during the peace transition period. The OSCE's human rights office in Sukhumi, a joint effort with the UN, had a mandate to monitor human rights violations only of Georgians who are attempting to resettle in Abkhazia; it made very few public assessments of human rights there, however. To its credit, the OSCE opened a mission in Belarus in 1999; as of this writing it was too early to assess its work.

The OSCE continued to play an important role in implementing and monitoring elections throughout the region. Its largest election effort in 1998 was in the September general elections in Bosnia. While the general environment in which the elections took place reflected significant improvements over the 1997 municipal elections, the OSCE's performance was disappointing. More than one hundred polling stations did not open as scheduled because they had not received the voters' register or sufficient ballots, and the names of many voters did not appear on the register or were spelled incorrectly. These and other technical difficulties should have been anticipated, as they had occurred in previous elections.

The OSCE's Office on Democratic Institutions and Human Rights (ODIHR) is to be commended for pulling together at very short notice an efficient team to monitor the snap presidential elections called in March in Armenia, although it did not appoint an experienced specialist to head the mission. This served to undermine the mission's legitimacy in the eyes of the political opposition and drew criticism from international observers. Ultimately, however, it did not interfere with the mission's ability to be critical. Indeed, its final report concluded that the elections did not meet OSCE standards. In Azerbaijan, ODIHR actively urged the government, through a series of meetings and written critiques, to improve its presidential election law. As a result of this dialogue, the government made some important amendments.

Council of Europe

There were a number of important institutional developments in the Council of Europe during 1998. Of particular significance was entry into force of Protocol 11 to the European Convention on Human Rights which established, as of November 1, a new permanent European Court of Human Rights in place of the previous bicameral Commission and Court of Human Rights. For the first time, the citizens of the member states of the Council of Europe and the states themselves now had the right to take their complaints of human rights violations under the convention directly before the international tribunal. The jurisdiction of the new court was compulsory on member states, as opposed to optional under the old regime. It was expected to be able to cope more efficiently with the ever-increasing volume of cases submitted to the court.

Work also proceeded on the establishment of a new Council of Europe Commissioner on Human Rights. In September, the Committee of Ministers approved a draft mandate for the commissioner, who would enjoy broad powers to monitor and report on human rights developments throughout the forty member states. The commissioner's post was expected to be approved in 1999, after consultation with the Parliamentary Assembly.

In a less positive development, in May the Committee of Ministers determined to alter its internal procedure for monitoring member states' compliance with Council of Europe commitments. In the recent past, its monitoring had been based on reports prepared by the council's secretariat. As a number of member states had been reportedly stung by the secretariat's assessment, the committee decided that henceforth its monitoring would be based on self-reporting by member states. The member states's assessments of their own compliance with Council of Europe commitments, which will form the basis of future committee monitoring, are confidential and not subject to public scrutiny.

The Parliamentary Assembly's monitoring procedure proved more effective in addressing member states' human rights records. The assembly's monitoring committee maintained active monitoring procedures in ten member states. The committee's report on Russia noted that Russia had made "undeniable progress" toward the rule of law and democracy, but identified various areas in which further efforts were needed, including ensuring freedom of movement, reform of the criminal justice and penitentiary system, and full abolition of the death penalty. Although the report generally described the situation correctly, it failed to note significant backsliding from human rights standards over the past two years. The case of Romania, however, illustrated the danger of terminating such monitoring before important benchmarks had been met. After Romania promised key reforms, the monitoring of its compliance with Council of Europe commitments was terminated in April 1997. Although a year later some of Romania's promises—particularly with respect to treatment of homosexuals—remained unfulfilled, the assembly lacked the political will to restart the procedure, and Romania's abusive policies went unchecked.

In 1998, the Council of Europe entertained applications for admission to the organization from Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, the Federal Republic of Yugoslavia, and Georgia. In light of its abominable human rights record, the accession procedure for Belarus remained suspended throughout 1998. Similarly, in light of the Yugoslav government's abusive campaign in Kosovo, at this writing, the Committee of Ministers had taken no action on FR Yugoslavia's application for admission. The council's approach to other applicant states was less principled, however. Eager to support the new moderate government of Milorad Dodik, prime minister of the Republika Srpska, in February, the Parliamentary Assembly initiated the accession procedure

for Bosnia and Herzegovina, although many of the benchmarks it had previously set remained only partially fulfilled. In the Caucasus, where interests in oil development were paramount, human rights concerns were downplayed. At this writing, Georgia, which, of the three Caucasus republics, has been most responsive to Council of Europe demands, was the front-runner for admission. Consideration of the applications of Armenia and Azerbaijan hinged primarily on evidence of progress in settling the conflict in Nagorno Karabakh, with scant attention to other serious problems in human rights practices in both countries.

North Atlantic Treaty Organization

NATO's lengthy decision-making process in the face of the Kosovo crisis revealed that it has yet to evolve into an effective post-Cold War security apparatus. While bureaucrats in Brussels hammered out operational details for a mission that would not take place, Slobodan Milosevic mopped up the Kosovo countryside. NATO threats were rescinded and extended when Milosevic failed to comply. In Bosnia, NATO played a more positive role, with NATO-led SFOR troops occasionally providing security for returning refugees and participating in the arrest of six indicted persons during 1999. Two persons were also detained in December 1997 by Dutch SFOR troops, and another five persons surrendered themselves to SFOR during the year. Unfortunately, these efforts were diminished by NATO's persistent unwillingness to arrest the war-time leader of the Bosnian Serbs, Radovan Karadzic.

United States

While the U.S. promptly condemned the crackdown against Kosovo Albanians at the outset of the conflict, for much of the year it failed to exercise the consistent leadership necessary to marshal an effective international response. Unwilling to accept an independent Kosovo, and equally reluctant to deploy the ground troops to maintain Kosovo peacefully within Yugoslavia, the U.S. government—like its allies—failed to make good on its many condemnations. U.S. leadership ultimately led to agreements by the Yugoslav authorities to withdraw partially their security forces from Kosovo and to permit deployment of an OSCE verification mission. But these agreements came only after the FR Y forces had conducted systematic attacks on civilians and with scant reference to the human rights accountability and protections that are essential to any long-term political solution.

In Bosnia, the U.S. played a more positive role, with its troops participating in the arrest of two indicted war crimes suspects during the year. Spurred by legislation adopted in late 1997, the U.S. government also increased its efforts to prevent war crimes suspects from benefiting from its reconstruction assistance. At times, however, political considerations held sway, as when the Administration waived conditionality requirements to enable it to support the Republika Srpska Police, although the UN had not yet completed its vetting, aimed at eliminating war crimes suspects and other human rights abusers from the police force.

The U.S. took a principled position in the face of Turkey's persistent violations of human rights, vowing to hold up a potential \$3.5 billion sale of attack helicopters to the Turkish military unless Turkey lived up to human rights commitments made by Prime Minister Yilmaz in his meeting with President Clinton in December 1997. In the same vein, in September the U.S. Department of State agreed to allow the sale of armored personnel carriers to Turkey's Anti-Terror and Anti-Riot Police to go forward with U.S. Export-Import Bank financing, only upon the condition that the equipment be blocked for use in eleven provinces where these police have been connected to serious human rights violations.

The Clinton Administration squandered an important opportunity to recast Russia's human rights problems by failing to raise human rights altogether during the September summit between President Clinton and President Yeltsin. Together with the EU and the Council of Europe, the U.S. government ignored the link between Russia's economic and financial crisis and its long-term human rights problems, or the need to call for a renewed commitment to human rights in the face of near political chaos. This failure stemmed in part from the U.S. government's historic preference for offering unflinching support to President Yeltsin—demonstrated most recently by its role in galvanizing support for the IMF's July bailout package—rather than encouraging the emergence of alternative political forces or supporting the development of democratic institutions.

The sharply deteriorating human rights situation in Kyrgyzstan and Kazakhstan both derived from their presidents' attempts to curtail political opposition in view of impending elections in their countries. Yet the U.S., together with other actors in the international community, continued to shower both countries with direct assistance and credits, showing no alarm at the creeping authoritarianism in both countries.

U.S. policy in Central Asia and the Caucasus remained driven by strategic concerns relating to energy resources and transportation routes, isolating Iran, and containing Muslim "fundamentalism." This was evident in policy toward Turkmenistan, which benefited from U.S. \$96 million in investments financed by the Export-Import Bank, and several pipeline feasibility studies paid for by the U.S. Trade and Development Administration. The first-ever state visit by Turkmen President Saparmurat Niyazov did not hinge on fulfillment of human rights conditions, although the State Department and the OSCE successfully urged the government to release ten political prisoners. While this effort is to be commended, the releases represent little more than the Turkmen government's willingness to use political prisoners effectively as hostages to financial concessions; it must not be mistaken for a commitment to human rights. A White House press release issued during the visit, which stated that "Turkmenistan is committed to strengthening the rule of law and political pluralism, including free and fair elections for parliament and the presidency," appeared disingenuous at best.

Oppressive control of non-state Islam put to the test the U.S. government's renewed and vigilant commitment to freedom of religion. The State Department charged the Uzbekistan government with severely limiting the right to worship freely, and it raised discrimination and harassment against Christian groups with government officials. But while Muslims bore the lion's share of harassment and discrimination, U.S. attention focused disproportionately on Christian groups. To its credit, the U.S. embassy in Tashkent actively monitored trials of individuals arrested during the crackdown on independent Muslims in the Fergana Valley.

The indefinite closure of the U.S. embassy in Dushanbe in September, reportedly the result of inadequate security guarantees, raised concerns that Tajikistan would be pushed further into obscurity and isolation, and reinforced an already alarming scarcity of human rights monitoring, reporting, and general scrutiny of developments in the country.

The Work of Human Rights Watch

During 1999, the war in Kosovo was an urgent focus of our work. With the eruption of violence in February, we began an intensive program of documenting and exposing human rights and humanitarian law violations in the province through press releases, reports, and the Internet. In May, Human Rights Watch conducted a four-week fact finding mission in Kosovo and northern Albania to investigate the mounting evidence of abuses by the Yugoslav

Army and special security police, as well as to look at the conduct of the Kosovo Liberation Army. In September, Human Rights Watch researchers exposed the massacre of an extended family by Yugoslav forces in the town of Donje Obrinje and the summary execution of thirteen men in the village of Golubovac. A Human Rights Watch intervention was essential in securing the evacuation of a sole survivor. In an effort to generate pressure on the international community to insist on an end to the atrocities, we presented our findings and recommendations to key policy makers in Washington, New York, Brussels, and the ICJ in the Hague immediately following each mission.

When the Yugoslav government agreed to allow OSCE "verifiers" to be based in Kosovo, Human Rights Watch called on the OSCE to ensure that the mission's mandate would have a strong human rights component. Drawing on our experiences in Bosnia and Croatia, we emphasized the need for public reporting and transparency of the monitoring process, proper human rights training for monitors, and the political support necessary to resolve human rights abuses.

Human Rights Watch wrote a lengthy protest letter criticizing the new Serbian university law. A number of press releases also criticized the government's continued attacks on the independent media, such as the denial of broadcast licenses for independent radio and television stations and the passage of a highly restrictive Law on Information.

Throughout the year, Human Rights Watch monitored the treatment of Kosovo Albanian asylum seekers and displaced persons. During our mission to the region in May and June, we interviewed a number of Kosovo Albanians who had been recently deported to Kosovo as rejected asylum seekers by the governments of Germany and Switzerland. In several cases, they testified to detention, interrogation, and beatings upon return. In September meetings with German and Swiss immigration authorities, we discussed our findings and their policies toward Kosovo Albanian asylum seekers. In September, we also met with officials of the Montenegrin government regarding their handling of the influx of refugees from Kosovo, and we condemned their subsequent decision to close the border with Kosovo and expel 3,500 Kosovo Albanians to Albania. When several thousand Iraqi and Turkish Kurds arrived on the shores of Italy in December 1997 and January 1998, we issued a briefing paper describing relevant conditions in the Kurds' home region and urging receiving states to accord them full access to asylum procedures.

Human Rights Watch engaged in advocacy efforts in the U.S. and western Europe on the points raised in its April report on police violence in Macedonia, especially the unwillingness of the international community to criticize the Macedonian government. Human Rights Watch undertook efforts in Washington to raise awareness about the Leahy Amendment to the 1998 Appropriations Act, which forbids U.S. aid to abusive police units. We also spoke with the office of Max van der Stoep, OSCE High Commissioner on National Minorities, about the rights of Macedonia's ethnic minorities.

Human Rights Watch was among the first to call on the ICJ to assert jurisdiction in Kosovo and maintained an ongoing dialogue with Chief Prosecutor Louise Arbour and her Kosovo team throughout the year. We not only urged the ICJ to pursue investigations in Kosovo, but underscored the need to indict Milosevic for crimes committed throughout the former Yugoslavia. The "Arrest Now" campaign continued to press for accountability for past abuses. In November 1997, we designed a map, which was distributed to E.U. foreign ministers, missions to NATO and the OSCE, and senior U.S. government officials, showing the location of indicted persons and SFOR bases in Bosnia and Herzegovina. The map was reprinted in numerous media outlets in Europe and North America. In cooperation with the Women's Rights division and the National Organization for Women, we launched a "month of action" on rape as a war crime centered around International Women's Day in March 1998. The more than 1,000 signatures collected on an open letter to President Clinton were presented to senior U.S. officials by advocates from Human Rights Watch and NOW in meetings at the Department of State in May 1998.

In Bosnia, our primary goal continued to be accountability for government officials, police, and others who obstruct implementation of the Dayton Peace Agreement and commit serious human rights abuses, as well as the arrest of persons indicted by the tribunal. Countering the argument that pursuing accountability for wartime atrocities might jeopardize the peace process, we documented the role played by war criminals in several Bosnian towns. In December 1997 and February 1998, our staff conducted extensive field research on war-time and ongoing human rights violations in the town of Foca in Republika Srpska. Complemented by several months of background research outside the country, we highlighted the continuing influence of those responsible for war crimes and its undeniably corrosive effect on the peace and reconstruction processes.

As an integral part of our advocacy on Bosnia, we worked to link all non-humanitarian aid to compliance with the human rights provisions of the Dayton Agreement. In numerous meetings with representatives of the World Bank, the U.S. government, and the E.U. during the year, our staff pressed for the creation of a vetting process that would ensure that reconstruction assistance not serve to enrich indicted war crimes suspects and Dayton obstructionists.

In a joint mission with Human Rights Watch's Women's Rights division, our researchers spent January and February 1998 examining women's access to international criminal justice and the possible discriminatory allocation of reconstruction monies from international financial institutions in post-conflict Bosnia.

We also continued to monitor the role played by international institutions based in Bosnia. In late 1997, our Sarajevo-based staff were joined by U.N. analysts from Human Rights Watch on a mission to assess the progress of the International Police Task Force (IPTF) and its role in enhancing respect for human rights by local police. The mission included high-level meetings with international officials in Bosnia, and visits to IPTF stations in Mostar, Bugojno, Jajce, Banja Luka, Travnik, Kiseljak, Brcko, Tuzla, Doboj, and Zenica. Following the release of our findings in July, Human Rights Watch engaged in an ongoing dialogue with U.N. representatives regarding our concerns and recommendations.

Ongoing obstacles to return and human rights abuses against returnees were a major focus of our work in Croatia, with special attention paid to the regions of Eastern Slavonia and the Krajina. A four-week mission to the region in July and August documented the legal and administrative obstacles, discrimination, and some violence that hinder displaced persons and refugees from returning to their pre-war homes. Staff raised these concerns during meetings in September with rapporteurs of the Council of Europe's Parliamentary Assembly and Croatia's representatives at the council, and in October with E.U. representatives prior to their review of the E.U.'s regional approach for the former Yugoslavia.

Our Moscow office engaged in a new initiative to expose Russia-wide human rights concerns—the persecution of human rights activists, violations of press freedom, attacks on journalists, electoral violations, and the harassment of NGOs—and develop a broader network of contacts in Russia's increasingly independent regions. In 1998, we documented the widespread use of torture in police detention and abuses in the criminal justice system in Irkutsk, Novgorod, St. Petersburg and Arkhangelsk. Human Rights Watch continued to monitor implementation of the highly discriminatory religion law and the dramatic increase in racially motivated violence by skinheads in Moscow. In May, Human Rights Watch, together with the Glasnost Foundation, organized a seminar on efforts to establish an International Criminal Court and the role of NGOs.

Human Rights Watch sought to intensify its work in Central Asia during 1999 to counter growing international support for Central Asian governments despite the deteriorating human rights situation in the region. In the wake of several killings of police officers in the Fergana Valley in December 1997, the government of Uzbekistan stepped up its campaign against independent Muslims. In response, Human Rights Watch immediately sent three researchers to document the arbitrary arrest of hundreds of men, police abuse, and widespread religious discrimination against practicing Muslims. To drive home our intense concern over Uzbekistan's retrograde human rights record, senior staff and board members visited Uzbekistan in May to present our research findings to Uzbekistan government officials, western diplomats, and local and international organizations. In June and July, a Human Rights Watch representative continued to document the government's harsh policies against practicing Muslims and monitored several of the trials of those caught in the sweeps. We alerted the government of Uzbekistan and the international community to the violations of due process and torture of defendants, revealed in the trials.

Human Rights Watch worked to place human rights at the forefront of international attention during the visit of President Saparmurad Niyazov to the U.S. in April. Our documentation of severe human rights violations in Turkmenistan—circulated to President Clinton and to senior State Department, congressional, and business officials involved in the meetings—helped to create international pressure on Niyazov, who freed ten political prisoners. Human Rights Watch continued throughout the year to advocate strenuously for the release of Gulgeldy Annanizov, another political prisoner. Human Rights Watch senior staff and board members had planned to raise this case, among others, with Niyazov and other senior Turkmen officials during a May visit to the region; however, the Turkmen government refused to meet with and denied visas to our delegation. Nevertheless, Human Rights Watch entered Turkmenistan on transit visas and met with various representatives of Turkmenistan's beleaguered political opposition, as well as with international organizations and members of the diplomatic community.

Human Rights Watch prepared briefing materials on human rights issues in Kazakhstan and Kyrgyzstan for First Lady Hillary Rodham Clinton and urged her to raise human rights concerns during her November 1997 visit to those countries. In a letter to President Askar Akayev of Kyrgyzstan, Human Rights Watch raised the issue of the politically-motivated arrests of three human rights activists in Jalal-Abad in late September 1999. In Kazakhstan, we protested the December 1, 1997, politically-motivated beating of Petr Svoik, co-chairman of the Kazak opposition movement Azamat, in a letter to President Nursultan Nazarbayev.

During 1999, Human Rights Watch, in coalition with other organizations, sought to make Tajikistan a priority for the international community. Through our Dushanbe office, we raised human rights concerns during frequent and regular meetings with the OSCE, UNMOT, and local embassies. Our research focused on the crackdown on political activists in the north of the country and the continued humanitarian law violations that took place in several rounds of government-United Tajik Opposition (UTO) fighting. Our research on the crackdown in the northern Tajik province of Leninabad produced a major and unique report; we also actively protested against due process violations in the case of a well-known northerner. Research on fighting in Kofarnikhan and in the Korategin Valley culminated in detailed protest letters. Our Dushanbe-based researcher actively supported local human rights and nongovernmental organizations and researched restrictions on the media during the year.

In the Caucasus, Human Rights Watch focused its efforts on the ill-treatment and torture of detainees by police and other security forces, conducting fact-finding missions in Armenia, Azerbaijan, and Georgia during the year. In an effort to promote long-term reforms of such systemic abuse, we presented our documentation and analysis of human rights practices in the region to prominent international bodies, most significantly, the Council of Europe, which has been reviewing applications for full membership from Armenia, Azerbaijan, and Georgia; the European Bank for Reconstruction and Development; and the World Bank. We made clear to international financial institutions, whose assistance to countries in the region is needed to underwrite oil extraction and transportation projects, that respect for human rights is a key component of good governance and the long-term viability of their investments. On several occasions, we also raised these concerns with representatives of multinational corporations investing in the region.

Human Rights Watch research and advocacy in Turkey emphasized on-going restrictions on freedom of expression and association. In a January press release, Human Rights Watch protested the closure of the Islamist-based Welfare Party. In advance of his visit to Turkey in February, we sent U.S. Assistant Secretary of State John Shattuck a letter briefing him on our concerns with respect to restrictions on freedom of expression. A member of our board traveled to Turkey in July to visit jailed journalist Ragıp Duran and the head of the Human Rights Association, Akin Birdal, who was recovering from a brutal attack on his life. Throughout the year, we also monitored U.S. arms transfers to Turkey and raised concerns related to these transfers in three meetings with State Department officials.

In Northern Ireland, Human Rights Watch joined a coalition of groups pushing for meaningful human rights provisions in the historic April 1999 Multi-Party Agreement. A report analyzing the human rights provisions of the agreement was published in April, prior to the public referendum on the agreement. We also continued to monitor the implementation of the agreement, making a lengthy submission in September to the new Independent Commission on Policing for Northern Ireland, a body established by the agreement to make recommendations for police reform in the post-conflict period.

In 1999, Human Rights Watch attempted to engage the Belarusian government in a dialogue on human rights abuses, writing six letters of protest, issuing three press releases, publishing a fifty-one-page report, and conducting five research missions. Two Human Rights Watch researchers observed the trial of teenagers Vadim Labkovich and Aleksei Shidlovsky in February. At our suggestion, the embassies of the United States and the United Kingdom, which held the rotating presidency of the European Union, sent observers to the hearing and subsequently issued appeals to the Belarusian government calling for the teenagers' release and for clemency. The European Parliament adopted a resolution in February condemning arbitrary arrests in Belarus and raising concern about the Labkovich/Shidlovsky case, using information from our letters of protest.

During 1999, Human Rights Watch collaborated with the International Gay and Lesbian Human Rights Commission (IGLHRC) and the Bucharest-based ACCEPT in an intense effort to encourage the Romanian government to repeal anti-homosexual legislation and respect the rights of gays and lesbians in Romania. During a meeting with Human Rights Watch and IGLHRC in January, Romanian President Emil Constantinescu promised that he would pardon persons who had been jailed for non-violent violations of the Romanian penal code provisions outlawing homosexual activity. One such prisoner, Mariana Cefiner, was pardoned and released, but Human Rights Watch is not aware of any other persons having been pardoned during the year.

Human Rights Watch pressed for the integration of women's rights in the work of the OSCE. We carried out advocacy initiatives with the diplomatic missions in Vienna, in Washington, and in other capitals, and one of our staff was the keynote speaker at a special session on women's rights of the OSCE Permanent Council in April.

For a listing of relevant reports and missions, see page 494. Partial listings also follow each country chapter.

ALBANIA

Human Rights Developments

ALBANIA EXPERIENCED FURTHER TURMOIL IN 1999. THE ASSASSINATION OF A LEADING OPPOSITION FIGURE AND A VIOLENT ANTI-GOVERNMENT DEMONSTRATION LED TO THE PRIME MINISTER'S RESIGNATION. HIGH LEVELS OF CRIME, VIOLENCE, AND CORRUPTION, AS WELL AS THE INFLOW OF REFUGEES FROM KOSOVO, DESTABILIZED THE COUNTRY AND ADVERSELY AFFECTED THE PROTECTION OF HUMAN RIGHTS.

ON SEPTEMBER 12, UNKNOWN INDIVIDUALS KILLED A LEADING MEMBER OF THE OPPOSITION DEMOCRATIC PARTY (DP), AZEM HASDARI. DP LEADER AND FORMER PRESIDENT SALI BERISHA BLAMED THE GOVERNMENT, BUT THERE WAS NO CONCLUSIVE EVIDENCE TO SUPPORT HIS CLAIM. ON SEPTEMBER 14, HASDARI'S FUNERAL PROCESSION TURNED INTO AN VIOLENT ATTACK ON THE PRIME MINISTER'S OFFICE BY ARMED DP SUPPORTERS. FOR A BRIEF PERIOD, THE PRIME MINISTRY AND THE ALBANIAN STATE TELEVISION AND RADIO BUILDING CAME UNDER THEIR CONTROL.

ON SEPTEMBER 28, PRIME MINISTER Fatos Nano resigned; he was replaced by thirty-one-year-old Pandjeli Mako, also from the Socialist Party. PARLIAMENT LIFTED BERISHA'S PARLIAMENTARY IMMUNITY DUE TO HIS ROLE IN WHAT THE GOVERNMENT CALLED A COUP D'ETAT, BUT, AS OF OCTOBER 19, HE HAD NOT BEEN ARRESTED.

1999 SAW A NUMBER OF VIOLENT INCIDENTS INVOLVING ARMED GANGS AND THE POLICE. IN CONTRAST TO THE AGGRESSIVENESS OF THE POLICE FORCES DURING BERISHA'S RULE, THE POLICE UNDER THE NEW GOVERNMENT SOMETIMES SUFFERED FROM AN INABILITY OR UNWILLINGNESS TO ESTABLISH CONTROL, ESPECIALLY IN THE MORE REMOTE AREAS. THERE WERE ALSO TIMES, HOWEVER, WHEN THE POLICE EXCEEDED THEIR AUTHORITY BY USING EXCESSIVE FORCE.

ON JANUARY 5, POLICE IN THE TOWN OF FIER FORCIBLY REMOVED AN INJURED CITIZEN, Agron Pasha, FROM HIS HOSPITAL BED AND REPORTEDLY BEAT HIM TO DEATH. AS OF OCTOBER, NO ONE HAD BEEN HELD RESPONSIBLE FOR THE CRIME. IN FEBRUARY, THE FORMER CHIEF OF CRIMINAL POLICE IN SHKODER, GJERGJ DEDA, WAS SEVERELY BEATEN WHILE IN A TIRANA PRISON. IN JANUARY, THE POLICE ALSO REPORTEDLY BEAT AN ACTIVIST OF THE OPPOSITION DEMOCRATIC PARTY, Petrit Jatchke, IN KUTCHOVA.

ALSO IN JANUARY, THE CHAIRMAN OF THE MUNICIPAL COUNCIL IN FIER AND MEMBER OF THE DEMOCRATIC PARTY, Durim Lekdush, WAS BEATEN BY THE POLICE IN VLORA.

A NUMBER OF POLICEMEN WERE KILLED BY CRIMINALS DURING THE YEAR. ON FEBRUARY 25, PARLIAMENT PASSED A NEW ANTI-CRIME LAW THAT ALLOWED THE POLICE TO SHOOT WITHOUT WARNING ON ARMED GROUPS WHO RESIST THE POLICE.

IN LATE AUGUST, THE POLICE ARRESTED SIX FORMER SENIOR OFFICIALS FROM THE BERISHA GOVERNMENT, INCLUDING THE FORMER MINISTERS OF DEFENSE, THE INTERIOR, AND STATE CONTROL. ALL SIX WERE CHARGED WITH ORDERING THE USE OF CHEMICAL WEAPONS, HELICOPTERS, AND AIRPLANES AGAINST THE CIVILIAN POPULATION DURING THE UPRISING IN 1997. THE CHARGE OF "CRIMES AGAINST HUMANITY" LEVELED AGAINST THEM CARRIES A SENTENCE RANGING FROM FIFTEEN YEARS IN PRISON TO THE DEATH PENALTY, WHICH IS IN FORCE IN ALBANIA.

SALI BERISHA AND THE DP ORGANIZED PROTEST RALLIES, DESPITE A POLICE BAN ON DEMONSTRATIONS BECAUSE OF WHAT THE INTERIOR MINISTRY CALLED, "TERRORIST THREATS." IN ONE DEMONSTRATION ON AUGUST 27, SIX BERISHA SUPPORTERS AND SIX POLICEMEN WERE INJURED IN SCUFFLES.

DESPITE SOME IMPROVEMENTS, THE JUDICIAL SYSTEM CONTINUED TO SUFFER FROM THE LOW NUMBER OF TRAINED PROFESSIONALS, CORRUPTION, AND A DISRESPECT FOR LEGAL NORMS. DUE PROCESS VIOLATIONS WERE COMMONPLACE, SUCH AS THE UNLAWFUL EXTENSION OF DETENTION PERIODS, RESTRICTED ACCESS TO LAWYERS, AND IRREGULARITIES DURING TRIALS.

BY OCTOBER, A CONSTITUTIONAL DRAFTING COMMISSION—MADE UP OF REPRESENTATIVES FROM THE MAIN POLITICAL FORCES, AND ALBANIAN AND FOREIGN LEGAL EXPERTS—WAS NEARING COMPLETION OF ITS WORK. THROUGHOUT THE YEAR, THE COMMISSION WAS HAMPERED IN ITS WORK BY POLITICAL FIGHTING BETWEEN THE GOVERNMENT AND THE OPPOSITION, MOSTLY DUE TO AN ONGOING BOYCOTT BY THE DP.

ON FEBRUARY 14, CHAIRMAN OF THE CONSTITUTIONAL COURT Rustem Gjata WAS REMOVED FROM HIS POST BY PARLIAMENT BECAUSE HE HAD BEEN A MEMBER OF THE COMMUNIST-ERA SECRET POLICE. Gjata WAS REMOVED ON THE BASIS OF THE SO-CALLED "GENOCIDE LAW" FROM 1995, WHICH 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 ADEQUATE DUE PROCESS GUARANTEES OR ESTABLISH CLEAR CRITERIA TO DETERMINE WHO SHOULD BE BANNED FROM PUBLIC OFFICE. IRONICALLY, Gjata DEFENDED THE LAW WHEN IT WAS BEFORE THE CONSTITUTIONAL COURT IN 1995.

THE HEAD OF THE COURT OF CASSATION, Avni Shehu, CAME UNDER FIERCE VERBAL ATTACK FROM THE GOVERNMENT IN MARCH. THE PRO-GOVERNMENT MEDIA LABELED THE COURT A "NEST OF CRIMINALS" AND ACCUSED SHEHU OF CORRUPTION, BUT HE WAS NOT REMOVED.

FREEDOM OF THE MEDIA IMPROVED, ESPECIALLY WITH A PROLIFERATION OF PRIVATE RADIO AND TELEVISION STATIONS WHICH WERE NEVER ALLOWED UNDER THE PREVIOUS GOVERNMENT. HOWEVER, THERE WERE SOME DISTURBING INCIDENTS OF VIOLENCE AGAINST JOURNALISTS, AND MEDIA SYMPATHETIC TO THE POLITICAL OPPOSITION COMPLAINED OF RESTRICTIONS.

IN FEBRUARY, THE POLICE IN LIBRATHI REPORTEDLY BEAT TWO JOURNALISTS, Reyhet Polist AND Ylli Dosku, BECAUSE OF THEIR WRITINGS. SHORTLY THEREAFTER, THE POLICE IN ELBASAN BEAT Irena Vreto, A CORRESPONDENT FOR REPUBLIKA NEWSPAPER. ON MAY 10, A BOMB PLANTED BY UNKNOWN INDIVIDUALS EXPLODED AT THE VLORA HOME OF KOHA JONE JOURNALIST ZENEPE LUKA, INJURING HIS TWO CHILDREN AND TWO NEIGHBORS. THE ATTACK TOOK PLACE ONE DAY AFTER TOP DP OFFICIALS HAD GONE TO VLORA FOR THE FIRST TIME SINCE LAST YEAR'S UPRISING, AND LUKA HAD WRITTEN ABOUT THE TENSE SITUATION IN THE CITY.

IN MARCH, THE NEWS AGENCY ENTER, CONSIDERED CLOSE TO THE OPPOSITION, COMPLAINED THAT ITS ELECTRICITY AND TELEPHONE LINES HAD BEEN CUT. ON FEBRUARY 24, THE GOVERNMENT PRESSED CHARGES AGAINST VJOLLICA VOKSHI, AN ANNOUNCER AT THE PRO-DP RADIO KONTAKT, FOR DISSEMINATING MISINFORMATION WITH THE INTENT TO INCITE PANIC. DURING AN ATTACK BY ARMED GANGS ON THE POLICE STATION IN SHKODER TWO DAYS BEFORE, VOKSHI HAD CHANGED A GOVERNMENT STATEMENT FROM "THE GOVERNMENT WILL ELIMINATE THE CRIMINALS BY ALL MEANS" TO "THE GOVERNMENT WILL SUPPRESS THE REVOLT IN SHKODER WITH VIOLENCE AND BLOOD." THE CHARGES WERE DROPPED IN MAY. ON SEPTEMBER 9, THE DIRECTOR OF RADIO KONTAKT, Agron Bala, WAS ATTACKED BY UNKNOWN ASSAILANTS WHILE LEAVING THE STATION'S STUDIO.

WOMEN'S RIGHTS REMAINED AN ISSUE, ESPECIALLY THE PROBLEM OF DOMESTIC VIOLENCE. THE PARTICIPATION OF ALBANIAN WOMEN IN FOREIGN PROSTITUTION RINGS WAS REPORTED. IN SOME CASES, WOMEN WERE CLEARLY DECEIVED INTO LEAVING ALBANIA BY CRIMINAL GANGS OR EVEN ABDUCTED.

IN JULY AND AUGUST, ALBANIAN AUTHORITIES, TOGETHER WITH THE U.S. CENTRAL INTELLIGENCE AGENCY, ARRESTED AT LEAST FIVE NON-ALBANIANS SUSPECTED OF

being members of militant Islamic groups. One of them faced the death sentence in his home country, Egypt, and was extradited. On August 16, the U.S. Embassy in Tirana evacuated all non-essential staff because, according to the U.S. government, there was a terrorist threat to the embassy.

An estimated 15,000 ethnic Albanians from Kosovo sought refuge in Albania from attacks by the Serbian police and Yugoslav Army (see chapter of the Federal Republic of Yugoslavia). Most refugees were accommodated in the north, a region largely out of the government's control, but by September many had relocated to areas in the center and south of Albania, with help from international aid agencies; some of these people subsequently fled to Italy. In August, the Albanian government announced that there had been forty-one "incidents" along the Albania-Yugoslav border involving the Yugoslav armed forces.

Defending Human Rights

One positive outcome of the 1997 upheaval was the development of Albania's nascent community of nongovernmental organizations. In 1999, some new organizations were formed and others became more professional. The Albanian Human Rights Group and the Albanian Helsinki Committee continued to document human rights abuses and carried out human rights related projects, as did the Human Rights Documentation Center. Dozens of other organizations dealing with issues ranging from women's rights to landmines were active. None of these groups reported any restrictions imposed on them by the government.

The Role of the International Community

Europe

Eager for stability in Albania, most European countries committed themselves to supporting the Socialist Party-led government, politically and economically. A February resolution of the European Union Council of Ministers supported the government, though calling for continued political reform. Foreign aid from the European Union and individual countries, such as U.S. \$120 million from Italy, helped keep the country afloat. A tri-parliamentary delegation from the European Parliament, the Council of Europe Parliamentary Assembly, and the OSCE Parliamentary Assembly visited the country in January and June to try to break the deadlock over constitutional reform. The Venice Commission of the Council of Europe assisted with the drafting of the new constitution, and the Council of Europe also placed a permanent representative in Tirana. The Organization for Security and Cooperation in Europe (OSCE) had a permanent mission based in Tirana with field offices throughout the country that helped mediate in political disputes.

NATO

In June, NATO opened an office in Tirana, mostly in connection with the fighting in neighboring Kosovo, and Albanian forces participated in Partnership for Peace exercises, such as those in September in Macedonia. In June, NATO performed Exercise Determined Falcon, in which aircraft flew over Macedonia and Albania in response to the Yugoslav government's offensive against ethnic Albanians in Kosovo.

United States

As during the time of Berisha's rule, the United States played a major role in supporting and influencing the Albanian government, both under Nano and Majko. Nano visited the U.S. in September and remained in close contact with Washington, especially regarding the situation in Kosovo. The CIA helped restructure and train the Albanian secret police.

ARMENIA

Human Rights Developments

President Levon Ter-Petrosian's resignation in February radically changed Armenia's political landscape, but the government's human rights practices remained poor. The Armenian government's human rights record in 1999 was marred by its failure to prosecute election-related violence, physical abuse of conscripts in the Armenian army and in pretrial detention, and by its willingness to condone religious intolerance.

President Ter-Petrosian left office after Armenian defense minister Vazgen Sarkisyan called for his resignation and forty members of parliament quit the bloc that supported the president to join the Yerkrapah faction. The Yerkrapah faction is associated with the Yerkrapah Battalion, a conservative veterans' organization led by Sarkisyan, which was linked to violent attacks in April 1995 on twelve non-apostolic religious groups, mostly Christian sects other than the Armenian Orthodox Church. Throughout the past three years, the Armenian government failed to bring to justice any of the perpetrators of these violent attacks. The Yerkrapah Battalion also reportedly ransacked a human rights library in July 1997.

Ter-Petrosian's forced resignation was related to his willingness to compromise in negotiations on the Nagorno Karabakh conflict to allow the enclave to retain effective independence, but technically remain part of Azerbaijan. Snap presidential elections were called on March 16 in accordance with Armenia's constitution, with a second round of voting on March 30. Former Prime Minister Robert Kocharyan was declared the winner. The OSCE election observers' final report found both rounds to have been marred by extensive fraud, and flatly stated that the final round did not meet OSCE standards. The report noted that monitors witnessed ballot stuffing, discrepancies in the vote count, a large presence of unauthorized persons in polling stations, and intimidation of voters, election workers, and even the international observers themselves.

After the elections, the government claimed to have prosecuted some violent incidents during the elections. But Human Rights Watch learned that many organized groups that participated in ballot stuffing and violence were not prosecuted. For example, on March 16, a group of approximately thirty men entered a Yerevan polling station and in front of numerous witnesses beat two candidate proxies who protested the group's tampering with the ballot box.

A September 1997 amendment to the law on the freedom of conscience and religious organizations further tightened restrictions by prohibiting financing for religions with spiritual centers outside the country. The law, originally adopted in 1991, precludes proselytizing by religions other than the official Armenian Orthodox Church and is clearly intended to hinder the activities of religions other than the official Armenian Orthodox Church.

The law provides for a Committee for Religious Affairs, under the Council of Ministers, with broad and vague powers to register religious organizations. The Jehovah's Witness organization, whose adherents were among those attacked in April 1995, continued to be refused registration due to the authorities' view that the organization opposes compulsory military service. Members of the government human rights committee and some nongovernmental organizations supported the ban on the group's registration. Amnesty International has declared several adherents of the Jehovah's Witnesses, convicted for failure to perform military service, as prisoners of conscience.

Physical abuse and poor conditions plagued the Armenian army, resulting in the deaths of several conscripts. They include the death on April 7 of Vahagan Alaverdyan, an eighteen-year-old resident of Yerevan drafted into the Armenian army in November 1997. Alaverdyan's family stated that they identified him at the Khujaly Military Hospital in Nagorno Karabakh, covered with extensive bruises on the chest, stomach, and back. They further accused officers and other members of the military unit in which he served in Nagorno Karabakh of beating him to death. The Armenian government routinely denies that it conscripts troops and requires them to serve in Nagorno Karabakh.

Officers remained largely unaccountable for abuse in the army. In one case, a nongovernmental organization brought the beating of two soldiers to the attention of authorities. On August 9, the Ministry of Defense responded that the officers had been reprimanded and threatened with expulsion from the Armenian army. However, such a sanction is highly unlikely to be effective in preventing abuse. Nongovernmental organizations reported that Ministry of Defense personnel continued to take family members hostage in order to secure the return of draft-evaders.

The procuracy and the Ministry of Internal Affairs and National Security showed an insufficient commitment to impartial investigation and prosecution of credible allegations of physical abuse in police lock-ups and pretrial detention. For example, police in the Massis district police station and in Yerevan Isolator Number 1 allegedly beat Hamlet Helyan, an ethnic Yezid suspected of thefts, after he was arrested in March 1999.

In June, a court sentenced four policemen from the third and fourth precincts in Gumri to eight years of imprisonment in relation with the August 1997 death in custody of a suspect. The police were convicted on charges of abuse of office and assisting in a suicide, even though photographic evidence showed extensive evidence of severe beatings on the victim's body.

Defending Human Rights

The Ministry of Justice reportedly refused to register some nongovernmental organizations, including human rights organizations. Human rights organizations that have attempted to register reported that the Ministry of Justice merely returned application documents, refusing to provide a written acknowledgment that a registration request has been made or to provide a letter stating the reason for the denial.

Continued impunity for members of the Yerkrapah Battalion who attacked the Vanadzor Human Rights Center library underscored the stifling atmosphere for civil society in Armenia. Few human rights advocates and nongovernmental organizations reported feeling free to express robust criticism of the government; they noted that such critiques had to be couched in careful terms. Government officials did meet with nongovernmental organizations, although they were frequently not receptive to independent organizations' concerns.

The Role of the International Community

The Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe

The OSCE did a commendable job in rapidly and efficiently mounting a large election observer delegation after elections were unexpectedly called in February. But the opposition and some international monitors harshly criticized the OSCE for failing to appoint a specialist with election monitoring experience to the key position of head of the March election monitoring mission.

Armenia's 1996 application for full membership in the Council of Europe remained under review. Members of the Council of Europe's Parliamentary Assembly issued an effusive statement on April 4 asserting the election's legitimacy, but the OSCE's final election report concluded that the elections failed to meet OSCE standards. Members of the Parliamentary Assembly acknowledged that the statement was based on limited observations by only two observers. As of this writing, Armenia's application for Council of Europe accession appeared stalled, primarily due to the failure to resolve the dispute with Azerbaijan over Nagorno Karabakh.

The United Nations

In March, the U.N. Committee on the Elimination of Racial Discrimination reviewed Armenia's initial report. The Committee expressed concern about reported cases of torture and other degrading treatment by police and other investigating officers and about the government's lack of commitment to keeping statistics on racially motivated crimes.

United States

Departing U.S. Ambassador Peter Thomsen stated that Armenia had made advances in democratic development, citing the increased liveliness of the press. However, Ambassador Thomsen failed to note that the government continues to control Armenia's only newspaper printing press and that journalists do not feel free to cover a range of taboo subjects. The U.S. State Department's *Country Report on Human Rights Practices for 1997* on Armenia accurately described the government's manipulation of the 1996 presidential election, the security forces' serious abuses including the beating of detainees during arrest and detention, and that few newspapers are independent of patronage from political or economic interest groups.

AZERBAIJAN

Human Rights Developments

Increased international attention to Azerbaijan's abysmal human rights record failed to yield concrete reforms in 1999. President Heydar Aliyev issued a number of decrees ordering improvements in human rights conditions during the year. However, these were merely window-dressing. The measures could not substitute for the government's dismal record and its lags in adopting urgently needed structural reform of the courts, police, and procuracy,

NOR DID THEY SUCCEED IN OBSCURING THE GOVERNMENT'S DISMAL HUMAN RIGHTS RECORD.

LEGISLATION GOVERNING THE OCTOBER 11 PRESIDENTIAL ELECTIONS AND THE FUTURE CONDUCT OF LOCAL ELECTIONS PROVOKED SHARP CRITICISM FROM OPPOSITION PARTIES AND A SERIES OF PUBLIC DEMONSTRATIONS IN BAKU AND OTHER MAJOR CITIES. SENIOR GOVERNMENT OFFICIALS CLAIMED THAT THE ELECTORAL LEGISLATION ADOPTED IN JULY MET INTERNATIONAL STANDARDS, BUT IN FACT THE GOVERNMENT HAD FAILED TO ADOPT REFORMS RECOMMENDED BY INTERNATIONAL ORGANIZATIONS SPECIALIZING IN ELECTORAL REFORM, SUCH AS THE NATIONAL DEMOCRATIC INSTITUTE. THE GOVERNMENT'S UNWILLINGNESS TO ALLOW MORE EQUITABLE REPRESENTATION OF OPPOSITION PARTIES ON THE CENTRAL ELECTORAL COMMISSION WAS ONE OF SEVERAL ISSUES THAT CAUSED MAJOR OPPOSITION PARTIES TO BOYCOTT THE PRESIDENTIAL ELECTIONS. OSCE AND COUNCIL OF EUROPE ELECTION MONITORS SAID AFTER THE VOTE THAT THEY HAD FOUND NUMEROUS IRREGULARITIES, AND CONCLUDED THAT THE ELECTIONS DID NOT MEET INTERNATIONAL STANDARDS.

ALTHOUGH THE PARLIAMENT ADOPTED LEGISLATION IN FEBRUARY ABOLISHING THE DEATH PENALTY, DEVELOPMENTS DURING THE YEAR POINTED TO THE HOLLOWNESS OF THE AZERBAIJANI GOVERNMENT'S COMMITMENT TO IMPROVED PRACTICES IN OTHER AREAS. THERE WAS, FOR EXAMPLE, CONTINUED PHYSICAL ABUSE BY THE MINISTRY OF INTERNAL AFFAIRS STAFF. A NOVEMBER 1997 HUMAN RIGHTS WATCH INVESTIGATION FOUND THAT PHYSICAL ABUSE AND TORTURE BY THE POLICE WAS RAMPANT, AND SYSTEMATIZED IN FACILITIES SUCH AS THE BAKU CITY POLICE STATION, WHERE MANY UNDER SUSPICION OF POLITICALLY MOTIVATED CRIMES HAVE BEEN DETAINED. THROUGHOUT THE YEAR, HUMAN RIGHTS WATCH RECEIVED NUMEROUS CREDIBLE ALLEGATIONS THAT POLICE CONTINUED TO ABUSE DETAINEES PHYSICALLY AND TO INTIMIDATE, HARASS, AND EVEN KIDNAP THE FAMILY MEMBERS OF SUSPECTS. FAMILY MEMBERS CHARGED THAT POLICE AND OFFICIALS OF OTHER SECURITY FORCES CONDUCTED ARBITRARY SEARCHES WITHOUT WARRANTS, THREATENED AND INTIMIDATED THEM, AND IN SOME CASES ARRESTED AND THEN PHYSICALLY ABUSED THEM IN CUSTODY. ESPECIALLY ALARMING WAS THE CLIMATE OF IMPUNITY IN WHICH THE POLICE ACTED: STATISTICS PROVIDED BY THE MINISTRY OF INTERNAL AFFAIRS SHOWED THAT ONLY TWO POLICE OFFICERS HAD BEEN PROSECUTED FOR PHYSICAL ABUSE IN BAKU IN 1997.

RESTRICTIONS ON PUBLIC DEMONSTRATIONS ALSO CONTINUED. ON MAY 9, BAKU AUTHORITIES ARBITRARILY DETAINED AND HELD FOR PERIODS OF FIVE TO TEN DAYS APPROXIMATELY ONE THIRD OF THE ROUGHLY 150 PEOPLE WHO WERE PEACEFULLY PROTESTING THE HIGHLY CONTROVERSIAL DRAFT LAW ON PRESIDENTIAL ELECTIONS, WHICH WAS THEN UNDER CONSIDERATION IN PARLIAMENT. ON AUGUST 15, OPPOSITION ACTIVISTS REPORTED THAT APPROXIMATELY 300 PEOPLE HAD BEEN DETAINED DURING ELECTION RALLIES IN BAKU AND OTHER CITIES, WHILE MINISTER OF INTERNAL AFFAIRS RAMIL USUBOV ACKNOWLEDGED THAT 106 HAD BEEN DETAINED FOR RESISTING THE POLICE OR DISORDERLY CONDUCT.

ON AUGUST 6, THE PRESIDENT SIGNED A DECREE LIFTING PRE-PUBLICATION CENSORSHIP AND INSTRUCTING THE PARLIAMENT TO ADOPT LAWS TO ENSURE FREEDOM OF THE PRINT MEDIA. YET NINE DAYS LATER POLICE DETAINED SEVEN JOURNALISTS WHO WERE TRYING TO COVER THE AUGUST 15 RALLIES: SOME OF THEM WERE REPORTEDLY BEATEN IN CUSTODY. IN FEBRUARY, POLICE SEIZED ISSUES OF THE BAKU-BASED *MONITOR* MAGAZINE. JOURNALISTS FROM THE *MONITOR* RECEIVED A LETTER IN APRIL FROM THE MINISTER OF INTERNAL AFFAIRS DEMANDING THAT THEY REFUTE AN ARTICLE PUBLISHED IN THAT ISSUE REGARDING TORTURE IN AZERBAIJAN. IN JULY, A COURT FOUND THE MAGAZINE GUILTY OF HIGHLY DUBIOUS LIBEL CHARGES THAT RESULTED IN A FINE, FORCING ITS CLOSURE. AND AN APRIL DECREE ADOPTED BY THE CABINET OF MINISTERS FURTHER TIGHTENED RESTRICTIONS ON THE BROADCAST MEDIA BY CREATING NEW ONEROUS REGISTRATION REQUIREMENTS FOR ALL INDEPENDENT TELEVISION STATIONS IN AZERBAIJAN.

IN FEBRUARY, PRESIDENT ALIYEV ISSUED A DECREE INSTRUCTING HIS GOVERNMENT TO COOPERATE WITH INTERNATIONAL AND LOCAL HUMAN RIGHTS ORGANIZATIONS. YET THROUGHOUT THE SPRING, SMEAR CAMPAIGNS AND HARASSMENT BY SENIOR AZERBAIJANI OFFICIALS, INCLUDING MINISTER OF JUSTICE SUHABA GASANOVA AND DEPUTY PROCURATOR GENERAL ISA NAJAFOV CONTINUED, AS IN PAST YEARS, AGAINST LOCAL ACTIVISTS.

Defending Human Rights

ON APRIL 29, THE MINISTRY OF INTERNAL AFFAIRS ORGANIZED CRIME UNIT HARASSED AND THREATENED ELBOR ZEYNALOV, EXECUTIVE DIRECTOR OF THE HUMAN RIGHTS CENTER OF AZERBAIJAN, DURING QUESTIONING RELATED TO HIS WORK. THE MINISTRY OF JUSTICE ARBITRARILY REFUSED TO REGISTER NONGOVERNMENTAL ORGANIZATIONS, INCLUDING HUMAN RIGHTS ORGANIZATIONS, LAWYERS ASSOCIATIONS AND OTHERS. IN APRIL, PARLIAMENT ADOPTED A LAW GOVERNING GRANTS TO NONGOVERNMENTAL ORGANIZATIONS. DURING PARLIAMENTARY CONSIDERATION THE GOVERNMENT FAILED TO PUBLISH THE DRAFT LAW OR OTHERWISE MAKE IT AVAILABLE TO THE AFFECTED ORGANIZATIONS, DESPITE REPEATED REQUESTS TO MEMBERS OF PARLIAMENT AND TO THE PRESIDENT'S OFFICE, THUS CAREFULLY EXCLUDING THE VERY ORGANIZATIONS THAT THE LEGISLATION AFFECTED FROM COMMENTING ON THE LAW.

The Role of the International Community

AS INTEREST IN AZERBAIJAN'S SUBSTANTIAL OIL RESERVES INCREASED, THE U.S. AND SOME EUROPEAN COUNTRIES ADVOCATED AZERBAIJAN'S INCREASED INTEGRATION INTO EUROPEAN AND OTHER INTERNATIONAL STRUCTURES SUCH AS THE WORLD TRADE ORGANIZATION, THE COUNCIL OF EUROPE, AND NATO'S PARTNERSHIP FOR PEACE PROGRAM.

BY THE FIRST HALF 1999, MULTINATIONAL OIL AND GAS COMPANIES HAD SIGNED CONTRACTS WITH AZERBAIJAN WORTH \$40 BILLION. AZERBAIJAN'S HUMAN RIGHTS PRACTICES AND LACK OF COMMITMENT TO THE RULE OF LAW SHOULD HAVE BEEN A GRAVE CONCERN TO INTERNATIONAL INVESTORS GIVEN THE SUBSTANTIAL ADDITIONAL INFRASTRUCTURE INVESTMENT UNDER DISCUSSION DURING THE YEAR TO BRING OIL AND GAS RESERVES TO WORLD MARKETS. THE LARGE SIZE OF THE COMPANIES' INVESTMENT INDICATES A SIGNIFICANT LONG-TERM COMMITMENT TO THE COUNTRY. BUT MULTINATIONAL COMPANIES WERE SILENT ON ISSUES SUCH AS THE LACK OF AN INDEPENDENT AND IMPARTIAL JUDICIARY TO PROVIDE CITIZENS RECOURSE TO A SYSTEM OF PEACEFULLY RESOLVING DISPUTES, LACK OF INSTITUTION BUILDING TO ENSURE RESPECT FOR ELECTORAL RIGHTS TO GUARANTEE PEACEFUL TRANSITIONS OF POWER, OPENNESS AND TRANSPARENCY IN THE FORMULATION OF LAWS AND REGULATIONS TO COMBAT CORRUPTION, AND A FREE PRESS TO SERVE AS A CHECK ON GOVERNMENT ABUSES. THIS WAS REGRETTABLE GIVEN THAT ENACTMENT OF RULE-OF-LAW REFORMS PROVIDES AN IMPORTANT SAFEGUARD AND FOUNDATION NOT ONLY FOR IMPROVED HUMAN RIGHTS PRACTICES BUT FOR THE LONG-TERM SECURITY OF INVESTMENT.

Council of Europe

AS PART OF PROCEDURES GOVERNING AZERBAIJAN'S MEMBERSHIP APPLICATION TO THE COUNCIL OF EUROPE, RAPPORTEURS AND PARLIAMENTARIANS MADE SEVERAL TRIPS TO REVIEW THE COMPATIBILITY OF AZERBAIJAN'S LEGAL SYSTEM WITH INTERNATIONAL HUMAN RIGHTS STANDARDS. A SEPTEMBER 1997 REPORT BY COUNCIL OF EUROPE LAWYERS NOTED IN ITS CONCLUSIONS THAT, "WHAT IS REQUIRED ABOVE ALL IS A CHANGE IN MENTALITY OF THOSE IN POWER WHO DO NOT TOLERATE ANY FORM OF OPPOSITION." THE REPORT FURTHER CALLED FOR EXTENSIVE REFORM OF THE JUDICIAL AND LEGAL SYSTEM, A RADICAL, IMMEDIATE IMPROVEMENT OF CONDITIONS IN PRE-TRIAL DETENTION AND ON DEATH ROW, AND FOR JUDICIAL CONTROL OF THE POLICE AND PROCURATORS' ACTIONS DURING INVESTIGATIONS.

European Union

AZERBAIJAN IS A PARTICIPANT IN THE EUROPEAN UNION'S 50 MILLION ECU TRANSPORT CORRIDOR EUROPE CAUCASUS CENTRAL ASIA (TRACECA) PROJECT, WHICH AIMS TO

increase the political and economic independence of countries in the region by creating an East-West transport corridor with upgraded roads, port facilities and other transport networks. The E.U. was largely silent on human rights issues during the year. Given the European Union's significant involvement in the country, its silence on human rights concerns was disappointing.

European Bank for Reconstruction and Development (EBRD)

Responding to concerns voiced by Human Rights Watch regarding Azerbaijan's compliance with the European Bank for Reconstruction and Development's charter commitment to multiparty democracy and pluralism, bank officials pledged to consider the issue in connection with its biannual assessment of Azerbaijan in 1998. The EBRD approved US\$200 million in financing for development of pipelines and other infrastructure to carry Azerbaijani oil to international markets in July.

United Nations

In its concluding observations on Azerbaijan's initial report, the U.N. Committee on the Elimination of Discrimination against Women expressed concern about continued discrepancies between legal protections for women and discrimination in practice, the government's insufficient commitment of resources to assess and combat violence against women and the high level of maternal and infant mortality, and the international community's failure to provide sufficient assistance in this area. In December 1997, the U.N. Committee on Economic, Social and Cultural Rights noted in its review that nearly the entire population of Azerbaijan is living in poverty and recommended as a matter of urgency that the government address basic needs of the population, such as safe drinking water, food, affordable housing, and health care. It also expressed concern that a large proportion of the resources necessary to finance social programs is diverted by corruption, which pervades state organs and sectors of the economy that are still under state control.

United States

The U.S. State Department's *Country Reports on Human Rights Practices for 1997* on Azerbaijan stated that the country's record was poor, but other aspects of the report did not accurately reflect the human rights situation. The report stated that "members of the police committed numerous human rights abuses." But this vastly understated the widespread, rampant police abuse, the systematized torture of detainees, and the climate of impunity in Azerbaijan. The report noted positive developments in 1997 and pointed to the lifting of military censorship as an example. Yet later it acknowledged that violations of media freedoms continued at approximately the same level as in 1996 due to continued political censorship and government banning of newspapers. To its credit, on August 18, the U.S. State Department issued a strong statement regarding the detention of demonstrators at opposition rallies.

REPUBLIC OF BELARUS

Human Rights Developments

Belarus continued its slide toward Soviet-style repression of fundamental human rights in a year that witnessed two political show trials and, as of this writing, promised yet more. Additionally, the government closed the last remaining daily independent newspaper and stepped up an at times violent campaign against opposition activists, including minors, especially at demonstrations. The Ministry of Justice stripped prominent defense lawyers of their licenses to practice law for defending political cases.

Characteristic of this general contempt for international law, on June 10 the Lukashenka government evicted more than twenty foreign ambassadors from the European Union, the United States, Japan and other countries from their residences outside of Minsk on the pretext of needing to carry out urgent repairs. When the ambassadors refused to leave, their telephone lines, electricity, and gas supplies were cut and ditches were dug across the main entrance road to prevent vehicular access.

Government complicity was evident in at least one politically motivated assault. On December 23, 1997, two unidentified men broke into the film studio of Yuri Khashchevatsky and beat him unconscious, breaking his nose and his foot in three places, and leaving him with a concussion, multiple bruises, and abrasions. Khashchevatsky directed *An Ordinary President*, an openly satirical documentary about President Lukashenka that authorities subsequently banned: the assault occurred two days after the film was broadcast on German television. No valuables or equipment were stolen or damaged. Police closed the investigation in June without result.

In an evident attempt to intimidate and deter young political activists from opposition political activity, the Belarusian government turned a court hearing on graffiti into a political show-trial: on February 24, following a five-day hearing, a Minsk court handed down an eighteen-month sentence in a strict regime labor camp to nineteen-year-old Alexei Shidlovsky and a suspended eighteen-month jail term to sixteen-year-old Vadim Lobkovich for writing anti-presidential graffiti in the provincial town of Stolbtsy. The two teenagers had spent nearly six months in pre-trial detention, during which prison guards reportedly beat Shidlovsky. The government ignored appeals from the international community to release the pair or grant clemency.

Peaceful public protest remained a dangerous exercise in 1998. The government codified into law a 1997 presidential decree that had severely curtailed freedom of assembly rights, and police continued arbitrarily to arrest and assault demonstrators. Minsk authorities moved several demonstrations from the city center or simply denied permission to hold them, citing the new law. During the Lobkovich-Shidlovsky trial, police arrested a total of nine persons for "disobeying the orders of a police officer" or for "holding an unsanctioned demonstration." Authorities arrested and jailed for fifteen days Yuri Maroz, who had stood alone outside the courtroom, holding a placard calling for the teenagers' release. A peaceful opposition rally on March 22 resulted in the mass arrest of demonstrators.

On April 2, the authorities staged a rally in central Minsk to commemorate the signing of the Russia-Belarus Union treaty a year earlier. Members

of the Belarusian People's Front (BPF) and its affiliated Youth Front organized a small counter-demonstration, sang pro-independence songs and later peacefully dispersed. Men in plainclothes subsequently emerged from parked cars and beat and detained about forty BPF and Youth Front members, including its leader, Pavel Syverinets and fifteen-year-old Dmitri Vaskovich. The pair were charged with "malicious hooliganism" (which carries a maximum five-year prison term) for allegedly forcing performers off the stage, singing songs, shouting slogans, and breaking a microphone. Vaskovich was released after three days, during which police beat and threatened him; they gave him food and water only once in three days in an attempt to coerce him into incriminating Syverinets. In May, Vaskovich received a warning, while Syverinets was held until June 3 and released pending trial, which had yet to begin at the time of this writing.

In 1999 the Belarusian government intensified its campaign against the independent print media. On November 24, 1997, the Higher Economic Court closed the last remaining independent daily newspaper, *Svaboda* [Freedom], following the accumulation of more than ten warnings resulting from political articles. On November 19, the State Press Committee issued warnings that two articles published in *Svaboda* that month violated article five of the Law on the Press and Other Mass Media, because they supposedly incited "social intolerance" and "hostility between society and the authorities." One of the articles drew parallels between Belarus today and 1937; the other accused the president of incompetence and criminal activity.

Warnings to other independent outlets raised fears that they too would be closed. In November 1997, the independent weekly newspaper, *Mya* [The Name] received an official warning for publishing satirical collages of the president and other government officials which expressed the "obvious aim of politically and personally discrediting the state leaders." The collages featured the heads of the president and other high-ranking Belarusian political figures, along with top Russian oligarch bankers and politicians, including President Boris Yeltsin, transposed onto the bodies of women, card players, or prisoners.

On May 29, the State Press Committee issued a warning to the weekly independent Belarusian-language newspaper, *Nasha Niva* [Our Cornfield], for violating article six of the Press Law, which forbids the mass media from "deviating from the generally accepted norm of language use." The warning relates to the traditional spelling used by *Nasha Niva* that predates a 1933 ruling altering the Belarusian spelling system; the ruling was intended to bring the language closer to Russian. On August 12, *Nasha Niva* appealed the warning to the Higher Economic Court. The court subsequently convened a commission of language experts from the Institute of Linguistics which, on September 22, rejected the State Press Committee's allegations. As of this writing, a formal ruling in *Nasha Niva's* favor had yet to be issued.

A confidential government memorandum leaked to the press in April confirmed suspicions that the government sought to stifle non-state media by withholding official information. The memorandum, entitled "On Strengthening Countermeasures [Against] Articles in the Opposition Press," outlined three ways to counter anti-government media coverage: banning government officials from passing official documents to non-state media; banning officials from commenting on official documents to the "opposition mass-media;" and forbidding state enterprises from placing advertisements in "opposition newspapers," from which important revenue for these papers is generated. The memorandum also referred to a March 17 letter from President Lukashenka and a special presidential order. President Lukashenka confirmed the memorandum's authenticity on May 5 in a speech, stating that the memorandum's author should have given the directives orally and not in written form.

January saw the culmination of the trial of Russian ORT television journalists, Pavel Sheremet and Dmitri Zavadsky. In August 1997 authorities arrested Sheremet and Zavadsky while filming a news story on the Belarus-Lithuanian border. Although initially released with a fine, the journalists were arrested a few days later following the broadcast of the material that they had filmed, then later released. On January 28, a court in the border town of Oshmyany sentenced Sheremet and Zavadsky to one and a half years of imprisonment, suspended for one year. Human Rights Watch believes the state chose to prosecute the pair because of the role they played in exposing the lack of border demarcation, a subject of official sensitivity.

On December 20, 1997, the Council of the Republic (upper house of parliament) adopted amendments to the Press Law. One amendment punishes publications for articles that "insult the honor and dignity" of government officials, and could affect those who put forward legitimate criticism of state officials. Another amendment codified a prior presidential decree restricting the import and export of information deemed to threaten "the national security, rights, and freedoms of individuals; health and morals of the population; and environmental protection." The law now sanctions the administrative prosecution of all distributors of a newspaper found to have violated these vague standards, the banning of such publications, and suspension of an individual's right to engage in media activities should he violate the law.

The government actively invoked the law as amended, enforcing the ban on importing "harmful" information. For example, on May 2, Belarusian authorities confiscated 900 copies of *Belaruskije Vedomosti* [Belarusian News] and several hundred copies of other political articles at the Belarus-Ukraine border, presumably for their political content. *Belaruskije Vedomosti* is published in Poland.

Whereas the amended 1997 law set out only administrative sanctions, in June, the Chamber of Representatives (Lower House of Parliament) adopted a draft law to criminalize insulting, libeling, and slandering the president. According to the June draft, such slander would be punishable by a maximum four years of imprisonment. The bill also provides for penalties for the use of placards in public places or spreading information in the media that infringes on presidential honor or dignity. As of this writing, the law had yet to be formally adopted.

In 1999, the Ministry of Justice continued to disbar politically active attorneys or attorneys who defend politically sensitive cases, taking advantage of a 1997 presidential decree that placed bar associations under much tighter Ministry of Justice control and forced all lawyers to become bar members.

On February 25, the Ministry of Justice revoked Nadezhda Dudareva's license to practice law. Dudareva had been noted for representing clients connected with the opposition movement and for her outspoken criticism of the government. She purposefully did not join a bar association in order to evade censure for her work defending political cases and to continue to work free of charge, which bar association members are forbidden to do. The official reason given for her disbarment, a thinly veiled pretext, was that she allegedly put pressure on a judge during a trial in 1997. She lost her license the day after the sentencing of Labkovich and Shidlovsky, in whose defense she had worked.

On March 24, the Ministry of Justice removed Garry Pogonyailo from the Minsk city bar association, immediately following his client Pavel Sheremet's unsuccessful appeal. Pogonyailo defended some of the highest-profile political cases in Belarus, including former National Bank chair, Tamara Vinnikova. He had received two reprimands from the Minsk city bar association for protesting Vinnikova's degrading treatment in custody and for protesting procedural violations in Sheremet's case.

On October 12, Deputy Minister of Justice Viktor Golovanov informed Vera Stremkovskaya, whose clients include Viktor Klimov (see below), that she would be stripped of her license to practice law for comments she made on human rights violations in Belarus at a meeting of human rights activists in New York three weeks earlier. As of this writing, Stremkovskaya's disbarment had yet to be enforced.

In February, Belarus added another political prisoner to its jails when police arrested Andrei Klimov. Klimov was an active and vocal member of a special committee of the Thirteenth Supreme Soviet (the parliament President Lukashenko disbanded in 1996), formed to investigate constitutional violations by the president. On February 10, Klimov distributed a letter summarizing the commission's findings to the procurator, the police department, the tax inspectorate, and all local government heads. On February 11, police arrested him on charges of embezzlement and of carrying out entrepreneurial activities without a license; the timing of the arrest points to a political motive, as does the authorities' refusal to permit bail. As of this writing, Klimov remained in pre-trial detention.

Defending Human Rights

While several human rights organizations were active in Belarus, they operated in an openly hostile environment. The high incidence of arrests and beatings at demonstrations, combined with due process violations at subsequent trials of demonstrators, reinforces the need for independent observers. However, the arbitrary nature of arrests at or following demonstrations in Belarus has meant that these observers themselves are arrested. At least six observers from the Belarusian Helsinki Committee (BHC) were detained during demonstrations in 1999, although after varying periods in detention, all, following verification of their identity and role as observers at the demonstration, were released without charge. Police failed to find the perpetrators of an October 1997 assault on former BHC trial observer Nadezhda Zhukova, despite her assailants' evident government affiliation; they appeared to be members of the Belarusian Patriotic Union of Youth, a pro-presidential, government-sponsored youth organization that, in its previous incarnation, named Direct Action, openly advocated violence. Human rights activists reported a lack of cooperation from government officials, especially in response to requests for information.

The Role of the International Community

European Union

Retaliating against the June evictions, the E.U. and the United States recalled their ambassadors, and Belarusian ambassadors accredited to the E.U. and the U.S. were ordered to return to Minsk. In addition, the E.U. and the U.S. imposed visa travel bans on the entire Belarusian government from the president downward.

The United Kingdom embassy, in its capacity as head of the E.U. presidency, from January to July, sent an observer to the Shidlovsky-Labkovich trial and issued a statement appealing for clemency. In February, the European Parliament adopted a resolution calling for Shidlovsky and Labkovich's release and also condemning arbitrary arrests, threats against journalists and the beating of Yuri Khoshevat'sky. The E.U. announced in March a five million ECU (U.S.\$6 million) Civil Society Development program to provide assistance to the non-state media, human rights NGOs, and higher education institutions.

Council of Europe and Organization for Security and Cooperation in Europe (OSCE)

The Council of Europe maintained its position on Belarus' membership application, frozen since the country's observer status was suspended in January 1997. In February, the OSCE opened its much delayed Advisory and Monitoring Office in Minsk. The office's activities included conducting seminars on democracy and free and fair elections, along with holding consultations with victims of human rights abuses and advising the government on law formation. In April the OSCE's media representative, Freimut Dwe, initiated a dialogue on freedom of speech with Foreign Minister Ivan Antonovich.

United Nations

In November, the United Nations Human Rights Committee issued its concluding observations on the fourth periodic report by Belarus. The committee expressed concern on a wide range of issues, including allegations of ill-treatment of persons by police and other law enforcement officials during peaceful demonstrations. The committee stated that the human rights situation in Belarus had "deteriorated significantly" since that country's last report in 1992 and that "remnants of the former totalitarian rule persist" there.

On August 19, the Sub-Commission on Prevention of Discrimination and Protection of Minorities issued a resolution expressing deep concern at the unlawful detention, imprisonment, and harassment of Belarusian political leaders, journalists, and human rights defenders for criticizing or commenting on abuses of power by the government. The resolution criticized more generally the concentration of power in the executive branch of government and the undermining of the independence of the judiciary.

United States

The United States continued to maintain pressure on the Belarusian government to respect human rights by limiting contact with it and supporting civil society projects. The U.S. provided the largest amount of funds to the independent media in Belarus. Its Minsk embassy played an active role in highlighting abuses and raising them with the Belarusian government, and sent observers to the Sheremet and Shidlovsky-Labkovich trials. The State Department's *Country Reports on Human Rights Practices for 1997* provided a comprehensive analysis of the human rights situation in Belarus.

Relevant Human Rights Watch Report:

Republic of Belarus: Turning Back the Clock, 7/99

BOSNIA AND HERCEGOVINA

Human Rights Developments

1999, THE THIRD YEAR OF IMPLEMENTATION OF THE DAYTON PEACE AGREEMENT (DPA), BROUGHT SIGNIFICANT PROGRESS ON SEVERAL KEY HUMAN RIGHTS ISSUES. FREEDOM OF MOVEMENT IMPROVED, ELEVEN INDICTEES WERE TRANSFERRED TO THE HAGUE (THE LOCATION OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, ICTY) DURING 1999, AND THE RESTRUCTURING OF THE POLICE FORCES WAS WELL UNDER WAY. THESE POSITIVE DEVELOPMENTS, HOWEVER, WERE OFTEN IMPOSED BY OR THE RESULT OF INTENSE PRESSURE FROM THE INTERNATIONAL COMMUNITY. SEVERAL SERIOUS HUMAN RIGHTS CONCERNS PERSISTED, INCLUDING THE INABILITY OF REFUGEES AND INTERNALLY DISPLACED PERSONS TO RETURN TO THEIR HOMES AND THE ONGOING INFLUENCE OF THOSE INDICTED, BUT NOT APPREHENDED, FOR WAR CRIMES. OTHER LINGERING CONCERNS INCLUDED ETHNICALLY MOTIVATED VIOLENCE AND THE ABSENCE OF REDRESS FOR THE VICTIMS OF ABUSE. DESPITE THE HARD-WON REFORM OF THE PROPERTY LAW AND THE CRIMINAL JUSTICE CODES IN THE FEDERATION OF BOSNIA AND HERZEGOVINA, ORDINARY CITIZENS HAD EXPERIENCED LITTLE CONCRETE BENEFIT TO DATE.

Political developments

IN DECEMBER 1997, THE PEACE IMPLEMENTATION COUNCIL (PIC) STRENGTHENED HIGH REPRESENTATIVE CARLOS WESTENDORP'S AUTHORITY TO DISMISS PUBLIC OFFICIALS WHO OBSTRUCT IMPLEMENTATION OF THE DPA AND TO IMPOSE DECISIONS WHEN AUTHORITIES FAILED TO COME TO AGREEMENT ON KEY ISSUES. WHILE NOT WITHOUT CONTROVERSY (RELATING TO THE DEGREE OF INTERNATIONAL CONTROL BEING EXERTED IN BOSNIA), SEVERAL DECISIONS BY WESTENDORP RESULTED IN IMMEDIATE AND DRAMATIC IMPROVEMENTS, FOR EXAMPLE, THE LAW ON CITIZENSHIP AND THE EXTENSION OF THE DEADLINE TO RECLAIM SOCIALLY OWNED PROPERTY. MOREOVER, WESTENDORP FINALLY ADDRESSED ONGOING AND ACTIVE OBSTRUCTION OF THE DPA BY LOCAL OFFICIALS.

THE PROCESS OF CHANGE IN THE REPUBLIKA SRPSKA (RS) BEGAN WITH THE ELECTION OF MILORAD DODIK AS RS PRIME MINISTER IN JANUARY 1999, BUT DESPITE CHANGES IN THE RS PARLIAMENT AFTER THE NOVEMBER 1997 ELECTIONS, AND SIGNIFICANT INTERNATIONAL POLITICAL AND FINANCIAL SUPPORT, DODIK WAS UNABLE TO DELIVER ON HIS PROMISE TO ENSURE THE RETURN OF 70,000 REFUGEES AND DISPLACED PERSONS TO THE REPUBLIKA SRPSKA IN 1999 AND TO REFORM RS PROPERTY LAWS BY SEPTEMBER 1999. DODIK'S ABILITY TO EFFECT CHANGE WAS HAMPERED BY THE WEAKNESS OF HIS COALITION, MAKING IT NECESSARY FOR HIM TO MAKE COMPROMISES WITH HARDLINERS. EASTERN RS REMAINED UNDER THE CONTROL OF HARDLINE NATIONALISTS, CREATING SERIOUS PROBLEMS WITH POLICE REFORM AND COOPERATION WITH THE FEDERATION.

War Criminals

IN JANUARY 1999, AMERICAN SFOR TROOPS ARRESTED GORAN JELISIC, NICKNAMED "SERB ADOLF," IN BIJELOJINA. FURTHER ARRESTS WERE MADE BY GERMAN, AMERICAN, AND BRITISH TROOPS IN PRIJEDOR, BANJA LUKA, BOSANSKI SAMAC, AND FOCA. MOREOVER, FIVE INDICTEES SURRENDERED THEMSELVES TO THE ICTY. NO INDICTEES, HOWEVER, WERE ARRESTED AND TURNED OVER TO THE ICTY BY THE BOSNIAN AUTHORITIES. AS OF THIS WRITING, MORE THAN TWENTY INDICTEES CONTINUED TO LIVE FREELY IN THE RS AND BOSNIAN CROAT TERRITORY. MAJOR FIGURES INDICTED FOR WAR CRIMES, SUCH AS RADOVAN KARADZIC, RATKO MLADIC, MILAN MARTIC AND VICA RASIC, REMAINED AT LARGE, AND THERE SEEMED LITTLE INTERNATIONAL PRESSURE TO ARREST THEM OR OBTAIN THEIR ARREST.

Return of Refugees and Displaced Persons

1999, DUBBED "THE YEAR OF RETURN" BY THE INTERNATIONAL COMMUNITY, FELL FAR SHORT OF EXPECTATIONS. WHILE 475,000 REFUGEES AND DISPLACED PERSONS (OUT OF MORE THAN TWO MILLION) HAD RETURNED SINCE THE SIGNING OF THE DPA, ONLY ABOUT 15,000 WERE SO-CALLED "MINORITY RETURNS" (RETURNS TO AN ENTITY WHERE THE POST-WAR MAJORITY IS OF A DIFFERENT ETHNICITY). BETWEEN THE SIGNING OF THE DPA AND JULY 1999, ONLY 1,920 NON-SERBS HAD RETURNED TO THE RS, AND THE RS HAD FAILED TO REVOKE DISCRIMINATORY HOUSING LEGISLATION AS REQUESTED BY THE PIC. FEDERATION AUTHORITIES ALSO CONTINUED TO OBSTRUCT RETURN, DESPITE NEW PROPERTY LEGISLATION. DESPITE A 1999 TARGET OF 20,000 SO-CALLED "MINORITY RETURNS," ONLY AROUND 2,500 "MINORITIES" HAD RETURNED TO SARAJEVO BY THE END OF SEPTEMBER 1999. DURING THE THREE YEARS SINCE THE SIGNING OF THE DPA, MANY MORE MINORITIES HAVE FLED SARAJEVO THAN HAVE RETURNED.

Ethnically Motivated Violence and Evictions

ETHNICALLY MOTIVATED VIOLENCE, OFTEN RELATED TO MINORITY RETURNS, CONTINUED TO OCCUR THROUGHOUT BOSNIA. IN DRVAR, A BOSNIAN CROAT AREA, A PROTRACTED SERIES OF VIOLENT INCIDENTS (INCLUDING ARSON, ASSAULT, AND MURDER) ULTIMATELY FORCED HUNDREDS OF BOSNIAN SERB RETURNEES TO FLEE AGAIN IN APRIL. LOCAL AUTHORITIES REPEATEDLY FAILED TO TAKE ADEQUATE MEASURES TO PROTECT BOSNIAN SERBS FROM VIOLENCE AND WERE SOMETIMES THEMSELVES COMPLICIT IN THE VIOLENT INCIDENTS. ULTIMATELY, SEVERAL PUBLIC OFFICIALS WERE DISMISSED BY THE U.N. INTERNATIONAL POLICE TASK FORCE (IPTF) AND THE OFFICE OF THE HIGH REPRESENTATIVE (OHR), BUT TO DATE, ONLY MINOR CRIMINAL CHARGES HAD BEEN BROUGHT.

IN TRAVNIK, AT LEAST FIVE BOSNIAN CROATS WERE SLAIN SINCE THE BEGINNING OF 1999, BUT NO PERPETRATORS ARRESTED. IN STOLAC AND CAPLJINA, APPROXIMATELY ONE HUNDRED BOSNIAN HOUSES WERE DAMAGED IN 1999, A PATTERN OF VIOLENCE SIMILAR TO THAT IN 1996 AND 1997, AND BOSNIAN RETURNEES WERE OFTEN VICTIMS OF PHYSICAL ASSAULTS AND INTIMIDATION. AFTER REFUSING TO ADDRESS THESE CRIMES FOR MORE THAN TWO YEARS, THE STOLAC CHIEF OF POLICE WAS REMOVED IN FEBRUARY AT THE REQUEST OF IPTF, AND THE MAYOR OF STOLAC WAS DISMISSED BY THE HIGH REPRESENTATIVE IN MARCH. SIMILARLY, THE CHIEF OF POLICE IN CAPLJINA WAS DECERTIFIED BY IPTF FOLLOWING VIOLENCE AGAINST RETURNEES THERE IN THE FALL. THE SITUATION IMPROVED SOMEWHAT THEREAFTER, BUT LOCAL POLICE CONTINUED TO FAIL TO PROTECT CITIZENS AND PROPERTY, OR TO HOLD THE PERPETRATORS ACCOUNTABLE.

Freedom of Movement

DESPITE THE RECALCITRANCE OF SOME AUTHORITIES, FREEDOM OF MOVEMENT SIGNIFICANTLY INCREASED IN 1999 DUE TO AN AGREEMENT ON UNIFORM LICENSE PLATES. PREVIOUSLY, THE ETHNICITY OF DRIVERS COULD BE DISCERNED BY THE LICENSE PLATE, THEREBY BLOCKING MANY DISPLACED PERSONS FROM VISITING THEIR PREWAR

residences to assess the possibilities for return. Freedom of movement was at times obstructed by citizens who organized physically to prevent return or visits by ethnic minorities.

Media

The main political parties continued to control primary media outlets. During elections, for example, the Croatian Television station (HRT) clearly favored the Croatian Democratic Union (Hrvatska Demokratska Zajednica, HDZ). In the RS, Dodik replaced sixteen directors of state-owned radio stations due to their allegiance to his opponents, raising concern about his commitment to freedom of expression. In January, the editor-in-chief of the independent Sarajevo-based *Dani* ("Days") magazine was convicted of libel in flawed proceedings. The case was brought by a newspaper closely connected to the leading Bosniak party of Democratic Action (Stranka Demokratske Akcije, SDA) and was believed to be politically motivated. In May, *Dani's* offices were attacked by armed criminals, allegedly for publishing an article on the Bosnian mafia in which the son of the Bosnian president was implicated. Although a journalist was kidnapped, and weapons used, the court fined the defendants only DM60 (U.S.\$37.00) each. On July 29, a grenade exploded only meters from *Dani's* office. As of September, no suspects had been arrested.

Elections

Implementation of the 1997 municipal election results proved difficult. Only ten municipalities met the December 31 deadline for final certification. In many municipalities, nationalists blocked implementation by refusing to accept duly elected representatives from other ethnic groups. Ultimately, agreements were reached in most municipalities, but many councils barely functioned, and minority councilors were repeatedly obstructed in their work, harassed, and on several occasions, physically attacked. No agreement could be reached in Srebrenica, resulting in the installation by OHR/OSCE of an interim executive board led by an OSCE representative. In Gornji Vakuf, a village highly contested by Bosniaks and Bosnian Croats, final certification was revoked on July 20 and all aid suspended until the implementation of election results.

In September, elections were held for the presidency, parliament, entity parliaments, and the RS presidency. While conditions for free and fair elections, such as freedom of movement and freedom of the press, had improved since the 1997 election, the elections were marred by technical difficulties and political interference. Bosnian Croats who switched allegiance from the HDZ to the newly formed New Croatian Initiative (Novi Hrvatska Inicijativa, NHI) were threatened and in some cases physically attacked. The Election Appeals Sub-Commission reacted by striking several HDZ candidates from the ballot, and removed several other HDZ candidates when the state-controlled television station from Croatia, despite several warnings, continued to favor HDZ in its reporting.

The elections generally continued the strong hold on power of the ruling ethnic, nationalist parties. Moreover, Nikola Poplašen, a close comrade-in-arms of Serbian fascist leader (and paramilitary) Vojislav Seselj during the war, and a known advocate of "ethnic cleansing" and the partition of Bosnia, was surprisingly elected as the new president of RS, replacing president Plavšić, who was considered more moderate.

Law enforcement

Law enforcement authorities continued to serve the interests of the main nationalist parties. Cases of ethnically motivated crimes were rarely properly investigated or prosecuted. Court proceedings were often flawed. In January, Bosnian Serb Veselin Cancar was convicted for war crimes and sentenced to eleven years in prison (later reduced to nine), despite the fact that the arrest and court proceedings were not in accordance with the "Rules of the Road" agreed in Rome in 1996. After repeated demands from the international community, the Bijeljina District Court agreed to retry the *Zvornik 7*. These Bosniak former residents of Srebrenica were detained and tried without due process in 1996. Flawed criminal proceedings resulted in convictions for murder and illegal possession of weapons, drawing severe criticism from the international human rights community. The new trial was postponed several times, however, due to the failure of some defendants to appear in court, and is still ongoing.

Detainees were frequently mistreated by local police throughout the country. In January, federation authorities arrested a Bosnian Serb suspected of the 1993 assassination of Bosnian Deputy Prime Minister Turajlic. An IPIT investigation concluded that illegal weapons and unnecessary force were involved during the arrest. In September, the IPIT dismissed Ljubisa "Mauser" Savic, chief of the RS uniformed police, for involvement in torturing suspects in the murder of a high-ranking police official. Human Rights Watch previously reported allegations of war crimes involving Ljubisa Savic. Savic's post-war behavior illustrates the danger of overlooking allegations of wartime abuses by current officials. Allegations relating to Savic were overlooked by the international community in its zeal to support the government of Milorad Dodik. On the positive side, RS authorities finally investigated the pattern of abuse by local police of non-Serbs in Teslic and initiated criminal and/or disciplinary proceedings against thirty-two police officers.

Defending Human Rights

Local and international human rights organizations were generally able to perform their work, although some local organizations experienced harassment and in isolated cases, threats. The Federation Ombudsmen continued their courageous work to demand respect for human rights and fundamental freedoms. The National Human Rights Commission contributed significantly to respect for human rights through its decisions on employment discrimination, housing issues, and the discriminatory effects of current laws. Unfortunately, cooperation by the authorities with these institutions remained limited, and prosecutors and judges committed to the rule of law continued to experience interference by politicians in carrying out their mandates.

The Role of the International Community

Despite hopes that local officials in Bosnia and Herzegovina would gradually take up the tasks of implementing the DPA, in 1999 hardline officials continued to resist all efforts to implement the civilian provisions of the DPA, forcing the international community, in particular the High Representative, to assume a more prominent role in the country. Due to the persistent obstruction by many local authorities, the international community was faced with the difficult task of trying to move the peace process forward while simultaneously fostering sufficient popular support within Bosnia and Herzegovina for its actions. Several positive developments during the year were due to the more aggressive implementation efforts by the international community. However, on occasion, the international community opted to use undemocratic means—such as the confiscation of television transmitters—to obtain implementation of the DPA, thereby running the risk of undermining the legitimacy of the peace process. In other instances,

the international community failed to use the means at its disposal to achieve significant human rights improvements.

The Office of the High Representative

The Office of the High Representative (OHR), established by the DPA to oversee implementation of the civilian provisions of the DPA, used its strengthened mandate to impose a resolution of several key issues: a law on citizenship was passed, a Bosnian flag and new currency adopted, and privatization laws reformed. During the year, High Representative Westendorp dismissed several public officials due to their non-compliance with the DPA, advised international donors to suspend donations to some areas, and called for increased aid for the RS after the election of Milorad Dodik. OHR facilitated cooperation between the main international organizations active in the field of human rights through its Human Rights Coordination Center (HRCC). Unfortunately, the HRCC's findings and activities were not always easily accessible, thereby missing an opportunity to support the work of other NGOs. The HRCC played a major role, however, in the reform of property laws and in pushing for accountability of public officials in several high profile cases such as Teslic, Stolic and Drvar.

NATO/SFOR

In May 1999, NATO extended the Stabilization Force (SFOR) mandate to provide "a secure environment in which the civilian provisions of the DPA can be implemented." Troop strength remained at approximately 32,000 soldiers. The Multi-national Specialized Unit (MSU), consisting of military police with expertise in crowd control, was created to assist the local authorities, SFOR, and IPITF when confronted with violent demonstrations and other security concerns. In a positive display of the potential of the MSU in assisting returnees, it removed a Bosnian Croat roadblock in the Capljina area in early October.

In a dramatic departure from previous practice, British, American, German, and Dutch SFOR troops detained eight indictees since December 1997. However, SFOR failed to arrest Karadzic, whose presence and influence continued to undermine the DPA and create an atmosphere of impunity, and Mladic, who was reportedly living in the Federal Republic of Yugoslavia (FRY) under the protection of Serbian President Slobodan Milosevic.

United Nations/IPITF

In March 1999, the Commission on Human Rights appointed Jiri Dienstbier as Special Rapporteur on the situation of human rights in the former Yugoslavia. In April 1999, the Commission adopted a resolution on the situation of human rights in, among others, Bosnia and Herzegovina, stressing the crucial role of human rights issues in the peace process, and calling upon the Bosnian authorities to undertake measures to improve the human rights situation. The Committee on the Elimination of All Forms of Racial Discrimination, as part of its prevention procedure, considered Bosnia and Herzegovina both in March and August 1999, among others calling attention to the plight of Roma population in Bosnia-Herzegovina.

The United Nations International Police Task Force (IPITF) has responsibility under the DPA for, among other things, monitoring the conduct of the local police, as well as restructuring the police and removing human rights abusers from the force. Unfortunately, to date, the screening and vetting of police officers by IPITF has been largely ineffective; many abusive police officers continue to hold positions of responsibility on the force. IPITF continued to be reluctant to carry out its own independent investigations, insisting that allegations of abuses by the police should be investigated by the IPITF only as a last resort. Although it is true that disciplinary measures, including prosecution, should ultimately be taken by local authorities, it is also clear that in some cases, such as in Drvar and Stolic, the local authorities are not willing to undertake serious action. In such cases, it is incumbent upon the IPITF to find another way to address these abuses and to hold those responsible accountable. During the last months of 1999, IPITF seemed to interpret its mandate more broadly, and did engage in several independent investigations.

The UN Human Rights Office (HRO) continued to raise the profile of human rights by investigating and publicizing allegations of human rights abuses in Drvar, Stolic, Teslic, Sarajevo, and other cities. However, the HRO sometimes neglected to include legal standards and recommendations in its reports, thereby missing important opportunities to raise awareness about human rights and the obligations of the government (local and national). Importantly, the HRO has not been provided with the resources necessary for effective engagement, and was therefore not always able to adequately follow up cases involving serious allegations of human rights abuses.

International Criminal Tribunal for the Former Yugoslavia

As of this writing, the International Criminal Tribunal for the former Yugoslavia (ICTY) had twenty-eight indictees in custody. Two additional courtrooms, the funds for which were donated by the Netherlands, United Kingdom, and the U.S., bolstered the ability of the Tribunal to initiate new trials. In May, the ICTY decided to withdraw the indictments against fourteen Bosnian Serbs in an attempt to balance available resources within the Tribunal and in recognition of the need to prosecute cases fairly and expeditiously. The Tribunal made it clear that the cases were not withdrawn due to lack of evidence. On June 29, 1999, Slavko Dokmanovic, former Serb mayor of Vukovar, committed suicide eight days before the verdict in his case was to have been announced. On August 1, Milan Kovacevic, a Bosnian Serb from Prijedor, died in his cell of a heart attack. Despite the arrival of a large number of indictees at the Hague this year, however, at least thirty indictees remain at large, the vast majority in Republika Srpska and in the FRY.

Organization for Security and Cooperation in Europe (OSCE)

The September 1999 elections, which were organized and monitored by the Organization for Security and Cooperation in Europe (OSCE), were marked by serious organizational flaws. More than a hundred polling stations did not open as scheduled because they hadn't received the voters' register or sufficient ballots. The names of many voters did not appear on the register, or were spelled incorrectly. These voters were permitted to submit tendered ballots, but many declined to do so because their names would have appeared on the outside of ballot envelopes, creating concerns about secrecy. These and other technical difficulties should have been anticipated as they had occurred in previous elections.

European Union

The European Union (E.U.) and its member states continued to condition assistance on compliance with the DPA. In July, the E.U. suspended an aid program amounting to DM 29 million (\$19 million) to Sarajevo due to the failure of the authorities to accept "minority returns." In the RS, the election of Milorad Dodik was followed by an influx of economic and financial aid to the RS (primarily at the urging of the U.S.). Although the E.U. applied

general conditionality to its assistance, particular recipients were not adequately vetted. For example, the E.U. provided assistance to the RS police, notwithstanding the fact that the IPIT had not yet completed the vetting process, and numerous police officers with a record of serious human rights abuses and obstruction of the DPA remained on the force.

E.U. member states provided 19,000 SFOR troops and contributed significantly to the peace process by detaining persons indicted for war crimes.

Throughout the year, Bosnian refugees, mostly Bosniaks, continued to return from Germany. Most returned voluntarily, but several Länder continued forcibly to deport refugees to Bosnia although it remained impossible for them to return to their pre-war homes (as was promised by the DPA), creating an additional burden on the authorities and exacerbating internal displacement that tended to consolidate "ethnic cleansing."

Council of Europe

In October 1997, the Parliamentary Assembly of the Council of Europe set conditions for commencing consideration of Bosnia and Herzegovina's application to join the Council. Although they remained substantially unfulfilled, parliamentarians, eager to reward the new Dodik government, decided to start the accession procedure in February. The Council of Europe designated "eminent lawyers" to assess Bosnia's compliance with the Council's standards. They visited the country in September, but had not issued their findings as of this writing.

United States

The U.S. SFOR contingent in Bosnia was reduced to approximately 6,900 troops in 1998. American troops arrested two indictees during the year.

The U.S. continued to try to influence the peace process through economic incentives, but failed to pay sufficient attention to vetting the recipients of its aid to ensure that those obstructing the DPA did not benefit. The U.S. government repeatedly waived restrictions in the 1998 Appropriations Act prohibiting assistance to communities that failed to apprehend resident indicted war crimes suspects. U.S. officials claimed that although they waived the general prohibition, they took care to ensure that war crimes indictees and those who have obstructed the DPA did not benefit from aid. In March, however, the U.S. provided assistance to the RS police, notwithstanding the fact that IPIT had not completed the vetting of the RS police, which remained riddled with those responsible for human rights abuses and Dayton obstruction.

The U.S. failed to anticipate the resurgence of hardline nationalists in the September 1998 elections and, as of this writing, did not appear to have a strategy in place to address this challenge.

Relevant Human Rights Watch reports:

Beyond Restraint: Politics and the Policing Agenda of the United Nations International Police Task Force, 6/99

"A Closed, Dark Place": Past and Present Human Rights Abuses in Foča, 7/99

BULGARIA

Human Rights Developments

The human rights situation in Bulgaria remained static during 1999. Though the non-communist Union of Democratic Forces government, elected in 1997, gave rhetorical support to improving its protection of human rights, its actions revealed unwillingness and inability significantly to change legislation or provide adequate remedies for victims of abuse. State authorities routinely infringed on freedoms of expression and religion; often state institutions and the press appeared to collaborate to increase hysteria and prejudice against minorities. Ethnic minorities continued to suffer disproportionately from widespread police brutality.

The Bulgarian penal code, which criminalizes defamation, was used to prosecute independent journalists in 1999, resulting in the imposition of fines and/or suspended sentences. The government also used other means to exert pressure on critical media. On February 9, the day after "Hushov" aired a program satirizing Prime Minister Ivan Kostov and Foreign Minister Nadezhda Mihailova, the National Media Council and the State Television and Radio Administration canceled the popular television series. Officials alleged financial impropriety, but had earlier threatened to end the show for its "denigration of public authority." The managing board of the National Radio removed journalist Diana Yankulova from the air for three months beginning in March for conveying information given anonymously regarding the minister of the interior. Svetoslava Todorakova was dismissed from the National Television by the general director for "statements in the media [which] ruin the good reputation of Bulgarian National Television."

There were reports of at least eleven violent attacks against media representatives in 1999, including physical assaults and bombings of newspaper offices. The attacks were believed to be motivated by the desire to intimidate journalists investigating corruption. Police have made no arrests in connection with these crimes, nor have they completed investigations into the attacks. Roma also were frequent targets of violence. On January 12, police shot and killed a fleeing Roma suspected in the murder of a taxi driver. A minor female witness was detained by police, who reportedly threatened to shoot her and threw a hammer at her when she could not respond to inquiries about the whereabouts of a pistol. She was released unhurt approximately one hour later. Skinheads attacked a group of Roma children living in an abandoned building on May 15, 1999. One boy, Metodii Ratinov, fifteen years old, was killed when he was thrown from a window; others were beaten and chased out of the building and down the street. Authorities had made no arrests as of this writing although the victims claimed they could identify their attackers. Police and prosecutorial officials have routinely

failed to investigate and prosecute police officers accused of brutality, contributing to an atmosphere of impunity for police misconduct. Only two policemen were convicted and sentenced for having murdered suspects during 1999. Prosecutors suspended other investigations involving police brutality or did not file formal charges. On at least four occasions in 1999, police conducted large scale raids of Roma neighborhoods: the police claimed they were searching for stolen goods, but local human rights groups and witnesses suspected the raids were intended to intimidate Roma and collectively to punish the Roma community for its perceived criminality. Residents of the neighborhoods were beaten, and homes and goods were destroyed. Witnesses and victims told the Bulgarian Helsinki Committee that they were too afraid to file official complaints, and that they were convinced that the complaints would have no effect.

Local authorities and media continued to harass the members of non-Orthodox religions. False and inflammatory reports that members of Jehovah's Witnesses had committed various crimes were disseminated by both private and state-owned television and print media. In violation of constitutional guarantees of freedom of religion, police arrested children and adults for distributing religious tracts. On February 19, four apartments belonging to Jehovah's Witnesses were searched by police. Religious material and other personal items were confiscated. On March 12, Varna customs officials confiscated religious materials from Jehovah's Witnesses because they were of a "religious-sectarian nature." Krassimir Savov's two-year prison sentence for his conscientious refusal to perform compulsory military service was confirmed by the Plovdiv Regional Court on July 2, 1999. Mr. Savov, a Jehovah's Witness, remained at liberty pending his appeal.

In Barges, the municipal council refused to register "dubious religions," including Jehovah's Witnesses, the Church of the Moon, and Seventh Day Adventists. These religions already had been officially registered by national authorities in Sofia. The decision of the city authorities had no legal effect, but demonstrated the level of intolerance and hostility toward non-Orthodox religious groups.

The death penalty remained legal under Bulgarian law. The Bulgarian parliament placed a moratorium on executions in 1996; however, at least two death sentences were imposed in 1999. Bulgaria's death row prisoners have complained to the European Court of Human Rights about the length of their stay on death row. Conditions for other prisoners also remained deplorable. The rights to representation and prompt challenge of the lawfulness of detention are not guaranteed by the code of penal procedure and were routinely violated.

Defending Human Rights

Human rights groups, including the Bulgarian Lawyers for Human Rights (BLHR), the Human Rights Project (HRP), and the Bulgarian Helsinki Committee (BHC) remained active. The Bulgarian human rights community was particularly active on issues related to the rights of the Roma minority and undertook numerous initiatives to protect their rights. On October 3, 1999, the HRP sponsored a meeting between representatives of the Bulgarian government, Roma and other human rights NGOs, and the international community to discuss equal participation of Roma in Bulgarian society. The BLHR, supported by the European Roma Rights Center (ERRC), argued before the European Court of Human Rights on behalf of a Roma applicant in *Assenov v. Bulgaria*, which challenged Bulgaria's provision of a remedy for allegations of police brutality. The case is currently pending.

In April, in connection with the case of *Assenov v. Bulgaria*, the ERRC released the results of a six-year study of Bulgarian attitudes toward and official treatment of Roma. The survey revealed severe prejudice against Roma, especially among law enforcement officials and state-owned media. Among other things, the survey emphasized that fourteen Roma men had been killed or last seen alive in police custody since 1992, and there had been only two convictions among the very few cases brought against police for violence committed against Roma. It also underscored the inability of Roma victims to obtain a remedy for ill-treatment and the fact that Roma make up the overwhelming majority of the Bulgarian prison population. Other human rights initiatives in Bulgaria included a project designed to provide legal counsel to those detained by the police and efforts to educate Bulgarian society about human rights and minority issues.

The Role of the International Community

Council of Europe

In a report released in June 1999, based on an investigation completed in September of 1997, the European Commission Against Racism and Intolerance criticized Bulgaria's "lack

[of] structures and policies to deal with racism and intolerance," expressing particular concern about the treatment of Roma.

Bulgaria remained subject to the Parliamentary Assembly's monitoring procedure, and a report about Bulgaria's compliance with Council of Europe commitments was debated in the Assembly's September session, although no vote was taken. The Assembly stated that Bulgaria has made progress, but still must take action in the areas of preventing police brutality and freeing the media from government control in order to comply with the commitments Bulgaria made when it joined the Council of Europe.

European Union

The European Union concluded in 1999 that Bulgaria would not be ready for the first wave of European Union expansion and accession. The E.U. pointed to rampant corruption, the lack of adequate reform of the judicial system, ongoing abuses by the police and secret services, and pervasive discrimination and marginalization of the Roma minority. Bulgaria continued to receive substantial E.U. assistance to improve its longer term accession prospects.

United Nations

Bulgaria submitted a report to the Committee on the Elimination of Discrimination Against Women in early 1999. The report acknowledged that, although Bulgaria recognized de jure equality between men and women, women suffered de facto disadvantages in employment. The committee recommended that Bulgaria establish a strong and effective national machinery with adequate financial and human resources for advancing the position of women in Bulgaria.

United States

First Lady Hilary Rodham Clinton visited Bulgaria in mid-October and announced a new six million dollar phase of the Democracy Network, a USAID-

SPONSORED PROGRAM THAT WILL AWARD GRANTS TO PROJECTS THAT SUPPORT CIVIL SOCIETY OVER THE NEXT FOUR YEARS.

CROATIA

Human Rights Developments

Concrete actions to improve human rights in Croatia fell short of the government's stated commitments and treaty obligations in 1999, despite intense pressure from the international community. The transfer of Eastern Slavonia, Baranja, and Western Sirmium (hereafter Eastern Slavonia) from United Nations to Croatian control on January 15 occurred peacefully, but displaced and domiciled Serbs continued to leave the region, frustrated by government obstructionism and harassment from ethnic Croats. Serb returnees elsewhere in Croatia and Serb refugees still abroad fared no better, although new laws adopted during the year offered some hope that housing and documentation problems could be resolved. The independent media continued to face state-sanctioned harassment, and temporary security measures undermined freedom of assembly. Government cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) remained limited, while domestic war crimes trials fell below international standards and confusion continued to surround the amnesty law.

While the overall security situation in Eastern Slavonia remained acceptable, incidents involving attacks and intimidation of Serbs increased following the formal transfer of authority from the UN Transitional Authority for Eastern Slavonia (UNTAES) to Croatian control on January 15. Most incidents involved Croat returnees attempting to force out displaced Serbs occupying their homes. Others, such as the February murder of an elderly Serb woman and the July murder of a mixed marriage couple, appeared to have more explicit ethnic overtones. Under the supervision of the UN Civilian Police Support Group (UNCPSG), the mixed ethnicity Transitional Police Force (TFF) followed correct procedures, although Serbs complained of frequent identity checks and failure to investigate or follow up complaints.

While some municipalities had Serb council members and several had Serb mayors, the political autonomy granted to Serbs in Eastern Slavonia during the UNTAES mandate remained conditional: as of this writing, the status of the Joint Council of Municipalities, a consultative body of elected Serb representatives created under UNTAES, remained limited to that of a cultural organization, and no progress had been made in obtaining regular government funding. In April, despite earlier guarantees, the government decided to abolish the municipality status of Tenja and Mirkovci, two Serb-majority villages, allegedly for budgetary reasons, prompting many long-term Serb residents to sell their homes and leave.

Serbs throughout Croatia faced extensive legal and administrative discrimination when trying to obtain documents and pensions. Despite government decrees issued in April on the implementation of the 1997 law on convalidation, local authorities continued to refuse to recognize marriage and divorce certificates, certification stamps in working books, and property deeds issued by the authorities of the "Republika Srpska Krajina" between 1991 and 1995. Many Serbs of retirement age were unable to obtain pension credit for the time they worked between 1991 and 1995. Serbs frequently complained of long delays in obtaining identification cards, citizenship certificates and passports, and of discriminatory naturalization fees.

Housing discrimination against Serbs remained a major concern. While the government abolished several discriminatory war-time housing laws, courts refused to hear cases of Serb plaintiffs trying to reoccupy their property, while courts in Eastern Slavonia issued eviction notices to displaced Serbs occupying Croat houses, who also faced "soft evictions" in the form of harassment and threats from Croat returnee owners. Few of those forced out were able to reoccupy their own property and some were moved to collective centers. New mixed-ethnicity housing commissions established by the June "Program on Return"—a government plan to restore property to the pre-war owners—were formed in most municipalities, but as of this writing, the government had not issued effective instructions on their operation and few were functioning properly. Despite widespread destruction of Serb-owned property in war-affected areas, a discriminatory reconstruction act prevented all but a handful of Serbs from receiving government reconstruction assistance.

Although new laws were passed to facilitate return, the more than 300,000 Serb refugees living outside Croatia faced ongoing hurdles to voluntary repatriation, including the requirement that Croatian citizens without documents must apply for citizenship. In May, under the threat of European Union (EU) sanctions, the Croatian government amended the procedures for return, an April law enumerating the procedures for obtaining the documents necessary to enter Croatia, with mandatory instructions simplifying the application process. The Croatian embassy in Bosnia also began consular days in Banja Luka in July, allowing Serb refugees in Republika Srpska to apply for travel documents for the first time.

Despite these developments, consulates in Bosnia and Yugoslavia offered limited numbers of appointments per day which, combined with cumbersome and complex procedures requiring multiple visits to consulates, sharply limited the rate at which documents were issued. With much of the property owned by Serbs occupied or destroyed, and discriminatory procedures for reoccupying or reconstructing property, return remained an abstraction for many, even among those refugees with Croatian documents.

Croatia's process of accounting for war crimes remained a matter of serious concern. Confusion about the law on general amnesty and politicized war crimes trials remained a source of uncertainty among Serbs inside Croatia and an impediment to return for refugees. While the government issued a list in March granting amnesty to 13,575 persons from Eastern Slavonia, it made no effort to inform the persons directly, and the information given for each name frequently lacked the biographical detail necessary conclusively to determine identity. The number of further potential cases under the amnesty law remained unclear. Irregularities in the conduct of war crimes trials led to suspicions that prosecutions were politically motivated; evidence produced and questioning pursued by the judge often bore little or no relation to the charges, and persons were sometimes subject to prosecution twice for the same crimes. An order from the president of the Supreme Court forbidding direct contact between court officials and OSCE and UN representatives severely restricted their ability to perform trial monitoring. Croatian authorities continued to refuse to refer war crimes evidence or cases to the ICTY for review, while Croatia's overall cooperation with ICTY remained poor except in cases involving Croat victims.

Media freedom remained elusive during 1999. While renewal of Radio 101's broadcast license and the launch of Forum 21, a media reform association, in November 1997 occurred well, electronic media remained largely under the control of the ruling Croatian Democratic Union (Hrvatska Demokratska Zajednica, HDZ). Croatia continued to lack a private national television station and, Catholic Radio aside, no private national radio station. The granting of broadcast licenses remained inconsistent and prone to HDZ interference. A draft bill in April to remove the Croatian Radio-Television

(Hrvatska Radiotelevizija) from government control hinted at the licensing of an independent national television channel, but legislation remained pending at the time of this writing. While the court dropped criminal libel charges brought by twenty-two government ministers against the editor of the newsweekly *GLOBUS* (Zagreb) in April, ongoing state-initiated persecution of independent print media through the courts continued. An unresolved libel case against *Feral Tribune* (Split) served as an egregious example of the hundreds of mostly state initiated cases pending against independent publications.

The response of the authorities to a mass demonstration in February organized by twelve trade unions and six opposition parties and its handling of inflammatory rallies by extreme nationalists the same month revealed the fragility of freedom of assembly in Croatia. After the municipal authorities and police rejected a request to hold a public rally in the center of Zagreb to protest rising prices and tax increases, ostensibly on safety grounds, organizers decided to proceed anyway. Demonstrators were met by 4,700 police officers, including 1,500 special (paramilitary) police, who erected barricades around the main square to prevent the protest from taking place. Although organizers relocated the demonstration to a nearby square, thirty protesters and six police were injured as police used force against demonstrators attempting to enter the cordoned-off area. In March, Croatian authorities responded to a February anti-Serb rally by the ultra-nationalist Croatian Party of Rights (Hrvatska Stranka Prava, HSP) in Borovo Selo by banning all public demonstrations in Eastern Slavonia until August, a measure in contravention of the Croatian constitution, and banned a further HSP rally scheduled to take place in Knin.

Defending Human Rights

Croatian human rights organizations continued to play a crucial role in civil society, exposing abuses and providing practical guidance to Croatian citizens facing administrative and judicial discrimination. Monitoring and campaigning organizations such as the Croatian Helsinki Committee, the Committee for Human Rights, and BABE (Be Active, Be Emancipated) provided a counterpoint to the predominantly state-controlled media, while groups such as the Serb Democratic Forum and the Civil Rights Project provided legal advice. While most domestic human rights groups and international monitors were permitted to carry out their work unimpeded by the state, some domestic monitors faced harassment in the course of their field work. In November 1997, the premises of the Croatian Helsinki Committee in Vukovar were stoned and the nameplate was removed, and in April monitors from the committee were attacked and had film confiscated while investigating the arson and looting of Serb houses in Donja Bocuša, near Petrinja. Both incidents were reported to local police and the Ministry of the Interior but no serious investigations were ever carried out.

The Role of the International Community

United Nations

UNTAES concluded its two-year mandate on January 15. While UNTAES managed the peaceful reintegration of Eastern Slavonia into Croatia, the ongoing flight of Serbs from the region circumscribed its success. At the request of the Croatian government, the Security Council established the UNCPSG to continue monitoring the region's Transitional Police Force until October. Security Council presidential statements in March and July decried Croatia's failure to fulfill key obligations of the 1995 Erdut and 1997 Joint Working Group agreements, including implementation of the amnesty and convalescence laws and funding for the Joint Council of Municipalities. Despite a growing need to protect returnees, UNHCR continued to consolidate its operations in Croatia, closing field offices and reducing international staff. After considering the report of its special rapporteur for the former Yugoslavia, the U.N. Commission on Human Rights adopted a resolution at its April session calling on Croatia to facilitate the return "of all refugees and displaced persons to their homes," and also "to guarantee freedom of association and the press."

Organization for Security and Cooperation in Europe (OSCE)

After UNTAES's mandate ended, the OSCE became the leading international organization in Croatia. While the mission often took a critical stance in confidential reports, its self-styled "political" function, coupled with diplomatic public statements and an unwillingness actively to monitor or intervene in human rights cases fell short of the full potential of its mandate. With more than 280 personnel, of which 120 were police monitors, deployed in regional centers and field offices, the mission played a central role in negotiating the procedures and program for return (described above) and expanded its operations in Eastern Slavonia after January 15. The newly appointed OSCE Representative on Freedom of Media, Freimut Duwe, identified the government's control of media distribution, excessive libel and defamation prosecution, and inadequate competition within the electronic media as factors restricting the development of free and independent media in Croatia. Following a July decision by the OSCE Permanent Council, the mission took over police monitoring in Eastern Slavonia from the UNCPSG on October 15. At the time of this writing, the mission mandate was expected to be renewed unchanged at the end of 1999.

Council of Europe

In November 1997, Croatia confirmed its ratification of the European Convention on Human Rights and the European Charter on Regional and Minority Languages (a requirement of its membership in the Council of Europe). Unfulfilled membership requirements prompted legislative recommendations on media reform issued by the Council in March, and a preliminary report from the Parliamentary Assembly's Monitoring Committee the same month highlighting the need for greater Croatian commitment to the return of Serb refugees. During a June visit, the President of the Parliamentary Assembly, Leni Fischer, pointed to the need for continued efforts on "freedom and independence of the media, freedom of expression, resolving ethnic problems, and shortcomings related to election proceedings." The Assembly's Migration Committee visited Croatia in October to assess progress in the return of refugees and displaced persons.

European Union

E.U. relations with Croatia continued to be governed by the E.U.'s "Regional Approach to Countries of South-East Europe," which has a comprehensive

set of human rights criteria. Croatia's failure to meet these human rights criteria caused the E.U. to limit aid to Croatia to 6.65 million ECU (U.S. \$7.74 million) for humanitarian assistance and 2.7 million ECU (U.S. \$ 3.14 million) in support to independent media, and it remained ineligible for PHARE reconstruction aid. On April 27, the E.U. Council of Ministers threatened to suspend autonomous trade measures (ATMs) with Croatia, citing especially the procedure for return as inadequate. The threat of worsening E.U. relations was instrumental in Croatia's adoption of mandatory instructions and the program on return, both of which were cautiously welcomed by the council. While the suspension of ATMs appeared unlikely at the time of this writing, the council's conclusions of June 29 stated that any improvement of relations would be conditioned on full implementation of the program on return.

United States

The United States relied mainly on incentives to induce Croatia to meet its Dayton commitments and improve its domestic human rights record. In January, USAID announced a \$13.5 million two-year reconstruction assistance program designed to facilitate the reintegration of refugees and internally displaced persons into their former communities. The first year grant of \$7.5 million formed part of the \$23 million provided to Croatia through the SEED technical assistance fund. Croatia also received an estimated \$425,000 through the IMET military training program. The close military relationship between the two countries was underscored by strong indications from the State Department in May and July that Croatia might be eligible for membership in NATO's Partnership for Peace by year's end provided that it made progress on refugee returns, Dayton implementation, and democratization. Remarks during Secretary of State Madeleine Albright's August visit to Croatia, however, signaled growing frustration over Croatia's intransigence in all three areas, particularly with regard to its internal democracy and continued interference in Bosnian politics.

CZECH REPUBLIC

Human Rights Developments

Although the human rights situation in the Czech Republic remained generally acceptable in 1999, there were a number of notable exceptions including state-sponsored discrimination and racially-motivated violence against Roma. Though the government took steps to dismantle a communist-era statute that forbade nomadic lifestyles, a discriminatory citizenship law remained on the books, and law enforcement authorities failed vigorously to investigate and prosecute violence against Roma. A new government was elected in the spring, led by Prime Minister Miloš Zeman's Czech Social Democratic Party (CSSD), marking the first transition of power since the division of Czechoslovakia in 1993.

In a case that drew international attention, the town of Ústí nad Labem, in northern Bohemia, passed plans to erect a four-meter-high fence separating thirty-nine Roma families from the rest of the town. The plan also called for round-the-clock police surveillance in the fenced-off area. Similar plans in the town of Plzeň would have moved Roma residents of the city to portable cabins on the outskirts of the city. The cabins were to have been surrounded by a fence and put under twenty-four-hour police supervision. Under pressure from Roma rights groups and the international community the towns delayed implementation, but the plans had not been abandoned as of this writing.

Skinhead attacks against Roma and visiting African students occurred at an alarming rate during the year. The European Roma Rights Center reported that racially motivated crime increased sixfold between 1994 and 1996. Though statistics do not exist for 1999, local rights groups believe that this trend continued. For example, on May 15, in the town of Orlová, four skinheads reportedly beat a forty-year-old Roma man before throwing him in the road where he was run over and killed by a truck. Law enforcement authorities charged the four men with causing grievous bodily harm with racial motivation.

Law enforcement authorities often failed to investigate or prosecute racially motivated violence and discrimination with the necessary vigor. Compounding this problem, law enforcement officials were reluctant to enforce the hate crimes statute, which provides for higher sentences than the standard criminal code provisions, although the evidence often warranted the more serious charge. In March, a district court judge in southern Moravia handed down more lenient sentences than the law proscribed to skinheads convicted of assaulting a Congolese doctor and shouting racial epithets. The judge defended his ruling on the basis of the skinheads' later repentance for the crime.

The atmosphere of intolerance toward Roma was further exacerbated by open expressions of hate and prejudice by political leaders, as well as private groups. The chairman of the far right Republican Party, Miroslav Slabek, proposed on the floor of the parliament that "Gypsies should be criminally responsible from their birth on." Several organizations openly promoted racial hatred and xenophobia, and members of minority groups were often refused service in restaurants and shops. On May 7, an appeals court overturned the conviction of a bar owner who had been charged with refusing to serve Roma, finding no evidence of a pattern of discrimination.

The government made positive moves toward protecting the rights of Roma on March 4, when the Senate repealed the "Traveling Proscription Act of 1950," a law that forbade nomadic lifestyles. However, a discriminatory citizenship law that mainly affected Roma was not amended as had been recommended by rights groups, international organizations, and members of the Czech government. The law, which was established after the breakup of Czechoslovakia, demanded that Roma, whose families had lived in the Czech Republic for generations, prove permanent residency and have a clean criminal record for five years. Under the law, many Roma were denied citizenship and were classified as aliens. As such, they were deprived of voting rights and social benefits and, if convicted of even petty crimes, could be expelled from the Czech Republic. In May, the district court of Teplice ordered that Milan Sivák—a Roma man born in the Czech city of Pardubice and who was convicted of numerous crimes—be expelled to Slovakia even though he had been granted Czech citizenship in February. Though the law was amended in 1996, several discriminatory clauses remained. Poor notification of individual rights

under the law and uneven enforcement of its provisions on a local level compounded its effect on the Roma community. The government failed to amend the law — as urged by a special federal commission in its October 1997 report — to grant citizenship to those who resided in the Czech Republic when it split from Slovakia on January 1, 1993. The ruling Social Democratic Party (CSSD) campaigned in the 1998 general election on a platform to amend the law but it has made no proposals to do so as of this writing.

Defending Human Rights

Human rights and Roma rights groups brought to national and international attention the situation of Czech Roma and worked hard to end discriminatory practices. The Czech Helsinki Committee continued to help victims of the discriminatory citizenship law through its Citizenship Counseling Centre. Human Rights Watch was aware of no attempts by the Czech government to impede the monitoring of human rights in 1998.

The Role of the International Community

European Union

The Czech Republic's policies toward Roma drew widespread international concern in 1998, especially as negotiations began over accession to the European Union. The E.U. demanded in its Accession Partnership with the Czech Republic that the treatment of the Roma minority, especially with regard to the citizenship law, be resolved.

United Nations

The U.N. Committee on the Elimination of Racial Discrimination cited systemic problems for Roma with regard to access to education, employment, and social services in its concluding observations on the Czech Republic in March.

United States

The U.S. representative to the Commission on Security and Cooperation in Europe voiced strong concern over the citizenship law during 1998 and encouraged the Czech government to amend the law's discriminatory provisions. The U.S. budgeted an estimated U.S.\$12.2 million in assistance to the Czech Republic for 1999, the majority of which was slated to finance upgraded military equipment and military training in anticipation of the Czech Republic's accession to NATO. Human rights organizations expressed concern that this upgrading would leave the Czech Republic with obsolete weapons that might then be sold to abusive regimes in other parts of the world.

GEORGIA

Human Rights Developments

Despite President Eduard Shevardnadze's repeated public statements indicating a commitment to reform and improved human rights practices, he failed in 1998 to curb and bring to justice members of abusive security forces. Physical abuse of detainees in the custody of the Ministry of Internal Affairs continued to be widespread and routine throughout Georgia.

Cases that came to Human Rights Watch's attention included that of Gulchora Dursunova, detained on suspicion of drug trafficking. Dursunova was reported to have fallen to her death on June 23 at approximately 5:00 a.m. from the eighth floor of the Ministry of Internal Affairs headquarters building in Tbilisi while being questioned by police. On May 6, four police officers from the Galdani Massif police station in Tbilisi detained Jemal Teloyan, and severely and repeatedly beat him, while later detaining his mother and demanding a bribe for his release. In another incident, an angry mob dragged Sergo Kvaratskheli, a resident of Tsolendjika, from his hospital bed and beat him to death on the night of March 7, while local and regional police reportedly looked on. Neighbors had accused Kvaratskheli of stealing items from a grave.

On May 20, the worst fighting since the 1993 cease-fire broke out in the Gali region of Abkhazia. More than 200 people were reported killed and approximately 30,000 fled after Abkhaz militia swept through villages in the Gali region in a deliberate campaign to terrorize inhabitants and destroy their homes by setting them afire. Abkhaz militia reportedly shot, raped and tortured ethnic Georgians during the campaign, and then systematically looted and burned the property of those who fled. Refugees alleged that some units of a predominately Russian CIS peacekeeping force fired on them as they fled, while other CIS peacekeeping force units reportedly acted to protect those seeking refuge. Throughout the year Abkhaz militia reportedly detained and routinely extorted money from ethnic Georgians who had returned to their homes in the Gali region.

The Georgian government denied that its security forces trained, supplied, and directed the activities of some partisan groups despite persistent and highly credible reports that partisan groups had links to the Ministries of Internal Affairs and Defense and, to the State Security Service and to some members of the government. The fighting in Gali erupted after steady reports of violence by Georgian partisans over the past eighteen months.

The Ministry of Internal Affairs continued to ignore calls from international monitors and the Ministry of Justice to transfer both pre-trial and post-conviction facilities to the latter's authority. Draft legislation on penitentiary reform proposed earlier by the parliament would have transferred post-conviction facilities to the Ministry of Justice, but the government delayed in giving it final approval.

Visiting international monitors reported to Human Rights Watch that although conditions in the notorious Fifth Investigative Isolator had improved, overcrowding in other pre-trial detention facilities and prisons continued to be a serious concern. Local monitors reported that there was little effort to reform the rampant corruption and poor conditions in prisons and labor colonies. In August a prisoner in the maximum security detention facility No. 14, Petr Gelbakhtiani, was stabbed by another inmate, Lati Kobalia, while prison guards failed to react to the attack. Gelbakhtiani claimed that after the attack, prison authorities attempted to coerce him into stating that he had attempted suicide.

Senior law-enforcement officials repeatedly claimed that police officials had been prosecuted for a range of offenses, including physical abuse and corruption, in order to alter the climate of impunity. However, the Ministry of Internal Affairs failed to respond to requests from Human Rights

Watch to substantiate these claims by releasing information on the number of police officers convicted, the articles of the criminal code under which they were charged, or length of sentence received.

Legal and court reform also suffered a setback. Not enough candidates passed judicial examinations held in May to fill newly created judicial vacancies, thus delaying court reform and the full implementation of the criminal procedure code adopted in November 1997. The government maintained that the examinations were intended to combat widespread corruption in the judiciary and ensure that judges were conversant in recently passed legal reform. Despite concerns raised by some sitting judges, no candidates who sat for the exam, which was carried out in cooperation with international organizations, complained of bias or unfairness.

Local human rights monitors complained of procedural violations in the trial of Jaba Ioseliani, a former member of parliament and leader of the Mkhedrioni paramilitary group, and fourteen other defendants, charged with attempting to assassinate President Shevardnadze in August 1995. Procedural violations included the failure to rule inadmissible testimony allegedly gained from some of the defendants under severe and systematic torture.

The Tbilisi-based print media remained lively and critical, but several incidents suggested that the government is not sufficiently committed to stopping infringements on media freedoms. Under a presidential decree signed in April, all printing presses must register and obtain licenses from a special entity within the president's office. An alleged harassment campaign and the subsequent conscription into the army, in violation of Georgian law, in May of Amiran Meskheli, a journalist for *Orioni* [Orion] newspaper, followed an article he wrote detailing sexual abuse in the Georgian army. An official of the State Security Service brought a libel suit in July against Sotia Sobeliani, the editor of *Caucasus* [The Caucasus] newspaper, after he published an article regarding the activities of the defense, interior and security ministries in support of Georgian partisans in the Dali Khveba region of Abkhazia.

Defending Human Rights

Vibrant nongovernmental organizations in Tbilisi continued to work in a broad array of areas, including human rights education and monitoring, the environment, women's issues, and the rights of ethnic minorities. Human rights organizations carried out a number of innovative and effective human rights and civic education programs.

The Ministry of Internal Affairs hindered the efforts of some nongovernmental organizations to monitor night conditions in Tbilisi police holding facilities, and restricted access to post-conviction facilities for others involved in monitoring and providing humanitarian assistance to prisons. Nevertheless, many other senior government officials and members of parliament proved willing to meet with nongovernmental organizations and act on concerns they raised.

The Role of the International Community

Council of Europe, European Union, and the Organization for Security and Cooperation in Europe (OSCE)

The Council of Europe continued to review Georgia's application for full membership. Parliamentary Assembly members and other Council of Europe officials routinely raised human rights concerns with the government in private, and showed great commitment to advancing legal reform. The European Union, the single largest donor to the Caucasus, was active in support of nongovernmental organizations, and routinely raised the need for legal reform and improved human rights practices in private with members of the government. The OSCE mission to Georgia made substantial contributions to the training of the new Ombudsman's staff, raised awareness of issues related to the Meskheta ethnic minority, and much to its credit, spoke frankly and effectively in public fora regarding police abuse of detainees. All three organizations issued statements about the renewed hostilities in Abkhazia in May, but the statements should have been stronger to exert maximum pressure on the government of Georgia to investigate partisan violence and on Abkhaz authorities to hold their forces accountable for human rights violations.

United Nations

In a July 30 resolution, the U.N. Security Council condemned both violence against CIS peacekeepers by armed forces operating on the Georgian side of the border, and Abkhaz forces' deliberate destruction of homes. A May statement by the president of the Security Council expressed grave concern at the renewed violence in Abkhazia. The Security Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG), which has about ninety members, in the Gali region of Abkhazia until January 1999. A mainly Russian CIS peacekeeping force of 1,500 is also stationed in the conflict zone. Negotiations under the auspices of the U.N. and the OSCE sought throughout the year to achieve a political resolution to the conflict. The U.N. and the OSCE maintain a joint human rights office in Sukhumi that carries out capacity-building work with nongovernmental organizations and engages in limited monitoring of human rights violations.

United States

The U.S. State Department's *Country Reports on Human Rights Practices for 1997* accurately depicted developments in Georgia during the year, highlighting serious and systematic abuses committed by the Ministry of Internal Affairs. U.S. policy toward Georgia is significantly driven by its interest in promoting the Baku-Supsa oil transportation route. The U.S. and its allies have strengthened ties with the Georgian army and border service, and this increased involvement with the security forces raised concerns regarding failure to condemn sufficiently abuses by the Ministry of Internal Affairs.

GREECE

Human Rights Developments

A number of human rights abuses continued to plague Greece during 1999, especially regarding the treatment of the Turkish and Macedonian minorities, as well as of migrants. There continued to be government-imposed restrictions on freedom of expression and freedom of worship. The government of Prime Minister Costas Simitis took some positive steps, including legalizing the presence of more than 400,000 mostly-Albanian migrants and abolishing article 19 of the citizenship law.

As in previous years, the government recognized only one minority, the "Muslim" minority living in Thrace and protected under the 1923 Treaty of Lausanne. The government continued to deny the existence of a Turkish minority, although most "Muslims" identify themselves as Turks, regardless of their ethnic origin. In August, the speaker of the parliament stated that the "Muslim and Christian population" of Thrace should be "homogenized." Ethnic minorities that are not officially recognized often suffered restrictions on their freedom of expression and association. Among these ethnic minorities legally denied recognition are Macedonians.

Article 19 of the citizenship law, which had sometimes been used arbitrarily to deprive non-ethnic Greeks of their citizenship, was abolished in June. According to government statistics, 60,000 Greek citizens, mostly ethnic Turks, had been deprived of their citizenship and had become essentially stateless since the introduction of article 19 in 1955. While the apparent intent of the law was to force those deprived of citizenship to migrate to Turkey or Germany, as many as 1,000 former Greek citizens remained in the country after their citizenship had been revoked. As a result, they faced difficulty receiving social services such as health care and education and were denied the rights guaranteed in the 1954 U.N. Convention Relating to the Status of Stateless Persons ratified by Greece in 1975. Moreover, the abolition of article 19 was not retroactive: those who had their citizenship revoked prior to the law's adoption have not been able to have their citizenship reinstated. In January 1999, the state finally gave 150 stateless persons identity documents, which allowed them to travel abroad, as well as to receive social benefits and education. However, in August, the government refused to issue identity cards to another group in direct breach of the law.

The government continued to ban use of the word "Turkish" to identify the minority or any of its associations. Rasim Hint, formerly a primary school teacher at the school in Yanthi, was suspended for one year in July for having referred to the school as "Turkish" rather than "minority" in 1996. For the same reason, Hint had also received punitive transfers from the city of Yanthi to distant mountain villages between 1996-1999.

In Florina (northern Greece) where most ethnic Macedonians live, four ethnic Macedonians were put on trial in September 1999 for "inciting citizens to commit acts of violence." The charges stem from an incident in September 1995 when a mob led by the mayor attacked and ransacked the offices of the ethnic Macedonian "Rainbow" party after the four defendants hung a sign in Greek and in Macedonian stating "Rainbow-Florina Committee." Those who attacked the offices were never indicted, although a complaint was filed by the "Rainbow" party. By contrast, the party was prosecuted for using the Macedonian language on the sign in a clear violation of the right to free expression. However, the party was acquitted on September 15 due to intense international pressure. As of this writing, another Rainbow leader is awaiting trial on similar charges of incitement for having brought calendars from Macedonia bearing the names of Greek towns in Macedonian and praising the inter-war pro-Macedonian policy of the Communist party.

Many ethnic Macedonians who fled Greece as a result of the 1946-49 civil war were not allowed to enter Greece in 1999, even for brief visits, or to attend events related to the fiftieth anniversary of their exodus in July, despite written commitments to the contrary by the Greek government. In July 1999, the European Court of Human Rights found that Greece had violated article 11 (freedom of association) of the European Convention on Human Rights (ECHR) because the Greek courts had not allowed the establishment of the association "Home of Macedonian Civilization" in 1990.

The country's estimated 350,000 Roma continued to face widespread societal and governmental discrimination in employment and housing and were frequent targets of police brutality. As in 1997, many municipal authorities tried to expel Roma from their jurisdictions or threatened to do so during the year. Such initiatives—although in clear violation of Greece's domestic and international obligations—were sometimes upheld by local courts. Most dramatic was the expulsion from Evosmos, near Salonica, in mid-1999, of a large, destitute Roma community, made up of 3,500 people: four mayors threatened to prevent the group from settling in a former military camp allocated by the state and to prevent the public contractor from carrying out the necessary infrastructure work therein; as a result, the group wandered from place to place until it finally settled near a river, after having been expelled from three additional sites. Although local officials sometimes promised to provide alternative housing for the displaced Roma, such housing was rarely if ever allocated. No alternative living quarters were ever provided for Roma who had been forcibly moved from Ano Liosta to a settlement surrounded by a wire fence in 1997.

There were frequent allegations of excessive police violence against Roma throughout the year, and an environment of impunity surrounded police brutality. In two cases—the murder of a twenty-nine-year-old Roma in the Partheni region on April 1 and the torture of two Roma teenagers in Mesolongi on May 9—forensic evidence supported allegations of police responsibility. Despite such evidence and calls by NGOs for the police to be held accountable, no disciplinary action had been taken against the police officers as of this writing.

Although Greece generally enjoys broad press freedom, independent journalists are often prosecuted for libel for having expressed opinions critical of public officials. On September 3, for example, Yannis Tzoumas, a journalist and publisher of the daily *Alithia* (Chios), was sentenced to four months in prison for having written an article that was critical of Stavros Soumakis, Minister of the Merchant Marines, in August 1997. Similarly, on September 17, journalist Makis Triantafyllopoulos was given a suspended sentence of eight months for an article in the daily *Kalimera* (Athens) criticizing the minister of justice. *Kalimera* was shut down a few months later. This phenomenon was aggravated in 1999 by the announcement on August 19 of a proposed amendment to introduce prison sentences of at least two years for cases of insult and defamation through the electronic media.

Abdullahim Dede, a journalist who won a 1999 Hellman/Hammett grant from Human Rights Watch for past persecution, was again sentenced in September to eight months imprisonment for installing an antenna without a permit. Although more than 3,000 radio stations in Greece function without licenses and many build their antennas without permits, few are prosecuted. Human rights groups believed that Mr. Dede was singled out primarily because he is an ethnic Turk.

In 1999, migrant workers had the opportunity to register and seek residence permits in Greece for the first time: more than 400,000 took advantage of the measure. Nevertheless, many continued to face discrimination, especially in employment, housing, and in government services. Migrants continued to experience bias before the courts and in dealings with police and prosecutors and, in many cases, no adequate translation was provided during judicial proceedings. There were numerous reports during the year of police brutality against migrants, who were rarely able to obtain adequate remedy for such abuses. Few police were convicted or held accountable on allegations of brutality.

The Eastern Orthodox Church maintained its privileged status as the only official religion in Greece, creating a number of disadvantages for other religions. In December 1997, the European Court found that Greece had violated article 14 (prohibition against discrimination) and article 6(1) (right to fair and public hearing) of the ECHR by denying the legal personality of a Catholic church. Similarly, in February, the court found that Greece had violated article 9 (freedom of religion) of the ECHR by unjustly convicting Protestants for proselytism. On December 19, 1997, an association of the Church of Scientology was dissolved for having carried out business practices outside the scope of its statutes. Independent NGOs in Greece, however, pointed to a lack of evidence to support the decision and criticized the court's focus on the church's proselytizing activities.

Defending Human Rights

Greek Helsinki Monitor continues to report apparent tapping of its phones and occasional tailing when visiting minority areas. Its mail was tampered with, reportedly by state authorities.

The Role of the International Community

United States

Relations between Greece and the United States remained good in 1998, although the State Department's *Country Reports on Human Rights Practices for 1997* criticized Greece's human rights record, especially with regard to minority rights. In July, Foreign Minister Theodore Pangalos, while in Thrace, strongly criticized the U.S. consulate in Salonica for its human rights monitoring. For FY 1999, Greece received an estimated \$14.4 million in Foreign Military Financing (FMF) grants from the United States.

HUNGARY

Human Rights Developments

A new government, formed on July 8, 1998, and led by Prime Minister Viktor Orbán of the Federation of Young Democrats/Hungarian Civic Forum, took responsibility for the continuing legacy of discrimination against Roma and routine police abuse that threatened to undermine Hungary's progress in guaranteeing human rights in the post-communist period. The persistence of these abuses in 1998 led domestic human rights groups to criticize both the European Union (EU) and the North Atlantic Treaty Organization (NATO) for concluding accession agreements with Hungary in the face of strong evidence of Hungary's failure to protect minorities and to hold police accountable for human rights violations.

Official statements enforcing stereotypes about "gypsies" fueled anti-Roma sentiment in 1998. On January 30, 1998, seven Hungarian human rights groups addressed a public letter to parliament and then-Prime Minister Gyula Horn protesting a public appearance in which Horn accused Roma communities of embracing criminal elements. Addressing the congress of the Lungu Drum National Gypsy Interest Association in Stolnok on January 16, 1998, Horn had noted that Roma communities display strong internal solidarity but added, "It is undesirable...that this solidarity extends even to law-breakers. The gypsy community should also dissociate itself from crime." The protest letter criticized Horn for fostering prejudice against Roma and possibly even encouraging discrimination against them. The groups, including the Hungarian Helsinki Committee, claimed that "in democratic countries, this is called inciting racist sentiments."

On April 2, 1998, the daily *Blikk* (Budapest) reported that Vera Pács, mayor of Isaszeg, had ordered an eighteen-member Roma family to leave the town stating that there were two types of Roma: "the good-for-nothing type and the completely wretched type." The refusal to permit the family to remain came after the December 1997 stabbing of an ethnic Hungarian by a Roma man and amidst growing anti-Roma sentiment in the town. The family later moved.

Official tolerance for discrimination against Roma gave some authorities license to take increasingly tough measures to keep Roma out of their communities. The forced relocation of thirteen Roma families who had been illegally occupying the "Radio Street 11" building in Stekesfehérvár resulted in widespread anti-Roma rhetoric and action beginning in December 1997. The mayor of Pátka, Károly Hedlicska, reportedly gathered close to 1,000 signatures in support of keeping Roma families from Stekesfehérvár—who had purchased or were interested in purchasing homes in Pátka—out of the town. The mayors of forty-three Fejér County towns and villages in Hungary reportedly met and drafted a resolution that Stekesfehérvár should keep its own "gypsies" and not export them to surrounding communities. On January 9, 1998, the Stekesfehérvár government announced that the Roma families would be able to remain in the temporary accommodations they occupied after being removed from the Radio Street 11 building, and the mayor told *Reuters* that he hoped to find flats for the families.

On April 9, 1998, the Roma Press Center reported that the practice of barring entrance of Roma to popular discos continued in many nightclubs in Bekescsaba. In December 1997, the local Gypsy Self-Government in Bekescsaba complained to local authorities about the lack of access to public establishments. Officials responded that they could not restrict the operation of private enterprises without a valid court decision. Local police stated that while discrimination against Roma is against the law, they had no right to force the owners to serve Roma. In April 1998, Imre Furmann, the director of the Legal Defense Bureau for National and Ethnic Minorities, announced that the police do have the legal means to act against club owners. Citing the law on the police, which states that the police can arrest a person who continues to commit a minor offense after being warned, and the law on consumer protection, which requires local trade departments issuing licenses for the sale of alcohol to monitor the protection law's anti-discrimination clause, Furmann said that officials could halt discrimination against Roma in access to public establishments in Bekescsaba.

Police brutality remained a significant human rights problem in Hungary. A joint survey by the Constitutional and Law Policy Institute and the Hungarian Helsinki Committee released on December 22, 1997, concluded that detainees at police stations were often held in substandard conditions and subjected to physical and psychological violence. With cooperation from the Hungarian Interior Ministry, monitors from the two groups were permitted access to police stations without advance notice. The group concluded that physical mistreatment was common and that foreigners, minors, and Roma

WERE INCREASINGLY EXPOSED TO POLICE VIOLENCE.

Defending Human Rights

GROWING ACTIVISM BY DOMESTIC HUMAN RIGHTS GROUPS ON BEHALF OF ROMA HAS ENSURED THAT THE HUNGARIAN GOVERNMENT WILL BE HELD PUBLICLY ACCOUNTABLE FOR ITS FAILURE TO SECURE RIGHTS GUARANTEES FOR MINORITIES.

ON JULY 2, 1999, MARTON ILL, DIRECTOR OF THE HUNGARIAN CENTRE FOR THE DEFENSE OF HUMAN RIGHTS, WAS STOPPED ON HIS WAY TO A COURT APPEARANCE IN BUDAPEST. AFTER PRODUCING HIS IDENTITY DOCUMENTS, ILL ASKED FOR A LETTER FROM THE POLICE EXPLAINING THE DELAY TO THE COURT. THE POLICE COLONEL HANDCUFFED ILL AND PLACED HIM IN A POLICE CAR WHERE HE WAS REPORTEDLY BEATEN UNCONSCIOUS. ILL LODGED AN OFFICIAL COMPLAINT AND PLANNED ON FILING A CRIMINAL COMPLAINT AGAINST THE COLONEL.

The Role of the International Community

United Nations

IN JUNE 1999, THE U.N. COMMITTEE ON THE RIGHTS OF THE CHILD CRITICIZED THE HUNGARIAN GOVERNMENT FOR ITS FAILURE TO ELIMINATE DISCRIMINATORY PRACTICES TARGETING ROMA CHILDREN. THE COMMITTEE'S REBUKE FOLLOWED A CONDEMNATORY PUBLIC STATEMENT ON MARCH 3, 1999, BY THE HUNGARIAN OMBUDSMAN FOR NATIONAL AND ETHNIC MINORITY RIGHTS JENO KALTENBACH CONCERNING THE RESULTS OF HIS RECENT STUDY ON MINORITY EDUCATION. KALTENBACH STATED THAT MINORITY EDUCATION IN THE COUNTRY WAS "PROFESSIONALLY CHAOTIC AND LEGALLY HAZY." CITING DISPARITIES IN TEXTBOOK DISTRIBUTION, SEGREGATION OF MINORITY STUDENTS, AND TEACHER APOATHY TOWARD MINORITIES, KALTENBACH'S STUDY CONCLUDED THAT "DISCRIMINATION IN EDUCATIONAL INSTITUTIONS AFFECTS ALMOST EXCLUSIVELY ROMA AT SEVERAL LEVELS."

European Union

THE ACCESSION PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND HUNGARY, WHICH WAS CONCLUDED ON MARCH 25, 1999, REQUIRED HUNGARY TO "ENSURE JUSTICE AND PROTECTION FOR THE ROMA" FOR ADMISSION TO THE E.U. ALTHOUGH THE AGREEMENT REQUIRED HUNGARY TO SHOW IMPROVEMENT IN THE TREATMENT OF ROMA BY THE END OF 1999, DISCRIMINATION AND ANTI-ROMA VIOLENCE CONTINUED UNABATED.

NATO

ON DECEMBER 16, 1997, NATO CONCLUDED AN ACCESSION AGREEMENT WITH HUNGARY. HUNGARY IS EXPECTED TO BE ADMITTED AS A FULL MEMBER TO THE DEFENSE ALLIANCE UNDER THE CURRENT GOVERNMENT. ACCESSION TALKS CONTINUED AS OF NOVEMBER.

United States

THE HUNGARY SECTION OF THE U.S. STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1997* CATALOGUED PERSISTENT PROBLEMS WITH POLICE ABUSE, INCLUDING HARASSMENT, EXCESSIVE USE OF FORCE, AND PHYSICAL ABUSE OF DETAINEES; DISPARATE TREATMENT OF ROMA IN THE JUDICIAL PROCESS; LACK OF COOPERATION FROM POLICE AND PROSECUTORS IN CASES INVOLVING ROMA OR POLICE ABUSE; ONGOING DISCRIMINATION AGAINST ROMA IN HOUSING, EDUCATION, AND EMPLOYMENT; AND GENERAL IMPUNITY FOR SPOUSAL ABUSE AND SEXUAL HARASSMENT OF WOMEN IN THE WORKPLACE. THE U.S. BUDGETED AN ESTIMATED U.S.\$19.3 MILLION IN ASSISTANCE TO HUNGARY FOR 1999, THE MAJORITY OF WHICH WAS SLATED TO FINANCE UPGRADED MILITARY EQUIPMENT AND MILITARY TRAINING IN ANTICIPATION OF HUNGARY'S ACCESSION TO NATO. HUMAN RIGHTS ORGANIZATIONS EXPRESSED CONCERN THAT THIS UPGRADE WOULD LEAVE HUNGARY WITH OBSOLETE WEAPONS THAT MIGHT THEN BE SOLD TO ABUSIVE REGIMES IN OTHER PARTS OF THE WORLD.

KAZAKHSTAN

Human Rights Developments

IN 1999, THE GOVERNMENT OF PRESIDENT NURSULTAN NAZARBAEV SOUGHT TO CONTROL BOTH THE MASS MEDIA AND OPPOSITION POLITICAL GROUPS, IN ANTICIPATION OF PRESIDENTIAL ELECTIONS. THESE ELECTIONS, HASTILY BROUGHT FORWARD BY PARLIAMENTARY AMENDMENTS TO THE CONSTITUTION IN OCTOBER, WERE RESCHEDULED FROM DECEMBER 2000 TO JANUARY 1999. AUTHORITIES SUBSEQUENTLY MOVED SWIFTLY TO EXPLOIT AMENDMENTS TO THE KAZAK LAW ON ELECTIONS, WHICH BAR ELECTORAL CANDIDATES CONVICTED OF AN ADMINISTRATIVE OR CRIMINAL OFFENSE FROM STANDING FOR PUBLIC OFFICE, BY ARRESTING AND SENTENCING NUMEROUS OPPOSITION FIGURES AND ACTIVISTS ON CHARGES OF PARTICIPATION IN AN UNSANCTIONED DEMONSTRATION. PARLIAMENT FURTHER AMENDED THE CONSTITUTION EXTENDING THE TERMS OF OFFICE OF DEPUTIES FROM BOTH THE UPPER AND LOWER HOUSES BY ONE YEAR AND EXTENDED THE PRESIDENTIAL TERM FROM FIVE TO SEVEN YEARS. POLITICAL ACTIVISTS FACED INCREASING HARASSMENT, AND INDEPENDENT NEWSPAPERS WERE CLOSED. THE GOVERNMENT SECURED U.S.\$4 BILLION IN NEW FOREIGN INVESTMENT FOR ENERGY DEVELOPMENT, YET ABJECT POVERTY BECAME MORE WIDESPREAD, MALE LIFE EXPECTANCY DECREASED, AND THE INCIDENCE OF TUBERCULOSIS IN PRISON POPULATIONS AND AMONG THE GENERAL PUBLIC GREW. JUNE 10 SAW THE DELAYED OFFICIAL CHANGEOVER OF THE CAPITAL, FROM ALMATY TO THE NORTHERN CITY OF ASTANA. ALTHOUGH PRECISE FIGURES FOR 1999 ARE NOT AVAILABLE AND KAZAK COURTS CONTINUE TO PASS DEATH SENTENCES, IT IS REPORTED THAT THE NUMBER OF EXECUTIONS IN 1999 HAS CONTINUED A DOWNWARD TREND, AS WITNESSED IN 1996 AND 1997, FROM THE HIGH OF 101 EXECUTIONS CARRIED OUT IN 1995.

ON OCTOBER 15, AUTHORITIES ARRESTED AND CONVICTED SEVERAL POLITICAL ACTIVISTS ON CHARGES OF PARTICIPATING IN UNSANCTIONED DEMONSTRATIONS. SENTENCES RANGED FROM THREE DAYS OF DETENTION TO FINES. THOSE SENTENCES INCLUDED PETER SVOIK OF AZAMAT, IRINA SAVOSTINA OF THE GENERATION MOVEMENT, MELS ELEUSTOV OF THE GREEN PARTY, AND POLITICAL ACTIVIST DUS KOSHIIM. UNDER AMENDMENTS TO THE KAZAK LAW ON ELECTIONS, NO ONE CONVICTED OF AN ADMINISTRATIVE OR CRIMINAL OFFENSE MAY STAND FOR PUBLIC OFFICE.

THE KAZAK GOVERNMENT USED BOTH LEGAL MEANS AND FORCE TO HALT CRITICISM IN THE INDEPENDENT MEDIA. IN MAY, THE PROCURACY OPENED AN INVESTIGATION ALLEGING THAT THE KAZAK MASS MEDIA HAD COMMITTED 273 VIOLATIONS OF THE LAW ON THE PRESS IN 1997. THESE VIOLATIONS WERE SAID TO INCLUDE "ABUSES OF FREEDOM OF SPEECH, INCITEMENT OF NATIONAL ENMITY...AIMED AT INSTIGATING DISPUTES AND CONTROVERSY OVER THE COUNTRY'S HISTORY AND SOVEREIGNTY." A PROCURACY

official deemed the investigation necessary because the "media frequently permit non-objective, insulting statements directed at government organs, officials and ordinary citizens... it is the media that should shape the ideals of our state and patriotic feelings." As of this writing there were no prosecutions: the announcements, however, probably reinforced the already prevalent practice of self-censorship.

The Kazak government closed two independent newspapers founded earlier in 1999 — *Yylyk* [21st Century] and *DBA* [The Vow]—both known for their critical coverage of the government.

The campaign to close *Yylyk* began on September 10, when Almaty's "Franklin" printing press refused to print the weekly. Five days later, the Dargins distribution company annulled its contract with *Yylyk*. At 4:30 a.m. on September 26, unknown assailants threw a molotov cocktail into the office of editor Bigeldy Gabdullin. Finally, on September 28, the Almaty city justice department informed the independent weekly newspaper, *Yylyk* of impending liquidation proceedings for alleged violations of the civil code and the law on the press and mass media.

On June 26, *DBA* reprinted an article from a major Russian newspaper, *Izvestiya*, that criticized the chief of the tax police, Rakhat Aliyev for alleged excesses during a hunting trip. On July 22 and 23, tax police raided *DBA*'s offices and confiscated financial records, safes, computers, and cash. *DBA* has appealed the resulting fine of 1.5 million tenge (U.S.\$20,000). In September, *DBA* was preparing to publish an article containing allegations of corruption against Aliyev, when authorities brought criminal charges against the newspaper under Article 22 of the Law on National Security (see below), which prohibits foreign ownership of a Kazak media outlet. These charges reportedly relate to three stamps and foreign companies' letterhead that were discovered (*DBA* editors maintain they were planted) during the earlier tax police raid.

The Nazarbayev government sought to neutralize political opponents. Following an unsanctioned demonstration it organized on November 30, 1997, three co-chairs of the Azamat opposition group came under fire. On December 1, four masked men beat Petr Svoik who had organized the demonstration in neighboring Kyrgyzstan; on December 2, Murat Auetov received a 2,490 tenge (U.S.\$32) fine for participation in that demonstration. Also in December, police arrested Galim Abilseitov, in connection with the same demonstration. At his trial, Abilseitov alleged that he was not allowed to testify in his own defense, and that he was denied a public hearing and the services of a lawyer. Although sentenced to fifteen days of imprisonment, Abilseitov was released after seven days following a district procurator's ruling that his trial had indeed been illegal.

In February 1998, local human rights groups reported that police detained and beat Mabel Ismailov, chairman of the opposition "Workers' Movement," holding him incommunicado for several days before informing relatives of his whereabouts. On April 7, Ismailov was convicted under Article 318 of the Kazak criminal code, of "insulting the honor and dignity of the president," and received a one-year sentence to be served in a general prison colony. Ismailov was reportedly filmed sharply criticizing the authorities while speaking at a November 7, 1997, rally. A June 3 appeal hearing confirmed the sentence.

On September 19, police detained Mikhail Vasilenko, advisor to former prime minister Akezhan Kazhegeldin, as he attempted to deliver Kazhegeldin's proposals on election law and constitutional amendments to President Nazarbayev. Vasilenko was held incommunicado, tried, and sentenced on charges of hooliganism, and released five days later. Earlier in September authorities confiscated the Russian edition of a book by Kazhegeldin on solutions to current political problems and prevented the printing of the Kazak version.

Most disturbingly, the Nazarbayev administration paved the way for a possible wholesale crackdown on political opponents and the independent media with a new Law on the National Security of the Republic of Kazakhstan, passed on June 26, 1999. The law features a vague and expansive definition of national security that has already been used to deter and punish political opponents of the government for peacefully exercising their rights of speech, assembly, and association. "Threats to national security" may include "political extremism in any form," "incitement of social...discord," "unsanctioned gatherings," "prevention of the growth of investment activity," "a deterioration in the demographic situation, including a sharp reduction in the birthrate, increased mortality, and...unchecked migration," and "a deterioration in the quality of education." Specifically outlawed is the dissemination of all overseas media "whose content undermines national security." The law authorizes the procurator general to suspend the activity of the news media without providing for any right of appeal.

Defending Human Rights

The European Union, in conjunction with the United States, bestowed its Civil Society and Democracy award to Evgeniy Zhovtis, Director of the Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR), and to Elena Sadovskaya of the Center for Conflict Management. In 1999, human rights NGOs reported no incidents of state-sponsored harassment. In September, the KIBHR hosted a seminar on refugees.

The Role of the International Community

European Union

The E.U. was silent on human rights abuses in 1999 and continued to disperse 57 million ecu in aid (\$69 million USD) under a three-year 1996-1999 TACIS program aimed at various infrastructure, agricultural and institutional reform projects. This aid was distributed under an interim agreement, in place pending ratification by the European Parliament, of the Partnership and Cooperation Agreement (PCA). Under the PCA's terms, assistance is contingent on respect for human rights and democratic principles.

United States

The United States continued to fund a wide variety of civil society and democracy projects that included support for nongovernmental organizations and the development of the independent media. A total of \$36.8 million was allocated for this purpose in 1999. The U.S. embassy in Almaty raised human rights concerns with the Kazak government and sent observers to trials including that of Mabel Ismailov. The State Department's *Country Reports on Human Rights Practices for 1997* provided a thorough analysis of human rights problems in Kazakhstan.

KYRGYZSTAN

Human Rights Developments

In 1999, under the leadership of President Askar Akayev, Kyrgyzstan moved ever further from its popular image as a model new democracy and leader in rights reform. Police abuse, religious persecution, trafficking of women, and violations of the right to free expression made a mockery of Kyrgyzstan's international reputation.

Several disturbing allegations of police abuse and deaths in custody raised concern about conditions in detention more generally. Torture occurred most commonly in pre-trial detention facilities during interrogation sessions, when police beat and threatened detainees in order to coerce self-incriminating statements. Prison conditions in general remained abysmal as lack of sanitation and significant overcrowding threatened the health of inmates.

There were at least two reported deaths in custody in 1999. On January 23, police in Tamga took Murazbek Sulaimanov into custody on suspicion of cattle theft, and hours later delivered his dead body to his relatives. The arresting officers denied wrongdoing, and even claimed that Sulaimanov was released in good health but then fell down the stairs; the autopsy revealed that Sulaimanov died from numerous injuries caused by a severe beating. The case went to the Jeti-Oguz court on July 24; however, as of September the verdict was not known.

One month after Sulaimanov's death, on February 27, police in the Lenin region brutally beat seventeen-year-old Sergei Skromnov and then buried him, unconscious but alive, in ashes at the city heating plant, where he died of suffocation. An investigation into Skromnov's death continued as of September, and officials were allegedly obstructing the investigation. In a possible instance of retaliation, one officer was dismissed from the department after giving testimony against the officers accused of the murder.

The trafficking of women and young girls from Kyrgyzstan to Turkey, the United Arab Emirates and other countries for work in the sex industry continued in 1999. Kyrgyz women and girls were commonly promised legitimate work abroad and then found themselves indebted to their traffickers for travel expenses and pressured to work in the sex industry to repay the debt. They reported that the traffickers confiscated their passports, locked them in rooms, beat them and forced them to have sex with as many as fifteen men a day. Officials from the visa and registration department in Kyrgyzstan were said to be complicit in the trafficking of women out of the country, by receiving bribes from the traffickers in return for forged travel documents. Russian border guards in Kyrgyzstan were allegedly willing to turn a blind eye to the transport of women for work in prostitution abroad.

More women reported incidents of domestic violence in 1999. It is not known, however, whether this reflected a real increase in the number of cases of domestic violence or a greater willingness on the part of victims to report it. Local women's groups took positive steps to address the needs of abused women, maintaining shelters where they could receive legal advice, medical attention, and protection from abusive husbands or others.

In late 1997 and 1999, the government campaign intensified against orthodox or "fundamentalist" Muslims, to whom officials refer as "Wahhabis." In December 1997 the Ministry of National Security (MNS) set up special units to control the activities of "Wahhabis" and other so-called religious sects. In February 1999, Colonel Talan Ratakov, head of the MNS department on religious organizations, reportedly stated, "Regrettably, our Constitution says that every one is at liberty to choose the religion he wishes." Apparently not viewing such constitutional precepts as limitations on the MNS, he then proclaimed, "We are taking definite measures to find, stop, and prevent the Wahhabis' activities."

These threats were matched by strict punitive measures against perceived fundamentalist Muslim believers. The Muslim Spiritual Board of Kyrgyzstan, a quasi-governmental body, forced the closure of the Islamic Center after accusing center leader Sadykjan Kamalov, a former mufti of Kyrgyzstan, of being a "Wahhabi." The MNS targeted pious Muslims from other countries, whom they considered the source of "Wahhabism." Twenty "Wahhabi supporters," most from Pakistan, were expelled from Kyrgyzstan in 1997. This trend continued in 1999 with the expulsion of Imam Karimov, a refugee from Tajikistan, for allegedly spreading "Wahhabi" ideas. At least one Uzbek national was also expelled for disseminating "fundamentalist" Islamic ideas. In April and May 1999, about twenty ethnic Uighurs were arrested on charges of illegal weapons possession and possession of "Wahhabi" video tapes. MNS employees also proudly declared they had confiscated 400 copies of a religious book published in Saudi Arabia.

In a positive move, President Askar Akayev attempted to follow through on his vows to decriminalize defamation and protect freedom of the press. In November 1997, he reportedly sent parliament a draft amendment to the criminal code that removed slander, making it a civil offense. When the upper house of parliament rejected the bill on March 10, President Akayev put the issue to a referendum to change the constitution to guarantee greater freedom of speech. On October 17, 1999, voters reportedly elected to amend the constitution to state that the "adoption of laws limiting freedom of expression and of press is inadmissible." In December 1997, he vetoed a media law that sought to limit the topics legally covered by journalists and to force them to compromise the confidentiality of their sources in certain cases.

In practice, however, authorities continued to harass journalists who criticized the actions of government officials. Irina Stepkicheva of *Nasha Gazeta* (Our Newspaper), who faced a civil suit for articles critical of the procurator general, reported that procuracy officials repeatedly threatened her and her thirteen-year-old daughter. On May 9, 1999, unknown assailants set fire to the front door of the home of Tatiana Kchmaba, a reporter from *Res Publica* newspaper. Kchmaba regarded this attack as retaliation for an exposé she had written about government corruption.

The Akayev government continued to display intolerance for political opposition members. In January, police arrested political activist Kubanichbek Apas when he returned to Kyrgyzstan from Russia, where he had relocated due to repeated government harassment. Apas returned to visit his wife and children and was promptly arrested on outstanding charges of criminal libel and insulting the honor and dignity of the president. Shortly after his arrest in January, he was released under a 1997 amnesty law.

What appeared to be an easing of the treatment of jailed opposition activist Tobjubek Turgunaliyev took a turn for the worse in August 1999. Coinciding with U.S. First Lady Hillary Rodham Clinton's visit to Kyrgyzstan in November 1997, Turgunaliyev was allowed to return from a remote settlement colony to his home in Bishkek to serve the remainder of his four-year sentence for embezzlement. In May, the Supreme Court reduced his sentence to three years. In August, however, local authorities informed Turgunaliyev that he would have to spend his nights at penal colony #35 in Bishkek. This followed his participation in a peaceful rally to protest the eviction of independent newspaper *Asaba* from its long-held office space in a building of the Ministry of the Interior.

On September 22, authorities from the Ministry of National Security in Bishkek arrested Nazarbek Nysanov, chairman of the newly-formed Patriotic Block, a coalition of opposition political parties, for alleged embezzlement. Nysanov was held in a pre-trial detention facility and reportedly denied

access to an attorney.

Defending Human Rights

The Kyrgyz Committee for Human Rights (KCHR), the largest human rights organization in the republic, reported that the municipal procuracy of Bishkek launched an investigation into the group's use of grant funds after the President's administration allegedly ordered the chief procurator to find any grounds for jailing the committee's chairman, Ramazan Dyrlybaev. As of September 1999, the investigation continued. Dyrlybaev believed this punitive action was taken in order to halt the activities of the organization, which has been outspoken in its defense of the rights of journalists and opposition politicians.

Jalal-Abad police arrested three members of the Jalal-Abad branch of the KCHR—Tynybek Batyrallyev, Albert Korgoldoev, and Abdunazar Mamatislamov—on September 23 and interrogated the men during the night. In the morning, at an emergency session of the Jalal-Abad Municipal Court, Judge Asanbayev tried Batyrallyev and Korgoldoev, found them guilty of violating article 163 of the civil code, public order, and sentenced the two human rights activists to fifteen days in prison. The men had reportedly been distributing flyers and putting up posters encouraging people to attend a public meeting in opposition to the upcoming constitutional referendum. On October 7, following international protest over the arrests, authorities released Batyrallyev and Korgoldoev. As of mid-October, Mamatislamov continued to be held in police custody, facing criminal charges for alleged embezzlement. Police also arrested a fourth human rights activist in Jalal-Abad, Edgar Parpiev, on September 24, after finding him in possession of one leaflet calling for the public meeting. The Nookan regional court sentenced him to fifteen days of administrative arrest.

In September, on the heels of the arrests of the KCHR activists and just weeks before the constitutional referendum scheduled by President Akaev, the Chamber of the Ministry of Justice revoked the registration of the KCHR. The KCHR was then denied the right to monitor the voting on the referendum. The group's registration, granted in June 1996, was annulled at the request of the procurator general's office, which claimed that several members were absent from the founding meeting. Under Kyrgyz law, only a court, not an administrative body, has the authority to revoke the registration of a public association.

Harassment of KCHR activists continued into October. In Bishkek, an officer from the Ministry of Interior approached Azimhan Niyazbekova on the street at night and threatened that she would be physically harmed unless she halted her human rights activities.

The Role of the International Community

The international community continued, for the most part, to accept at face value statements in support of human rights from President Akaev, who benefited from the country's liberal democratic image cultivated in the first years after independence; it largely ignored the true state of worsening human rights.

European Union

As in 1997, in 1999 the European Union continued to shower Kyrgyzstan with direct aid and technical assistance, amounting this year to 21 million ecu (\$14.5 million). The E.U. ignored ongoing violations of human rights in Kyrgyzstan; instead it stressed the need for cooperation in preventing narcotics trafficking, which inspired the visit of German President Roman Herzog to Kyrgyzstan in February.

Organization on Security and Cooperation in Europe (OSCE)

The OSCE focused greater attention than in the past on human rights in Kyrgyzstan. A November 1997 OSCE-sponsored seminar on human rights provided an open forum for frank discussion of Kyrgyzstan's human rights record. The chairman-in-office included Kyrgyzstan in his April 1999 visit to the region, as did the Office of Democratic Institutions and Human Rights (ODIHR) special representative for Central Asia, in March. The OSCE High Commissioner on National Minorities twice visited Kyrgyzstan, in December 1997 and June 1999, to oversee a survey of inter-ethnic relations in the south. In June he participated in a seminar for regional governors on "Managing Inter-Ethnic Relations." ODIHR technical assistance projects for Kyrgyzstan include training programs on elections and on the rule of law. In July, the Permanent Council decided to establish a new OSCE center in Bishkek.

United States

The United States continued to criticize the Kyrgyzstan government's pressure on political activists and its use of criminal libel charges to suppress freedom of the press. The *Country Reports on Human Rights Practices for 1997* impartially chronicled the mounting toll of abuse, and an investigation by the Congressional Commission on Security and Cooperation in Europe found signs of creeping authoritarianism. However, no meaningful consequences resulted, and U.S. aid appropriations continued to grow (from an estimated \$24 million for fiscal year 1999 to \$31 million requested for fiscal year 1999).

MACEDONIA

Human Rights Developments

On paper Macedonia is a parliamentary democracy with a separation of powers and human rights guarantees. In reality, deficiencies remained in 1999, especially regarding abuse by the police, independence of the judiciary, and the treatment of ethnic minorities.

One of the main human rights problems was the misconduct of the police and other law enforcement officials. With disturbing frequency, individuals were arrested without a warrant and beaten until they confessed to a crime. Procedural violations were commonplace. Individuals were often held longer than the twenty-four hours allowed by law, not informed of the reason for their arrest, and denied immediate access to a lawyer. The practice of "informative talks"—summoning a person to the police for questioning—continued even though it was forbidden by Macedonian law.

On many occasions, the courts collaborated with the police by backdating arrest warrants or refusing to accept a defendant's complaint of

POLICE ABUSE. IN SOME CASES, THE COURTS DEMANDED MONEY FROM DEFENDANTS, APPARENTLY IN EXCHANGE FOR THEIR RELEASE. VERY RARELY DID THE COURTS HOLD ABUSIVE POLICE OFFICERS ACCOUNTABLE. AS A RESULT, MANY CITIZENS WERE RELUCTANT TO COMPLAIN OF POLICE MISTREATMENT, BELIEVING THAT, AT BEST, THEY WOULD GAIN NOTHING AND, AT WORST, THEY WOULD INVITE RETRIBUTION. THE MINISTRY OF THE INTERIOR'S LEGAL AFFAIRS BUREAU FAILED TO TAKE FORCEFUL STEPS TO PUNISH POLICEMEN, EVEN WHEN THEY WERE REPEAT OFFENDERS.

MACEDONIA'S ETHNIC COMMUNITIES—ALBANIANS, TURKS, ROMA, AND BULGARIANS, AMONG OTHERS—WERE ESPECIALLY SUSCEPTIBLE TO ABUSE. BUT VIOLATIONS CUT ACROSS ETHNIC LINES: ALL ETHNIC GROUPS IN MACEDONIA SUFFERED VIOLENCE AT THE HANDS OF THE POLICE, AS WELL AS PROCEDURAL VIOLATIONS, ALMOST ALWAYS WITH NO RECOURSE THROUGH THE COURTS. THE COMMON CHARACTERISTIC AMONG VICTIMS, RATHER THAN ETHNICITY, WAS USUALLY THE PERSON'S OPPOSITIONAL POLITICAL ACTIVITY OR LOW SOCIAL-ECONOMIC STATUS.

THE MOST SERIOUS CASE OF POLICE VIOLENCE TOOK PLACE IN JULY 1997, WHEN SPECIAL FORCES OF THE MACEDONIAN POLICE, SOME OF THEM TRAINED IN THE UNITED STATES, USED EXCESSIVE FORCE AGAINST VIOLENT ETHNIC ALBANIAN DEMONSTRATORS IN THE WESTERN TOWN OF GOSTIVAR, LEAVING MORE THAN 200 PEOPLE INJURED, INCLUDING NINE POLICEMEN, AND THREE PEOPLE DEAD. A PARLIAMENTARY INVESTIGATORY COMMISSION WAS FORMED IN SEPTEMBER 1997 BUT DID NOT PRODUCE ITS REPORT UNTIL MARCH 11, 1998. IT RECOGNIZED THAT SOME POLICE ABUSE HAD TAKEN PLACE, BUT PROVIDED NO DETAILS AND FAILED TO IDENTIFY ANY OF THE ABUSIVE POLICEMEN OR THEIR SUPERIORS. THE GOVERNMENT WAS OBLIGED TO RESPOND TO THE RECOMMENDATIONS OF THE REPORT, WHICH INCLUDED UNDERTAKING "LEGAL MEASURES TO ESTABLISH RESPONSIBILITY," BY APRIL 31, 1998. BY OCTOBER 1998, THE GOVERNMENT HAD NOT YET RESPONDED.

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTER IN JULY DOCUMENTED SERIOUS POLICE ABUSE AGAINST MACEDONIA'S ROMA POPULATION. THE REPORT DETAILED CASES OF RACIALLY MOTIVATED VIOLENCE AGAINST ROMA BY CIVILIANS AND THE POLICE, AS WELL AS THE JUDICIAL SYSTEM'S FAILURE TO REMEDY THESE ABUSES. THE REPORT ALSO CRITICIZED MACEDONIA'S CITIZENSHIP LAW, BY WHICH CITIZENSHIP HAS BEEN DENIED TO ROMA WHO LIVED IN MACEDONIA FOR MOST OF THEIR LIVES.

ETHNIC ALBANIANS CONTINUED TO COMPLAIN OF STATE DISCRIMINATION, PARTICULARLY IN STATE EMPLOYMENT AND EDUCATION. ALBANIANS REMAINED UNDERREPRESENTED IN GOVERNMENT, ESPECIALLY IN THE POLICE FORCE, EVEN IN AREAS WHERE THEY MADE UP THE MAJORITY OF THE LOCAL POPULATION. THE HIGHLY DISPUTED PRIVATE ALBANIAN-LANGUAGE UNIVERSITY IN TETOVO, WHICH OPENED IN 1994 AGAINST THE WISHES OF THE GOVERNMENT, CONTINUED TO OPERATE IN 1998 WITHOUT GOVERNMENT INTERFERENCE. BUT THE GOVERNMENT REFUSED TO RECOGNIZE THE DIPLOMAS OF THE FIRST GRADUATING CLASS IN 1998.

FOUR ETHNIC ALBANIAN POLITICIANS, WHO HAD BEEN ARRESTED IN 1997 FOR RAISING THE ALBANIAN STATE FLAG IN FRONT OF TWO TOWN HALLS, HAD THEIR SENTENCES REDUCED BUT NOT OVERTURNED IN 1998, DESPITE THE FACT THAT THEIR ORIGINAL TRIALS HAD BEEN MARRED BY DUE PROCESS VIOLATIONS. RUFİ OSMANI, MAYOR OF GOSTIVAR, HAD HIS SENTENCE REDUCED FROM THIRTEEN YEARS AND EIGHT MONTHS TO SEVEN YEARS FOR INCITING NATIONAL, RACIAL, AND RELIGIOUS HATRED, ORGANIZING ARMED RESISTANCE, AND DISOBEYING AN ORDER OF THE CONSTITUTIONAL COURT, AFTER HE RAISED THE ALBANIAN STATE FLAG IN FRONT OF THE GOSTIVAR TOWN HALL. THE MAYOR OF TETOVO AND TWO CITY COUNCIL MEMBERS WERE SENTENCED TO LESSER PRISON TERMS. HUMAN RIGHTS GROUPS THAT OBSERVED THE 1997 TRIALS RAISED CONCERN ABOUT A NUMBER OF DUE PROCESS VIOLATIONS, INCLUDING POOR ACCESS TO THE CASE FILES, RESTRICTED LAWYER CONSULTATIONS, AND THE COURT'S REFUSAL TO ACCEPT WITNESSES ON BEHALF OF THE DEFENSE.

THE MACEDONIAN MEDIA WERE GENERALLY FREE, ALTHOUGH SOME GOVERNMENT RESTRICTIONS REMAINED IN 1998. THE STATE RADIO AND TELEVISION WERE STILL BIASED IN FAVOR OF THE GOVERNMENT, AND THERE WERE ALLEGATIONS OF POLITICAL DECISION-MAKING IN THE ALLOCATION OF PRIVATE BROADCAST LICENSES. THE STATE ALSO MAINTAINED A DISPROPORTIONATE CONTROL OVER THE PRINTING AND DISTRIBUTION OF PRINT MEDIA.

THE FIGHTING IN KOSOVO BETWEEN YUGOSLAV GOVERNMENT FORCES AND THE ALBANIAN INSURGENCY, KNOWN AS THE KOSOVO LIBERATION ARMY (KLA), EXACERBATED ALREADY EXISTING ETHNIC TENSION IN MACEDONIA. AN ESTIMATED 9,000 ETHNIC ALBANIANS FROM KOSOVO ENTERED MACEDONIA AND WERE ALLOWED TO STAY AS "VISITORS." ETHNIC ALBANIANS IN MACEDONIA HELD A NUMBER OF LARGE AND EMOTIONAL DEMONSTRATIONS IN SUPPORT OF KOSOVAR ALBANIANS, ALTHOUGH NO INCIDENTS OF VIOLENCE WERE REPORTED. THROUGHOUT THE YEAR, A NUMBER OF BOMBS EXPLODED IN CITIES THROUGHOUT MACEDONIA. MANY SUSPECTED THEY WERE ACTIONS OF THE KLA, BUT THIS REMAINED UNPROVEN.

PARLIAMENTARY ELECTIONS WERE HELD ON OCTOBER 18, THE THIRD GENERAL ELECTION SINCE THE END OF ONE-PARTY COMMUNIST RULE. THE NATIONALIST VMRO-DPMNE PARTY WON THE ELECTION AND, IN A RIGHT-WING COALITION WITH THE DEMOCRATIC ALTERNATIVE (DA) PARTY, TOOK CONTROL OF THE GOVERNMENT FROM THE SOCIAL DEMOCRATS (SDSM). A NEW ELECTORAL LAW ADOPTED IN JUNE CREATED A NEW, MIXED ELECTORAL SYSTEM THAT COMBINED THE MAJORITY AND PROPORTIONAL SYSTEMS. FOR THE FIRST TIME, THE VOTER REGISTRY WAS MADE AVAILABLE TO POLITICAL PARTIES FOR REVIEW, AND VOTER IDENTIFICATION CARDS WERE ISSUED. ETHNIC ALBANIAN POLITICAL PARTIES, HOWEVER, COMPLAINED ABOUT THE COMPOSITION OF THE ELECTORAL COMMISSIONS, DISTRICT GERRYMANDERING, AND INADEQUATE STATE FUNDING FOR VOTER EDUCATION. THE OPPOSITION VMRO-DPMNE PARTY COMPLAINED OF INACCURATE VOTER REGISTRIES. THE TWO PREVIOUS GENERAL ELECTIONS IN MACEDONIA WERE MARRED BY IRREGULARITIES, ALTHOUGH THEY WERE BOTH CONSIDERED "ACCEPTABLE" BY INTERNATIONAL OBSERVERS.

Defending Human Rights

HUMAN RIGHTS GROUPS, SUCH AS THE HELSINKI COMMITTEE FOR HUMAN RIGHTS IN THE REPUBLIC OF MACEDONIA, REPORTED NO RESTRICTIONS ON THEIR WORK IN 1998. FOREIGN HUMAN RIGHTS GROUPS WERE ALSO FREE TO UNDERTAKE INVESTIGATIONS.

The Role of the International Community

United Nations

THE INTERNATIONAL COMMUNITY CONTINUED TO PLACE GREAT EMPHASIS ON THE TERRITORIAL INTEGRITY AND STABILITY OF MACEDONIA, ESPECIALLY WITH THE OUTBREAK OF FIGHTING IN NEIGHBORING KOSOVO. A UNITED NATIONS PREVENTIVE DEPLOYMENT FORCE (UNPREDEP), DEPLOYED IN MACEDONIA SINCE 1992, HAD BEEN SCHEDULED TO END ITS OPERATIONS ON AUGUST 31, 1998, BUT THE MANDATE WAS EXTENDED FOR ANOTHER SIX MONTHS AT THE REQUEST OF NATO AND THE MACEDONIAN GOVERNMENT, AND THE NUMBER OF SOLDIERS WAS INCREASED FROM 750 TO 1,050. WHILE UNPREDEP'S PRESENCE HAD A STABILIZING EFFECT ON MACEDONIA, IT FAILED TO SPEAK OUT AGAINST HUMAN RIGHTS VIOLATIONS BY THE GOVERNMENT. IN APRIL 1998, THE U.N. COMMISSION ON HUMAN RIGHTS CEDED TO A LONG-STANDING DEMAND OF THE MACEDONIAN GOVERNMENT AND DROPPED MACEDONIA FROM THE MANDATE OF THE SPECIAL RAPPORTEUR ON THE FORMER YUGOSLAVIA.

The Organization for Security and Cooperation in Europe

THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) MISSION IN MACEDONIA CONTINUED TO MONITOR THE INTERNAL AND EXTERNAL THREATS TO THE COUNTRY'S STABILITY, AS IT HAS SINCE 1992. INTERNAL OSCE REPORTING ON POLITICAL AFFAIRS AND HUMAN RIGHTS ISSUES WAS VERY ONE-SIDED IN FAVOR OF THE GOVERNMENT. VERY LITTLE CRITICISM WAS VOICED AGAINST THE MACEDONIAN GOVERNMENT, WHICH WAS CONSIDERED A "STABILIZING FORCE" IN A VOLATILE REGION.

OSCE'S HIGH COMMISSIONER ON NATIONAL MINORITIES MAX VAN DER STOEL UNDERTOOK A NUMBER OF VISITS TO MACEDONIA IN 1998 TO PROMOTE INTER-ETHNIC

relations and, in particular, minority-language education. In meetings with government officials, the high commissioner discussed implementation of measures proposed in the report of the special parliamentary commission established to investigate the July 1997 violence in Gostivar. In his public statements, however, the high commissioner issued scant criticism of the government and focused more on reminding ethnic minorities of their obligations to respect the institutions of the state. In February, the two largest ethnic Albanian political parties called on the OSCE to replace van der Stoep because of his "lack of objectivity." The OSCE planned to monitor the October parliamentary elections.

Council of Europe

Macedonia benefited from a number of training programs and seminars on human rights conducted by the Council of Europe under its cooperation and assistance program. Macedonia remained subject to monitoring by the Council of Europe Parliamentary Assembly's Monitoring Committee, which sent a confidential report to the Macedonian authorities on March 15. The European Committee for the Prevention of Torture paid an assessment visit to Macedonia in May to investigate the treatment of persons in detention, but its report remained internal.

United States

The United States is the undisputed leader of the international community's policy on Macedonia. Ambassador Chris Hill, as of September also the main U.S. envoy in the Kosovo crisis, played an important role in Macedonia's political life. The U.S. government strongly supported the government of Prime Minister Branko Crvenkovski, to the extent that it was unwilling to express adequate criticism of the government's human rights violations. The U.S. also bore a certain responsibility for the behavior of the Macedonian police since it has trained at least 329 Macedonian policemen since 1995, some of whom were involved in the Gostivar incident on July 9, 1997.

NATO

NATO military maneuvers called Operation Determined Falcon were conducted over Macedonia and Albania in June as a threatening message to Yugoslavia because of its actions against ethnic Albanians in Kosovo. Large NATO exercises with the participation of twenty-six countries were conducted at the Krivolak military base in Macedonia in September.

In July, Turkey agreed to provide Macedonia with twenty F-5 war planes. In September, Germany donated sixty Soviet-made BTR-70 armored personnel carriers to the Macedonian government.

Relevant Human Rights Watch reports:

Police Violence in Macedonia: Official Turns Up, 4/98

ROMANIA

Human Rights Developments

In 1998 political instability and infighting among partners in the governing coalition slowed the pace of democratic and economic reform and inhibited progress on human rights in Romania. Romania's non-communist president, Emil Constantinescu, elected in 1996 in the first truly democratic presidential election since the overthrow of the dictator Nicolae Ceaucescu in 1989, forged a coalition government headed by Victor Ciorbea of the National Peasants/Christian Democratic Party. As a result of the Democratic Party's threat to withdraw from the coalition, and in order to avoid early elections, Prime Minister Ciorbea resigned on March 30, 1998, and was replaced by Radu Vasile, secretary general of the National Peasants' Party, on April 2. In late September, the Union of Democratic Magyars (UDMR) of Romania also threatened to withdraw from the coalition government in protest against the government's refusal to establish a Hungarian-language university, a longstanding demand of the Hungarian minority. The UDMR and the government reached a compromise: a multicultural university with instruction in Romanian, Hungarian, and German is to be established, and the UDMR will remain in government.

Despite the government's promises and pressure from NGOs and the international community, Vasile's shaky coalition government—composed of numerous political parties with conflicting agendas—made no noticeable progress in resolving long-entrenched human rights problems such as discrimination and other ill-treatment directed at ethnic and sexual minorities. In addition, the government prosecuted critical journalists under its libel statutes, and there continued to be nearly complete impunity for police brutality, especially when the victims were unpopular minorities.

On June 25, the Chamber of Deputies voted against a government-sponsored amendment to the penal code that would have decriminalized consensual homosexual acts. Under article 200 of the penal code, consensual homosexual acts that are "committed in public or which cause a public scandal" may be punished with imprisonment of one to five years. Article 200 also punishes conduct that "incite[s] or encourage[s] . . . sexual relations between persons of the same sex, as well as propaganda or association or any other act of proselytism committed in the same scope, . . . by imprisonment of one to five years." Expressions of homosexual identity or solidarity, as well as the establishment of gay and lesbian organizations and the dissemination of information are also punishable under this law.

The Chamber of Deputies also failed to amend the criminal code provision prohibiting "defamation of the nation and/or state authorities." During 1998, these provisions were used to punish journalists who exposed corruption among public officials. On March 13, three journalists from the Buzau newspaper *Opinia* received one year in prison for printing accusations that a former prosecutor's mother rented her house for use by those involved in an illegal pyramid scheme. In Bistrita on May 25, Corneli Sabou, editor-in-chief of *Trans-Press* agency, received a sentence of ten months for publishing protests against a judge accused of using his influence for personal pecuniary gain. On July 23, a court in Iasi sentenced Ovidiu Scutelnicu and Dragos Stancu to one year of imprisonment, a fine of 1.5 billion lei (U.S.\$175,000), and deprivation of some civil rights, as well as the right to practice journalism for twelve months, for criticizing police colonel Petru Susanu's policing methods and questioning the origin of his personal fortune. On August 29, in Botosani, Florentin Florescu, and Radu Burlacu were fined 100 million lei (\$11,250) for reporting a local politician's

efforts to influence the magistrates assigned to his son's trial. Scutelnicu, Stangu, Florescu, and Burlacu all worked for *Moniforul*, a regional independent daily operating in northeastern Romania.

The Romanian Helsinki Committee (RHC) also received and investigated numerous reports from individuals who claimed to have been tortured or abused by the police. The RHC also reports numerous instances of the unlawful use of firearms by police. The military prosecutor has jurisdiction over such complaints, but was reluctant to indict police officers for such abuses. Romanian law provides no other remedy for victims of police abuse. Roma are disproportionately the victims of police misconduct. Conditions in detention facilities continued to fall well below international standards in 1999.

Women also faced police harassment and discrimination in Romania. In May, police in Braila summoned women suspected of traveling to Turkey to engage in sex work to the police station and threatened them with arrest and public exposure of their activities in Turkey if they refused to surrender their passports. Police then confiscated their passports, preventing the women from leaving the country. On a positive note, the Romanian parliament adopted a law on May 29 defining and punishing sexual harassment in the workplace and prohibiting discrimination against married or pregnant women in employment.

Defending Human Rights

The European Roma Rights Center (ERRC) and the Romanian Helsinki Committee (RHC) urged Romanian authorities to investigate police abuses against Roma and to prosecute those who are accused of abusing the rights of Roma, as well as to investigate incidents of anti-Roma violence and to prosecute those suspected of committing racially motivated crimes. The government frequently ignored their requests for information, or responded only after considerable delay and with incomplete or inaccurate information.

Human rights organizations waged an intense campaign in 1999 to abolish the provisions of article 200 that criminalize homosexual conduct and limit expression and association. During a meeting in January 1999 with Human Rights Watch and the International Gay and Lesbian Human Rights Commission (IGLHRC: www.iglhrc.org), Romanian President Emil Constantinescu promised to give individual pardons to all people sentenced under paragraphs 1 and 5 of article 200. Mariana Cetiner, arrested in 1994 for asking another woman to have sex with her, was released in March. Human Rights Watch has no information about the status of other prisoners, and the Ministry of Justice has ignored all requests for additional information. Despite the efforts of human rights activists, led by the increasingly prominent Bucharest-based ACCEPT, the parliament once again voted down amendments to article 200 during 1999.

The Role of the International Community

Council of Europe

On January 19, 1999, the Romanian government agreed to make public the *Report to the Romanian Government* by the European Committee for the Prevention of Torture, Inhuman and Degrading Treatment or Punishment (CPT). The report detailed the findings of a group of international experts who visited Romania from September 24 to October 6, 1995, and concluded that persons in police custody "face a not inconsiderable risk of being subjected to police mistreatment, which is sometimes severe mistreatment, even torture." The CPT recommended increased human rights training for police officers, that the general prosecutor issue a directive on the methods of processing and investigating claims of police mistreatment, and the adoption of a code of practice for police interrogations.

On April 25, 1997, the Parliamentary Assembly of the Council of Europe suspended its monitoring of Romania's human rights record for one year. On June 25, 1999, the assembly officially removed Romania from the list, with the understanding that Romania would amend article 200 of the Romanian Penal Code, a condition of Romania's initial admission into the council. Romania, however, failed to amend the legislation during 1999.

Organization for Security and Cooperation in Europe

The OSCE High Commissioner on National Minorities engaged Romanian government officials on minority issues, including education and language rights and the rights of ethnic Roma.

European Union

Romania was not among the first five countries approved for ultimate E.U. accession, but participated in pre-accession talks in March. The European Parliament adopted a resolution in September criticizing Romania for its continued discrimination against gays and lesbians.

United States

The development of a market economy is the primary U.S. policy goal. The U.S. focused little attention on the human rights situation, missing opportunities to influence the strengthening of human rights in Romania. President Constantinescu visited the United States in July. He focused on the process of NATO expansion and democratic and economic reforms. Without mentioning human rights practices directly, President Clinton indicated that Romania had to make significant changes before it would be accepted for membership in NATO, and urged Romanians to "stay the course" of reform.

Relevant Human Rights Watch report:

Public Scandals: Sexual Orientation and Criminal Law in Romania, in cooperation with the International Gay and Lesbian Human Rights Commission, 2/99.

RUSSIAN
FEDERATION

Human Rights Developments

The collapse of the ruble and the Russian banking system triggered a sharp political crisis in what President Boris Yeltsin had named the Year of Human Rights in Russia. In August, the Russian government defaulted on its short-term foreign debt and devalued the ruble, and the already crisis-stricken economy went into free-fall. President Yeltsin dismissed Prime Minister Kiriyenko, and, after a month of political haggling that nearly plunged the country into chaos, the parliament approved former Foreign Minister Evgenii Primakov as Prime Minister.

The financial crisis came after years of government arrears on wages and pensions, widespread corruption, and insider privatization deals. The government's response to these festering problems—inertia, empty promises, and neglect—was similar to its response to human rights problems in 1999. The government neglected long-standing problems of police torture, appalling prison conditions and the grave abuse of conscripts. The federal government imposed further restrictions on freedom of information and freedom of conscience, and it did nothing to redress infringements on civil rights by regional leaders. Indeed the only positive developments were the transfer of the prison system to the Ministry of Justice, the ratification of the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment.

Political freedoms were increasingly under attack in 1999, both on a federal and regional level. Freedom of expression, which had flourished since the end of the cold war, suffered several blows in 1999. Prime Minister Evgenii Primakov's decision immediately following his appointment in mid-September to ban government officials from talking to reporters without prior permission was reminiscent of attempts by other governments in the C.I.S. to stifle freedom of information. New rules under discussion at the time of this writing threatened to compromise freedom of speech on the Internet and endanger the further development of Russia's emerging civil society. Draft regulations submitted by the Federal Security Service (FSB) regarding the Internet and e-mail would allow the security services to monitor all such communications without obtaining prior permission, through a black box Internet service providers would have to pay for themselves.

In August, a Moscow tax inspectorate ordered the confrontational weekly newspaper *Novaya Gazeta* (New Newspaper) to pay a \$127,000 fine after an apparently politically motivated audit. According to the newspaper's editor-in-chief, tax inspectors questioned several undocumented expenses made, among others, during trips to Chechnya and Afghanistan. Despite rumors that the paper would be closed, it was still publishing as of this writing.

Russia's provinces continued to devolve into fiefdoms that engage in civil and political rights violations with impunity from Moscow. In an apparent exchange for support of its policies or promises not to seek secession, the central government turned a blind eye to corruption by regional leaders, and refused to react to blatant human rights violations in the regions. Chief among these were harassment of ethnic minorities and violations of press freedom, freedom of conscience, and electoral rights.

Journalists in Russia's regions suffered harassment as regional governors and presidents tried to expand their control over local media outlets. Regional leaders were believed to be behind threats, beatings, and even murders of numerous journalists. They also closed a variety of radio stations and newspapers. According to the National Press Institute, the economic crisis that started in August forced numerous regional newspapers to lay off staff, reduce the papers' frequency and volume, and cancel subscriptions to outside news sources.

According to information from the Glasnost Defense Foundation (GDF), at least nine journalists were murdered in the first eight months of 1999. Six of them may have been killed for investigating and exposing criminal structures and corruption in government and banks: in most of these cases, police were quick to announce that they were a result of family arguments. Through July, the GDF registered at least sixty-six attacks on journalists, editors, and newspapers in regions throughout Russia, including Kaliningrad, Kirov, Saransk, Bashkortostan, and Rostov: this represented a sharp rise since 1997. In by far the most convincing case of government collusion in the death of a journalist, on June 7, Larisa Yudina, editor-in-chief of the opposition newspaper *Sovetskaya Kalmykia Segodnya* [Soviet Kalmykia Today] was found stabbed to death by a pond in the Kalmyk capital, Elista. She had last been seen heading out to meet a man who had promised to give her documents about misappropriation of funds by the Kalmyk Republic's president, Kirsan Ilyumzhinov. Kalmyk authorities had previously threatened Yudina with closure of her newspaper. By November, the Procurator General in Moscow (which, under pressure from parliament and the media, immediately took charge of the investigation) had arrested four suspects. The Kalmyk authorities reverted to Soviet practices in early March when they placed Lidia Dorozhneva, head of the humanitarian organization "Heart to Heart," in a psychiatric hospital after she had led a hunger strike of disabled people and mothers of large families to protest government allowance arrears. Doctors diagnosed her as healthy, she was released after about a week, and later granted asylum abroad.

In the run-up to the June presidential elections in the Republic of Bashkiria, incumbent Murtaza Rakhimov harassed those media outlets that had evaded his tight control. After Radio Titan, the only independent radio station in the republic, broadcast an interview with three opposition candidates, police raided its offices, beating and rounding up staff members and supporters who had held a round-the-clock vigil around the building in anticipation of the government's response. Following the incident, the government closed Radio Titan; it also harassed two of the region's last opposition newspapers by closing *Vechny Neftekamsk* [Eternal Neftekamsk] in March and through a violent August 14 attack on Sergei Fufayev, of the newspaper *Chechestvo* (Fatherland). Both *Chechestvo* and *Imeste* [Together], another opposition newspaper, are printed outside Bashkiria; police at least twice confiscated copies of these newspapers as they were being transported in by car. *Vechny Neftekamsk* appealed the closure to the Supreme Court. As of this writing, the paper remained closed.

President Rakhimov easily won the elections after striking three opposition candidates off the ballot. The Supreme Court ruled unlawful the Bashkir government's refusal to register two of these candidates and the postponement of the elections. Despite these rulings, neither the local nor central election commission annulled the election results.

Russia's discriminatory religion law, adopted in September 1997, served to legitimize an already existing practice by regional authorities of arbitrary restrictions and harassment of "non-traditional" religious associations (e.g., non-Orthodox or not among the mainstream Orthodox denominations). Throughout the year, various regions have adopted new legislation that is even more restrictive than the federal law. Local authorities also attempted illegally to revoke the registration of religious associations, refused to register new ones, attempted to evict religious associations from church buildings with the aim of granting the buildings to the Orthodox Church, arbitrarily evicted religious groups from public buildings where they had worshiped for several years, and imposed arbitrary and disproportionate rent hikes. Several religious associations reported arbitrary police searches of worship rooms and church buildings. Among the most frequently targeted religious associations were the Pentecostal Church, the Catholic Church,

alternative branches of the Orthodox Church, and the Jehovah's Witnesses.

The federal government ignored the overwhelming majority of cases of harassment against religious associations in the regions. The Keston Institute reported that in one exceptional case, the Prime Minister's office apparently interfered with a local government official's unlawful activities when his attempts to close a Lutheran parish in the Republic of Khakasiya threatened to become an international incident. In September, however, when intense attention from Western media subsided, a local court simply closed the parish down. In an attempt to appease international concern and to avoid U.S. Senate-proposed sanctions, government officials repeatedly promised to issue liberal implementation instructions to the law that would weaken its harshest provisions. However, the Ministry of Justice instructions issued in March upheld all of the law's restrictions and continued to deny religious associations the same rights as those associations that were registered in the pre-perestroika Soviet state. In July, several religious rights organizations submitted an appeal against certain provisions of the law to the Constitutional Court, which has not yet heard the case.

Regional governments continued to infringe on freedom of movement through a restrictive civilian registration system, despite a Constitutional Court decision ordering a loosening of a federal law governing registration. This was particularly practiced in the wealthier regions, such as Moscow, and in regions with large refugee populations, such as southern Russia. For example, the powerful mayor of Moscow, Yury Luzhkov, announced in March on public television that he would not implement the Constitutional Court decision and that he had instructed Moscow's police departments to continue to enforce the old regulations. The federal authorities apparently took no steps to force the Moscow city government to comply with the court's decision.

The Moscow city police continued to enforce registration rules in a predatory and discriminatory way, beating and extorting bribes predominantly from people with dark skin, invading the privacy of their apartments, and destroying identity documents. As was the case a year earlier during Moscow's 950th anniversary celebrations, police harassment and violence against ethnic minorities sharply increased during the Olympic Youth Games, held in July. During one of these routine document checks in June, Moscow police even detained a Council of Europe representative with dark features who had come to Moscow to participate in a human rights education seminar. Also during the games, police forcibly removed homeless people from Moscow and forced Médecins sans Frontières to close its medical aid program for the homeless at the time of the games.

Police violence against ethnic minorities in Moscow, and its silent endorsement by Mayor Luzhkov, fostered an atmosphere of impunity for racist violence; this no doubt contributed to the upsurge in skinhead attacks on minority groups. The attack on an African-American U.S. Marine in May attracted media attention but was not an isolated incident. Dark-skinned people, including refugees and students from the Caucasus, Central Asia, Africa, and Asia constantly encountered harassment, threats, and violence from teenage groups. Around Adolf Hitler's birthday in late April, skinheads escalated violence against Asians and Africans. Skinhead groups were also blamed for exploding a bomb in the Marina Roshcha Synagogue in Moscow in May. Krasnodar Province Governor Nikolai Kondratenko made blatantly racist and anti-Semitic statements; however no cases of police or Cossack violence against ethnic minorities were reported in 1999. The federal government sought to resolve the problem by prohibiting fascist groups, without addressing the problem of official racism and anti-Semitism.

Refugee protections deteriorated significantly in part due to the economic crisis. Police improperly denied many asylum seekers' claims for status, and asylum seekers regularly lost court appeals against such decisions. Russia also failed to grant protection against persecution by security services from the person's country of origin. In one outrageous case, Azerbaijani law enforcement agencies attempted to kidnap Ali Gassanov—an Azerbaijani citizen whom the UNHCR had recognized as a refugee in Russia—in collaboration with the St. Petersburg police. The Russian Procurator General had not only turned down Azerbaijan's request to extradite Gassanov, it had ordered the St. Petersburg police to guarantee him protection from harm. According to Civic Assistance, a nongovernmental organization that provides legal assistance to refugees, the Federal Migration Service cooperated more with nongovernmental organizations than it had in previous years, with the exception of the Moscow migration service.

Russia's criminal justice system degenerated and moved further away from Council of Europe standards. Government commitments before the Council of Europe to reform the procurator, the FSB, and the code of criminal procedure remained unfulfilled.

Human Rights Watch research in 1999 on police torture found that corruption and abuse were the rule rather than exception. Criminal justice officials were known to solicit and accept bribes to drop charges and investigations. Crime-solving statistics were improbably high, due in part to torture. The Russian media in 1999 published an unprecedented number of articles about torture, yet this new public awareness did not move the Russian government to acknowledge the problem in a meaningful way or to take appropriate measures to deal with it.

According to Human Rights Watch research conducted in 1999 in three of Russia's regions, torture occurred mostly in the early hours of detention when police isolated suspects from family and attorneys. Police forcibly extracted confessions using beatings, asphyxiation, electroshock, and other forms of physical and psychological violence. Demands for a lawyer were routinely refused and often resulted in more violence.

Torture victims who confessed faced almost insurmountable obstacles in proving that they had done so under duress. The Soviet-era criminal procedure code grants victims access to forensic medical examinations after gaining permission from investigators, who routinely refused such requests. Police and procurator's offices frequently used forced confessions as the basis for criminal cases, and judges frequently used such confessions as the basis for a conviction.

Police tortured with almost complete impunity. The procurator routinely reviewed complaints of physical abuse, but such procedures amounted to mere formalities at best. In the few cases where criminal proceedings were instituted against police officers, the procurator's office gave no priority to the investigation and often tried to sabotage the proceedings, delaying and closing them without good reason. Police sometimes intimidated complaining torture victims as well as procurators and judges dealing with criminal cases against them.

An extreme shortage of judges slowed criminal trials and overwhelmed sitting judges. Acquittal rates were below one percent, reminiscent of the Soviet era. For example, the Moscow City Court tried to strip power from a leading Russian judge, Sergei Pashin who headed the presidential department for judicial reform before it was disbanded in December 1995. Pashin frequently acquitted defendants if evidence provided by the prosecution was insufficient and he actively filed judicial inquiries to police stations about torture allegations.

The combination of torture, low quality criminal investigations and court practice have led to serious judicial mistakes. For example, twenty-five-year-old Sergei Mikhailov from Arkhangelsk Province was sentenced to death in April 1995 for raping and murdering a minor in October 1994. He confessed soon after his arrest, apparently under torture. However, several years later, after an identical murder was committed in the town, objective evidence was found that another man was guilty of the murder. Instead of releasing Mikhailov, the procurator's office in Arkhangelsk has stubbornly tried to obscure its mistakes. Despite the fact that two special investigators in Arkhangelsk and the procurator of a neighboring province concluded in June 1997 and June 1999 respectively that Mikhailov's conviction should be overturned, the procurator's office had refused to initiate proceedings as of

this writing. As of this writing, Mikhailov had been in detention for four years, three and a half of them on death row.

Conditions in Russia's severely overcrowded prisons continued to be torturous. Defendants often spend excessively long times in pre-trial detention, sometimes up to four years or more, due to delays in the criminal investigation process and especially in the courts. Hygiene is very poor and tuberculosis increasingly common. Complying with Council of Europe conditions, the Russian government transferred the prison system from the Ministry of Internal Affairs to the Ministry of Justice. Minister of Justice Pavel Krashenninikov announced plans to alleviate overcrowding by limiting terms in pre-trial detention to one year, but in the midst of the political and economic crisis, it was unclear whether these plans would be realized.

Russia once again did not impose an official moratorium on the death penalty, although no executions were carried out. Death row prisoners remained in legal limbo as death sentences were generally not commuted to life imprisonment and courts continued to sentence people to death leading to growing numbers of death row prisoners. For example, in Arkhangelsk, the number of death row prisoners had grown to fifteen by July, while the average before the unofficial 1996 moratorium had been three to five. Due to the lack of facilities many death row prisoners were placed in special punishment cells.

The Russian government systematically failed to respond to violence against women. In the face of rampant rape and domestic violence, police and prosecutors routinely rejected or discouraged complaints, often suggesting that female complainants either provoked or fabricated attacks. In the rare cases in which rape reports were investigated, women were subjected to highly invasive and seemingly irrelevant broad inquiries into their psychological state, reputations, and sexual histories.

The FSB continued its prosecution on espionage charges of Alexander Nikitin, former navy captain and environmental activist. Nikitin was arrested by the FSB (and later released under city arrest) in 1996 for co-authoring a report for the Norwegian environmental group, Bellona Foundation, on the dangers of nuclear contamination caused by the Russian Northern Fleet. In violation of the constitution, the FSB's last indictment (like its previous indictments) cited secret legal acts that are central to its case against Nikitin. Moreover it improperly cited the Law on State Secrets. The offices of the St. Petersburg procurator and the procurator general refused to acknowledge this and sent the case to court.

Nikitin's requests for the Supreme Court to hear his case in first instance and to be tried by a panel of three professional judges were turned down. Subsequently, a panel of one professional judge and two lay assessors of the St. Petersburg City Court were to hear Nikitin's case. Serious concern existed about the fairness of the trial, as the two lay assessors needed to undergo a FSB security clearance that could veto lay assessors FSB did not like. In a positive development, presiding judge Sergei Golets demanded to see the secret decrees and allowed the press and public to attend the first hour of the trial, which started on October 20.

In November 1997, the FSB detained military journalist Grigory Pasko at Vladivostok airport after a trip to Japan and accused him of espionage. There were allegations that the FSB had fabricated the charges against Pasko in retaliation for his highly critical publications about environmental pollution and corruption in Russia's Pacific fleet. Pasko had faced frequent FSB harassment since he produced a documentary film about the Russian government's dumping of nuclear waste in the Sea of Japan in 1993. This documentary shocked the Japanese public and embarrassed the Russian government. The local procuracy and the procurator general ignored appeals from Pasko's lawyers and human rights organizations about systematic violations of procedural law during the investigation. The court hearing on the case was set for late October.

In the ethnically complex northern Caucasus republic of Dagestan, tensions between various ethnic groups, especially the Dargins and Avars, rose sharply, and many feared inter-ethnic conflict. Unrest continued throughout the summer, including the storming of Dagestan's parliament in May, several hostage-takings, and attacks on the mayor of the Dagestani capital, Makhachkala.

Defending Human Rights

Russia continued to prosecute several human rights activists in 1998. At the time of this writing, Krasnodar human rights activist Vasily Chaikin, accused of sexual intercourse with a minor, depraved sexual activities, and production or sale of pornographic materials, was finally facing trial after a criminal investigation riddled with procedural violations and outrageously long delays in court. The criminal cases against human rights activists Yuri Shadrin (from Omsk) and Yuri Padalko (from Irkutsk) on apparently fabricated charges lingered, keeping both activists under a constant threat of renewed arrest. In April, Viktor Prudnikov, an activist from Tyumen, was beaten up when detained on administrative charges of contempt of court and petty hooliganism. Oleg Pazyura, an activist from Murmansk, was found guilty of threatening a judge but was released under the State Duma's November 1997 amnesty.

Arrested on April 17, 1997, Chaikin was at first denied access to a lawyer of his own choice. Over the course of the investigation, the prosecution rejected every defense complaint or request, and videotapes that police confiscated at Chaikin's home reportedly disappeared and were replaced with other tapes containing pornographic materials. The prosecution did not allow Chaikin and his lawyer to read all the case materials. According to Chaikin's lawyer, the prosecutor removed all defense requests and complaints from the materials of the case before sending the case to court and replaced them with falsified documents stating that the defense team had no complaints and had read all the case materials.

At trial, several women who had given incriminating evidence during the investigation testified that police forced them to do so. An initial court decision in December 1997 to return the case for further investigation was overturned by a higher court, and the case was re-heard. Meanwhile, Chaikin continued to be held in detention.

The Role of the International Community

United Nations

The UN Committee on the Elimination of Racial Discrimination considered Russia's periodic report. The committee expressed concern over ethnic conflicts and the rising number of acts of racial discrimination. It called on Russia to take the necessary measures to protect human rights in Chechnya, Ingushetia, and North Ossetia, to punish perpetrators of violations of humanitarian law, to provide victims of such conflicts with adequate compensation, and to ensure the process of return under normal conditions for displaced persons. Inexplicably, the committee did not address blatant and systematic police harassment of minorities in Moscow.

The High Commissioner on Human Rights, Mary Robinson, visited Moscow in late May for an event dedicated to the 50th anniversary of the Universal Declaration of Human Rights. While in Moscow, she met with several Russian human rights activists, including representatives of the refugee group Civic

Assistance, the Memorial Human Rights Center, the Sakharov Foundation, and the Human Rights Institute.

European Union

The troika of the European Union (E.U.) expressed concern about the case of Alexander Nikitin in a February 24 demarche, stressing the importance of a fair trial. In July, British Ambassador Sir Andrew Wood, representing the E.U., expressed concern during a meeting with Moscow Mayor Luzhkov about the forced closure of Médecins sans Frontières' program for the homeless and was given guarantees that Médecins sans Frontières would be able to continue its program. During the economic and political crisis that began in August, the E.U. did not explicitly call on Russia to uphold respect for basic human rights, saying only in a declaration on September 6 that the E.U. would see continuing "reforms" as an expression of Russia's commitment to democracy. Various European countries continued individually to fund projects by nongovernmental organizations in Russia.

The European Parliament expressed concern about the refugee situation in the Republic of Ingushetia on January 15. It commended Russia's ratification of the European Convention on Human Rights by the Russian Parliament on April 2 and encouraged Russia to proceed by abolishing the death penalty.

Council of Europe

In January, the Parliamentary Assembly of the Council of Europe appointed British MP Kevin McNamara as special rapporteur on the Russian religion law. Mr. McNamara subsequently expressed concern about the law in a letter to the State Duma and was planning a visit to Russia in November, having postponed plans for a visit in June at the request of the Russian government.

In June, the Parliamentary Assembly made public a report by its monitoring committee on the honoring of Council of Europe commitments. The report noted that Russia had made "undeniable progress" toward the rule of law and democracy. It praised political pluralism, democratic elections, Russia's ratification of several human rights conventions, and the transfer of the prison system to the Ministry of Justice. The report identified various areas in which further efforts needed to be made, including ensuring freedom of movement, reform of the criminal justice and penitentiary systems, and full abolition of the death penalty. Although the report generally described the situation correctly, it failed to note significant backsliding from human rights standards over the past two years.

The special rapporteur on the Nikitin case, Dutch Senator Erik Jurgens, continued to follow closely developments in the Nikitin case, expressing concern about proceedings in the case on various occasions.

United States

Under an amendment to the foreign appropriations bill for 1999, President Clinton in May reported to Congress about Russia's religion law. The amendment envisaged withdrawing most forms of government assistance if the religion law was implemented. President Clinton reported that the Russian federal government had not implemented the law in a manner that negatively impacted on U.S. missionaries. His report also concluded that local governments have often used the new law incorrectly and improperly to justify imposing restrictions they would have imposed anyway. However, the report failed to recognize that the federal government shirked its direct responsibility to redress human rights violations imposed by local authorities. Furthermore, restrictions of freedom of conscience in the regions have become progressively more serious since the law was adopted.

In August, Human Rights Watch called on President Clinton to raise human rights issues during his summit meeting with President Boris Yeltsin, including widespread corruption in law enforcement agencies leading to torture, police harassment of ethnic minorities and domestic violence. Human Rights Watch received assurances that some of these issues were on the agenda, but President Clinton did not raise any during the summit, which was dominated by Russia's political and financial crisis. Indeed, even in his speech to Moscow State University, President Clinton squandered an opportunity to link some of the root causes of Russia's economic troubles—corruption and negligence—to Russia's human rights problems.

The U.S. government raised an attack by skinheads on a U.S. marine in May with the Russian government. However, it failed to use this opportunity to raise concern publicly about the rise of widespread skinhead violence against ethnic minorities and about police harassment, with complete impunity, of ethnic minorities. The U.S. embassy even declined to say whether it raised this in its official communique to the Russian government.

Relevant Human Rights Watch report:

Russian Federation: Ethnic Discrimination in Southern Russia, 7/98

SLOVAKIA

Human Rights Developments

In September elections, Slovakia ousted the government of Prime Minister Vladimir Meciar, whose term in office had been marked by dubious human rights practices. The opposition Slovak Democratic Coalition (SDK), led by Mikulas Dzurinda, promised reforms in areas of electoral process, freedom of the press, and the treatment of national minorities. As of this writing, however, a government had not yet been formed.

While in power in 1998, Vladimir Meciar's government manipulated the electoral system, attacked the independent media while unfairly using Slovak State Television (STV) to promote its reelection campaign, and despite international condemnation, failed to prevent abuses against the Roma community.

On March 2, the term of Slovak President Michal Kovac ended with no successor in place. The ruling party, the Movement for a Democratic Slovakia (HZDS), declined to nominate a candidate in any of the nine rounds of voting, making it difficult for anyone to win by the necessary three-fifths margin and passing most presidential powers to the prime minister. Meciar used these new powers to consolidate his political standing in the months before the September national elections when among other things, he canceled a referendum for the direct election of the president that had been scheduled for May. Additionally, on March 3, the government extended blanket immunity to those implicated in the undermining of the 1997

REFERENDUM, AS WELL AS THE AUGUST 1995 KIDNAPPING OF THE SON OF FORMER PRESIDENT KOVAC. PROTESTING THE DECISION TO CANCEL THE MAY REFERENDUM, THE SDK COLLECTED MORE THAN 400,000 SIGNATURES PETITIONING FOR THE REFERENDUM TO BE REINSTITUTED. THOUGH UNDER SLOVAK LAW THE PARLIAMENT IS REQUIRED TO DISCUSS A TOPIC IF A PETITION OBTAINS 100,000 SIGNATURES, THE RULING COALITION REFUSED TO RAISE THE ISSUE BEFORE THE ELECTION.

THE PARLIAMENT, WHILE CONTROLLED BY HZDS, PASSED A REVISED ELECTION LAW IN APRIL THAT CAUSED GRAVE CONCERN AMONG OPPOSITION PARTIES AND INTERNATIONAL OBSERVERS. THE PASSAGE OF THE LAW SO CLOSE TO THE GENERAL ELECTION UNDERMINED THE ELECTORAL PROCESS BY CREATING SPECIFIC BARRIERS TO OPPOSITION PARTIES. THE NEW LAW REQUIRED INDIVIDUAL PARTIES TO GARNER AT LEAST 5 PERCENT OF THE VOTE IN ORDER TO QUALIFY FOR SEATS IN THE PARLIAMENT AND FORCED THE OPPOSITION SDK, WHICH IS MADE UP OF SEVERAL SMALL PARTIES, HASTILY TO FORM A SINGLE PARTY ONLY A FEW MONTHS BEFORE THE ELECTION. IN ADDITION, THE LAW CALLED FOR PARTICIPATION OF PARTISAN GOVERNMENT OFFICIALS IN THE COUNTING OF BALLOTS WHILE NOT ALLOWING INDEPENDENT DOMESTIC ELECTION MONITORS, INCREASING THE LIKELIHOOD OF BALLOT FRAUD AND MANIPULATION. THOUGH THE GOVERNMENT WELCOMED ELECTION OBSERVERS FROM THE OSCE, ON AUGUST 24 PRIME MINISTER MECIAR ANNOUNCED THAT OBSERVERS FROM THE U.S., THE U.K., HUNGARY, AND THE CZECH REPUBLIC WOULD NOT BE INVITED BECAUSE HE DID NOT WANT OBSERVERS FROM THOSE "UNFRIENDLY COUNTRIES" TO ABUSE THEIR PRESENCE BY POSSIBLY CRITICIZING THE ELECTION. THE ELECTION LAW ALSO CONTAINED PROVISIONS THAT RESTRICTED THE RIGHT OF THE INDEPENDENT MEDIA TO COVER THE NATIONAL ELECTION CAMPAIGN.

THE GOVERNMENT TOOK STEPS TO UNDERMINE FREE EXPRESSION AND PRESS INDEPENDENCE IN 1998, ESPECIALLY DURING THE ELECTION CAMPAIGN. THE STATE-RUN SLOVAK NATIONAL TELEVISION (STV) WAS CONDEMNED BY RIGHTS GROUPS FOR BIASED COVERAGE LEADING UP TO THE SEPTEMBER ELECTIONS. ACCORDING TO MEMO '98, AN INDEPENDENT MEDIA MONITORING GROUP, STV REPORTEDLY DEVOTED 61 PERCENT OF ITS ELECTION COVERAGE TO THE RULING COALITION AND ONLY 16 PERCENT TO THE OPPOSITION. MEANWHILE, TEN DAYS BEFORE THE ELECTION, THE STAFF OF THE INDEPENDENT TV MARKIZA WAS DISMISSED WITHOUT EXPLANATION. THE GOVERNMENT'S ROLE IN THE DISMISSALS REMAINED UNCLEAR AS OF THIS WRITING.

RADIO TWIST, AN INDEPENDENT BROADCASTER VIEWED AS SYMPATHETIC TO THE OPPOSITION AND THE ONLY PRIVATE RADIO STATION THAT BROADCASTS THROUGHOUT SLOVAKIA, WAS SWITCHED OFF BRIEFLY ON TWO OCCASIONS IN LATE 1997. RADIO TWIST ACCUSED SLOVAK TELECOMMUNICATIONS, A GOVERNMENT-RUN AGENCY, OF ORDERING THE INTERRUPTION OF ELECTRICAL POWER TO RADIO TWIST'S TRANSMITTER FOR POLITICAL REASONS. IN FEBRUARY 1998, MINISTER OF CULTURE IVAN HUDEC OPENLY LOBBIED THE SLOVAK COUNCIL OF RADIO AND TELEVISION BROADCASTING TO DENY RADIO TWIST A LUCRATIVE FREQUENCY. THE COUNCIL WITHSTOOD HUDEC'S PRESSURE AND GRANTED THE FREQUENCY NONETHELESS. IN NOVEMBER 1997, THE GOVERNMENT ATTEMPTED TO INCREASE THE VALUE-ADDED TAX ON MOST DAILY NEWSPAPERS FROM 6 PERCENT TO 27 PERCENT. IN PROTEST, MANY PAPERS PRINTED BLANK FRONT PAGES UNTIL THE PROPOSAL WAS SCRAPPED. BRATISLAVA POLICE CLOSED THE INVESTIGATION INTO THE SEPTEMBER 1997 CAR BOMBING AGAINST PETER TOH, EDITOR OF THE OPPOSITION NEWSPAPER SME (WE ARE), CLAIMING THAT THERE WERE NO LEADS IN THE CASE. TOH SUBMITTED A COMPLAINT AGAINST THE POLICE DECISION, POINTING TO THE POSSIBLE INVOLVEMENT OF THE SLOVAK SECURITY SERVICES.

THE GOVERNMENT REPEATEDLY FAILED TO PROTECT ROMA COMMUNITIES FROM RACIALLY MOTIVATED VIOLENCE OR TO ENCOURAGE LOCAL POLICE TO INVESTIGATE PROPERLY SKINHEAD ATTACKS IN 1998. IN A CASE THAT EYEWITNESSED THE TREATMENT OF ROMA THROUGHOUT SLOVAKIA, SIX SKINHEADS IN THE TOWN OF PRESOV ALLEGEDLY BRUTALLY BEAT THREE ROMA CHILDREN WITH BASEBALL BATS ON THEIR WAY HOME FROM SCHOOL. POLICE REPORTEDLY DENIED THE ATTACKS HAD OCCURRED DESPITE CREDIBLE TESTIMONY AND PHYSICAL EVIDENCE GATHERED BY LOCAL MONITORS.

TWO MUNICIPALITIES IN THE MEDZILABORCE DISTRICT, EASTERN SLOVAKIA, ENFORCED ORDINANCES THAT FORBID ROMA TO SETTLE IN OR ENTER THE VILLAGE CENTER. IN SPIŠSKÁ NOVÁ VES, IN CENTRAL SLOVAKIA, SEVERAL ROMA FAMILIES RESIDING IN THE CITY CENTER RECEIVED NOTICES FROM LOCAL AUTHORITIES REQUIRING THEM TO MOVE TO THE OUTSKIRTS OF THE CITY, PARTIALLY AT THEIR OWN EXPENSE.

WIDESPREAD DISCRIMINATION AND VIOLENCE FORCED MANY ROMA TO SEEK ASYLUM IN WESTERN EUROPE AND CANADA. FOR THE FIRST TIME SINCE A LARGE NUMBER OF ROMA SOUGHT REFUGE IN THE U.K. IN 1997, A SLOVAK ROMA FAMILY WAS GRANTED ASYLUM IN THE U.K. IN APRIL ON THE BASIS OF HUMAN RIGHTS CONDITIONS IN SLOVAKIA. IN OCTOBER THE U.K. INTRODUCED VISA RESTRICTIONS ON SLOVAK CITIZENS AFTER MORE THAN 1,600 SLOVAK ROMA APPLIED FOR ASYLUM THERE IN AUGUST AND SEPTEMBER.

Defending Human Rights

THE SLOVAK CENTRAL ELECTION COMMITTEE REFUSED TO ACCREDIT LOCAL AND INTERNATIONAL ELECTION MONITORS FOR THE SEPTEMBER ELECTIONS. ON A POSITIVE NOTE, THE SLOVAK GOVERNMENT RATIFIED THE EUROPEAN SOCIAL CHARTER AND THE EUROPEAN CONVENTION ON THE EXERCISE OF CHILDREN'S RIGHTS.

Role of the International Community

Organization for Security and Cooperation in Europe (OSCE)

THE INTERNATIONAL COMMUNITY ROUNDLY CRITICIZED SLOVAKIA FOR ITS HUMAN RIGHTS RECORD IN 1998. THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE'S (OSCE) OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (ODIHR), WHICH HAD A PERMANENT ELECTION OBSERVER MISSION IN SLOVAKIA, EXPRESSED SERIOUS CONCERNS OVER THE PRE-ELECTION SITUATION, ESPECIALLY THE NEW ELECTION LAW, AND THE OSCE'S REPRESENTATIVE ON FREEDOM OF THE MEDIA CRITICIZED RESTRICTIONS ON ELECTRONIC AND LOCAL MEDIA. THE OSCE HIGH COMMISSIONER ON NATIONAL MINORITIES REMAINED ENGAGED ON MINORITY ISSUES INCLUDING EDUCATION AND LANGUAGE RIGHTS.

European Union and Council of Europe

SLOVAKIA'S RECORD ON HUMAN RIGHTS AND DEMOCRATIZATION CAUSED IT TO BE PUT IN THE SECOND TIER OF COUNTRIES APPLYING FOR E.U. ACCESSION: IN ITS PRELIMINARY ACCESSION DOCUMENT WITH SLOVAKIA, THE E.U. STATED THAT THE CURRENT GOVERNMENT DID NOT SUFFICIENTLY RESPECT THE POWERS DEVOLVED BY THE CONSTITUTION TO OTHER BODIES OR THE RIGHTS OF THE OPPOSITION. AFTER THE SEPTEMBER ELECTION, HOWEVER, THE E.U. INDICATED THAT SLOVAKIA MIGHT RETURN TO "FAST TRACK" STATUS FOR MEMBERSHIP BY 1999, IF PROMISED REFORMS WERE ENACTED. THE COUNCIL OF EUROPE'S PARLIAMENTARY ASSEMBLY CONTINUED ITS MONITORING PROCEDURE FOR SLOVAKIA, AND RAPORTEURS CONDUCTED AN ASSESSMENT MISSION IN JUNE.

United Nations

IN JUNE, THE U.N. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ISSUED ITS CONCLUSIONS ON SLOVAKIA'S INITIAL REPORT AND NOTED NUMEROUS PROBLEMS INCLUDING DOMESTIC VIOLENCE AND THE UNDER REPRESENTATION OF WOMEN IN GOVERNMENT POSITIONS.

United States

In a letter to Prime Minister Mečiar, the U.S. Government's Commission on Security and Cooperation in Europe (CSCE) also raised concerns about the failure of parliament to elect a president and Prime Minister Mečiar's cancellation of the referendum.

TAJIKISTAN

Human Rights Developments

Human rights in Tajikistan saw a steep downward spiral in 1999, fueled mostly by the failures of a government-United Tajik Opposition (UTO) peace process that consistently threatened to collapse. Both the government and the UTO were unable or unwilling to exercise control over lawless elements within their ranks, leaving the civilian population vulnerable to the unprosecuted criminal activities of their respective forces. Fighting continued between the two parties, resulting in some of the worst abuses since the height of the civil war in 1992-93: civilian deaths, hostage-taking, the looting and torching of houses, rape, and summary executions. Security conditions for those involved in humanitarian assistance efforts worsened dramatically.

Critical delays in the implementation of the June 1997 peace accord sustained mutual distrust between the government and UTO, and contributed to widespread disillusionment among the population. As of early November, fewer than half of those recommended under the amnesty law had been amnestied, while close to one thousand cases remained pending. The majority of UTO fighters retained their weapons instead of delivering them to the authorities, the thirty percent quota of UTO members to be named to central government positions had not been met by early November, and integration of UTO members into local government had not yet begun. Bans and limitations on the activities of political parties and movements belonging to the UTO and on the mass media remained in place as of mid-October, and parliamentary elections slated for 1999 were postponed to 1999.

Several political crises arising from the slow pace of the peace process threatened to bring it to a halt altogether. In January, the UTO withdrew for a week from the Commission on National

Reconciliation (CNR), the body that oversees the process. In May, the Majlisi Oli (Parliament) adopted a draft law prohibiting the establishment of political parties based on religion. Following widespread national and international protest, the contentious articles were modified to limit the activities of political parties to those places not considered religious institutions. By the end of October, nonetheless, the revised law had not yet been adopted. A third crisis erupted in July following the murder of four United Nations Mission of Observers to Tajikistan (UNMOT) employees in the Karategin valley. International organizations withdrew from the Karategin valley altogether, and UNMOT suspended its assistance to the demobilization process, a critical component of the peace process. Following the assassination of UTO member Otakhon Latifi in September, the UTO once again briefly withdrew from the CNR.

Armed conflict between the government and the UTO, ongoing internal power struggles, and infighting and clashes within both camps were symptomatic of the fragile control the government and the UTO had over their respective military forces and the various armed factions' dissatisfaction with the peace process. When government-UTO fighting broke out just east of Dushanbe in mid-January, tensions mounted steadily until mid-March, when events erupted into full-scale combat and a prolonged military stand-off in the Kofarnikion area. At least several civilians were killed and scores were forcibly displaced. The two sides clashed again from April 30 to May 2. Human Rights Watch gathered testimony in the Karategin area pointing to disproportionate and indiscriminate force by government forces during the hostilities, and to rape, torture, and the looting and torching of civilian homes. Civilian deaths numbered at least twenty-five. In mid-July and at the end of August, fighting once again broke out among UTO groups in and close to Tajikabad. Elements of the Tajik Border Forces were allegedly responsible for gross violations including rape, theft, and looting in Pians and Shabartuz.

Political instability and a weak central command characterized most parts of the country, but tensions were at their greatest in Dushanbe, where both government and opposition figures were assassinated and attacked, politically-motivated bombings continued, and high levels of murder and other crimes fostered an atmosphere of insecurity. Among opposition murders were those of prominent CNR member Otakhon Latifi; Usmon Khujayev, the deputy commander of a special U.N. protection unit and former UTO field commander; and relatives of prominent UTO members Yusuf Hakim and Kiyomeddin Gofiyev.

On the government side, the deputy head of the Customs Committee was killed by a car bomb, while the head of the same committee escaped a separate fatal attack on his own car.

In August, the head of the local government in Shakhriyab, along with the mayor and several other government officials in Tursunzade, were assassinated. The Karategin valley, mostly

UTO-controlled, was subjected to the unchecked criminal activities of the UTO and other armed groups, and the Kulob region, the president's regional base, witnessed abuses including hostage-taking, rape, murder, and extortion, committed by an organized criminal group allegedly headed by a Kulobi member of parliament.

In mid-June two UNMOT officials were detained, beaten, and threatened with execution by armed men near Hoyt, in opposition-controlled territory close to Garm. One month later, four UNMOT employees were ambushed and murdered nearby by alleged UTO members. The sole road leading from Dushanbe to northeastern Garm remained off-limits for international organizations during most of 1999.

Marginalization of the northern region of Leninabad, almost completely excluded from the peace process, also continued. The CNR had denied the National Revival Movement (NRM), a northern-based party with significant national support, permission to participate directly in the peace negotiations,

while the Party of Economic and Political Revival of Tajikistan, also northern-based, encountered significant registration difficulties, and by the end of November was not registered. Six defendants accused of attempting to assassinate President Emomali Rakhmonov in the Leninabad capital of Khujand in 1997, including Abdulkhafiz Abdullayev, the brother of the NRM leader, were sentenced to death in a closed trial. Human Rights Watch obtained testimony showing that witnesses were forced under duress—including through beatings—to incriminate Abdullayev. Detained since May 1997, and stricken with terminal cancer, Abdullayev as of early November continued to be denied access to adequate medical treatment.

The government maintained nearly complete control over the electronic media, and authorities continued to harass independent television stations. In May the Majlisi Oli adopted a law “on the defense of the honor and dignity of the president,” which allowed only President Rakhmonov to use the title “president.” The law also set out excessive fines and prison sentences for those convicted of insulting or slandering the president. Following international protest, however, President Rakhmonov vetoed the law.

Journalists were denied access to conflict zones, received death threats, and were taken hostage by independent and UTO armed groups. In July, NTI (a Russian television station) correspondent Yelena Maslyuk was declared persona non grata for having broadcast reports “discrediting the country’s leadership and its policies.” The president’s political party held regular meetings and was afforded extensive media coverage, while others were denied permission on technical grounds to hold meetings, experienced registration problems, and received next to no coverage by national and local media.

Prison conditions also deteriorated in 1999 when the International Committee of the Red Cross (ICRC), citing reasons including misuse of food rations distributed since June 1996, halted its emergency nutritional program launched in 1996. Soon afterwards, the death rate among the country’s roughly 7,000 prisoners increased.

Defending Human Rights

The government denied UNHCR, the ICRC, and the OSCE (among others) access to conflict-affected areas or prevented them from delivering urgently-needed humanitarian supplies. UNHCR personnel were murdered, beaten, shot at, robbed, detained, and threatened by armed groups, particularly in UTO-controlled territory; on occasion they were detained by government security forces. Although U.N. representatives in 1997 and 1999 recommended the immediate deployment of human rights specialists to Tajikistan, by the end of November none had arrived. The ICRC continued to be denied universal access to prisoners in accordance with its standard procedures, and local monitoring remained almost non-existent. In a positive development, the first national conference of non-governmental organizations (NGOs) was held in March, when international and local NGOs during several seminars focused on the dire situation of women and children.

The Role of the International Community

Tajikistan’s principal donors neglected the need to exert any substantial influence on the consistently deteriorating human rights situation. In late 1997, a U.N.-sponsored donors’ conference pledged a total of U.S.\$200 million toward the peace and reconciliation process even as two French aid workers were being held hostage by an outlawed armed group. The World Bank approved credits totaling \$230 million for 1999–2001, for economic restructuring and rehabilitation (including in the Karategin valley), while the IMF gave \$149 million. The World Bank released one of the \$50 million tranches only ten days after the July 20 murder of four UNHCR officials in the Karategin valley. A World Bank consultative group meeting in May, held on the heels of some of the most serious UTO-government fighting since the height of the civil war, granted more than \$280 million; \$60 million of it was humanitarian aid.

United Nations

UNHCR’s mandate in 1999 included coordinating U.N. assistance to Tajikistan during the peace process, monitoring the demobilization process and cease-fire violations, and supporting the work of the CNR. But it looked on helplessly as virtually every deadline of the peace agreement implementation schedule went by unheeded, and as its own staff was increasingly targeted. The July UNHCR murders resulted in the relocation of all U.N. staff to the capital, a relocation of non-essential international staff outside of the country, and a suspension of technical and humanitarian programs. UNHCR’s mandate was extended until November 15, 1999. UNHCR assisted in the repatriation of more than 1,200 Tajik refugees from Turkmenistan and began repatriation of some 16,000 in Kyrgyzstan.

Policy of the Republic of Uzbekistan

Despite significant progress on the political front, represented by several bilateral agreements and the establishment of an embassy in Dushanbe, in practice Uzbekistan exacerbated the failings of the peace process. It formed a tróika with Russia and Tajikistan to combat Islamic “fundamentalism” in Central Asia, and the UTO subsequently warned that this action could “prompt retaliation, conflict, and resumption of the armed confrontation.” Uzbekistan accused Tajikistan of training Islamic militants, including UTO elements, alleging that they were sponsoring unrest in the Fergana valley in late 1997, and claiming they sought to install an Islamic government in Tajikistan. Uzbekistan also continued to deny Tajik accusations that Uzbekistan gave refuge to ousted Tajik commander Mahmud Khudoyberdiyev and his forces, reported to have conducted in 1999 several fatal attacks against local Tajik government officials.

Organization for Security and Cooperation in Europe (OSCE)

The OSCE continued important monitoring of human rights abuses both in Dushanbe and through its field offices in Kurgan-Tjube, Shaartuz, Dusti, and Garm, the latter of which became operational in 1999. Reporting on specific human rights violations before the Permanent Council increased and included reports on abuses by security forces and organized criminal groups in the Kulob and Pians regions. The OSCE did little individual follow-up on these abuses, however, squandering its ability to secure improvements and compromising its role as principal guarantor of the development of human rights and

democratic institutions during the transition period. Although the OSCE conducted visits to Leninabad, its failure to open a field office in Khujand also contributed to the general isolation of Leninabad.

United States

At the end of September, the U.S. embassy announced an indefinite closure due to "insufficient security guarantees," citing the unfinished construction of its new embassy in Dushanbe and a general security threat following U.S. air strikes against Afghanistan and Sudan. This marked the first closure of a U.S. embassy in the former Soviet Union, and many people feared this would push the country into further obscurity and isolation. As of this writing, U.S.-funded NGOs and USAID continued their activities in the country.

Relevant Human Rights Watch report:

Tajikistan: Crackdown in Leninabad, 4/99

TURKEY

Human Rights Developments

The continuing scandal surrounding illegal formations within the state security forces, the rise of political Islam, and the armed conflict in the southeast framed the human rights and political agenda in Turkey in 1999. Despite vigorous debates among state officials and in civil society on the "rule of law," laws continued to be applied arbitrarily, especially to restrict freedom of expression and freedom of assembly. The military, through powers that it was granted in the 1992 constitution, continued to exert influence over politics in a manner largely incompatible with the standards of democratic states. National political parties with pro-Islam, pro-Kurdish, or leftist tendencies and their local branches were harassed or simply shut down. There were violent assaults against human rights advocates, and offices of human rights groups were occasionally closed. Freedom of expression was often curtailed by abusive and arbitrary police action and through legal prosecution: non-violent demonstrators, writers, and journalists were arrested; and several publications were closed down during the year. Although high-level state officials condemned the use of torture and promised reforms, torture in detention continued to be widespread, and those accused of torture received lenient or no punishment in several high-profile cases. Poor conditions prevailed in prisons. Amidst the persistence of severe human rights violations, a growing number of state officials, judges, and parliamentarians began to raise questions about the system that permits such severe abuse and an environment of impunity for the abusers.

Throughout 1999, Turkey was governed by a minority coalition government led by the center-right-wing Motherland Party (ANAP), which came to power after the military forced the government of Necmettin Erbakan, head of the pro-Islam Welfare Party (Refah Partisi), to resign in June 1997. Although the new government of Mesut Yılmaz was supported by the military and the mainstream media, the new prime minister immediately came into conflict with the National Security Council—an "advisory" body that enables the military to exert influence over politics—when he called for a softer approach towards the Islamists.

When Mr. Yılmaz took office, he designated 1999 as the "year of law," promising to change Turkish legislation, especially the penal code, to confront illegal formations within state security forces that have often been associated with serious human rights abuses, and to address deep flaws in the "rule of law."

The ongoing scandal about the state security forces' use of ultra-nationalists and members of organized crime—so-called "illegal gangs"—to commit human right abuses remained in the forefront of Turkish political debate. Parliamentary and government investigations into the Susurluk scandal—a car accident in 1996 that first revealed concrete evidence of ties between the security forces and fugitive ultra-nationalists—resulted in little or slow legal action. In 1999, several cases against alleged members of "illegal gangs" were under way, but investigations that might implicate high-level bureaucrats proceeded slowly. A number of incidents during the year, including the arrest of those suspected of having attempted to assassinate a prominent human rights activist, Akin Birdal, and Interpol's apprehension of an infamous organized crime leader and ultra-nationalist, Alaaddin Çakici, who was carrying a government-issued diplomatic passport, underscored the extent to which organized crime had infiltrated the security forces.

As a belated positive development following the inconclusive first Susurluk investigations, the trial of two members of the parliament, Mehmet Agar, former head of the security department, and former minister of justice and of internal affairs consecutively; and Sedat Bucak, a parliamentarian and wealthy landlord in the southeast, began in April. The indictment against Mr. Agar and witness testimonies suggested that he was aware of, if he did not authorize, the illegal activities of these "gangs."

On May 12, 1999, Akin Birdal, head of the Human Rights Association, was shot six times through his lungs and leg. Mr. Birdal survived the shooting. This vicious attack followed a reckless campaign in the mainstream press against Birdal and several liberal columnists. The trial of eleven individuals allegedly implicated in the attack, including one ultra-nationalist army sergeant, was pending as of this writing.

During 1999, the military continued to exert pressure on the political process, and in particular on political Islam, which the chief of staff described in March as the "number one enemy of the principles of modern Turkey." In January the Supreme Constitutional Court banned the pro-Islam Welfare Party in a verdict based primarily on statements by the party's leaders and members. Some Islamist politicians, such as Istanbul mayor Recep Tayyip Erdogan, were also prosecuted for their statements on the role of religion in society. In September, the Diyarbakir State Security Court sentenced Mr. Erdogan to one year of imprisonment and a lifetime ban from all political activities. In September, the head of the Worker's Party (IP) began serving a one-year prison sentence for peaceful comments he had made at a televised debate among the leaders of all political parties during the 1991 election.

The pro-Kurdish People's Democracy Party (HADEP) also faced intense surveillance and harassment by the security forces. In 1999, several HADEP offices, including its central office in Ankara, were raided, and party administrators and members were detained and tortured. As of this writing, four

party officials in detention await trial on charges of committing "separatism through publication" and "acting as the political branch of the PKK." Four parliamentarians from the now-banned Democracy Party (DEP), a predecessor of HADEP before it was closed by the Supreme Constitutional Court in 1995, remained in prison. Three other former DEP parliamentarians were sentenced in 1999 on charges related to peaceful expression.

Five provinces in southeastern Turkey—where an armed conflict between security forces and the Kurdistan Workers Party (PKK) has raged since 1984, resulting in the deaths of approximately 35,000 people, mostly civilians, and the forced depopulation of thousands of villages and hamlets—remained under a state of emergency. There was little change in six neighboring provinces—provinces that had previously been under emergency rule—because extraordinary measures continued to give state-appointed governors extended and restrictive powers. Despite government promises to compensate villagers, little effort has been made to facilitate the return of displaced persons to their homes in the southeast or to compensate them for the destruction and loss of their property.

Although the armed conflict in the southeast lessened in intensity, both government forces and the PKK continued to commit serious human rights violations. Village guards—ethnic Kurdish villagers who function as government-appointed civil guards in remote areas of the southeast—continued to be implicated in many abuses, and civilians remained particularly vulnerable in the region. During a parliamentary human rights commission hearing in February, the governor of Batman was reported to have said that "methods beyond the accepted norms" were often used to convince villagers that they should not assist the PKK. Victims who petitioned the parliamentary commission described methods such as forcing villagers to walk on mine fields or torturing family members and neighbors. Several village guards stood trial during 1999 for crimes such as rape and the execution of civilians.

PKK members continued to execute civilians they suspected of cooperating with the security forces. In July, PKK members reportedly killed two girls, ages four and fourteen, after they failed to find their father who was the brother of the village headman. Three mayors in the southeast, who were said not to support the PKK, were kidnapped, and one was later murdered. In August, a bomb reportedly planted by the PKK killed seven people and injured more than one hundred in one of Istanbul's most crowded historical marketplaces.

While the press in Turkey is largely free, laws limiting expression continued to be enforced arbitrarily, severely jeopardizing freedom of expression. In the past, some journalists—typically mainstream and highly regarded columnists—were able to engage in vigorous debate even on such taboo topics as the role of the military and of religion, and could criticize Kemal Atatürk and promote pro-Kurdish issues. Pro-Islamic, pro-Kurdish, or leftist writers, however, were not guaranteed the same freedoms, often facing harassment by the police and criminal prosecution.

In 1999, however, even prominent and well-respected journalists and writers were prosecuted under the Anti-Terror Law. Among the most troubling of these cases was the imprisonment of Professor Haluk Gerger (released after nine months), journalist Ragıp Duran (sentenced to ten months of imprisonment), and lawyer and human rights activist Esber Yağmurdereli (sentenced to twenty years), all on free expression charges. In addition, on March 21, the chief of staff of the Turkish Armed Forces issued a statement that banned two liberal mainstream columnists, Mehmet Ali Birand (*Sabah-Show TV*) and Yalçın Doğan (*Milliyet, NTV*), and one reporter, Muharrem Sarıkaya (*Hürriyet*), from reporting any news about the military, entering military sites, or interviewing military personnel. The ban was lifted three days later with no explanation.

Some three hundred issues of leftist, pro-Kurdish, or pro-Islamic publications were confiscated and numerous journals were closed down during the year. The government often invoked the Anti-Terror Law to punish political expressions of Kurdish identity. *Ulke'de Gündem* (Agenda in the Land), a newspaper advocating the recognition of Kurdish identity, was fined approximately 40 billion Turkish Lira (U.S. \$12,000) during the year and closed by court order for 312 days. Issues of *Nevi* (Hope), a weekly newspaper in Kurdish known for its non-violent stance, were also confiscated forty-three times during the first nine months of the year. In March, the Diyarbakır State Security Court sentenced Sefik Beyaz, former head of the Kurdish Institute, to one year of imprisonment and a fine of U.S. \$100 for "making separatist propaganda by playing Kurdish music" during his election campaign in 1995.

Islamists critical of the government were also subject to sanctions. In February, 129 members of the Acişmendi sect were sentenced to terms of twenty months to six years of imprisonment for "insulting Atatürk and disobeying security forces." They were originally arrested in 1996 for not following the regulations of the "modern dress reform" of Atatürk. During the 1999 fall school semester, universities refused to register female students who wore traditional Muslim head scarves.

The Supreme Radio and Television Board (RTÜK), formed in 1994 with a broad and vague mandate to regulate television and radio, arbitrarily restricted freedom of expression. In 1999, it closed several national television channels (such as Kanal D and Show TV) as well as local channels (such as Kanal 21 or Metro TV of Diyarbakır) for several days for "using foul language," "insulting individuals and institutions," "featuring sexuality," "instigating separatist propaganda," or "airing programs in Kurdish" in some of their programs. Many RTÜK decisions continued to be enforced even after they were overturned by court decisions. Several local radio broadcasting channels, whose producers were charged with "promoting separatism" or with simply violating the broadly defined "principles of broadcasting," were occasionally shut down.

A number of court verdicts also upheld freedom of expression guarantees. In May, the Criminal Court of Istanbul acquitted officials of the Kurdish Culture and Research Foundation of "providing education in languages prohibited by law," because they had never begun the Kurdish language classes that were the basis for the charges; however, the judge ruled that they could not conduct Kurdish language courses. A former State Security Court prosecutor, Mete Gökçürk, who was tried for publicly criticizing the lack of judicial independence in Turkey, was also acquitted.

Government officials condemned torture, several legislative efforts attempted to curtail police abuses, and some police officers accused of ill-treatment were prosecuted, but torture in detention remained widespread. In late 1997, when Minister of Foreign Affairs İsmail Cem referred to torture as an agonizing disgrace in the country, he became the highest state official to date to have acknowledged the extent of the problem. Prime Minister Yılmaz sent an official circular to ministries calling for stricter enforcement of measures to prevent torture and ill-treatment of those held in police custody. However, during 1999, there were hundreds of credible reports of mistreatment and torture from ordinary crime suspects, as well as security detainees. Previous governments had passed legislation reducing detention periods, requiring immediate registration of suspects, and providing suspects with legal assistance during the early stages of detention. Nevertheless, the head of the Istanbul Bar Association, Yücel Sarıman, announced that several precincts in the country failed to follow these regulations. Suspects were not informed of their rights, and the bar association was rarely asked to provide lawyers for them. Physicians who documented torture were also coerced by security forces to withdraw their reports, or even prosecuted at times. In March, the Izmir Criminal Court acquitted Dr. Eda Güver, who had been charged with "abusing her authority and violating the civil servants' code" after she asked security forces to leave her office while she was examining victims. In September, four members of the security forces involved in Dr. Güver's case were themselves charged with attempting to manipulate the results of a medical examination. They were ultimately convicted

and issued a small fine.

Several police officers accused of torturing suspects stood trial during the year, but were ultimately given lenient sentences that will not deter abuse. A court acquitted ten policemen accused of torturing fourteen teenagers from the town of Manisa, despite the fact that Sabri Ergul, a lawyer and member of parliament, testified that he had witnessed the torture, and hospital records supported the charges of police brutality. The Manisa teenagers, eight of whom were under eighteen when they were detained, testified that they had been beaten, raped with truncheons, and given electric shocks. In March the court ruled that there was insufficient evidence to support their claims of torture and mistreatment. The judge in the case rejected the hospital reports as evidence when the prosecutor claimed that the tuberculosis diagnoses of the three teenager girls may be "due to their anguish for the crimes they committed." The teenagers, who had been charged with being "members of a terrorist organization," were later acquitted and/or had their convictions overturned.

In April, when six police officers were sentenced to five and a half years each for torturing a suspect to death in 1993, the defendants and about sixty plainclothes policemen brutally beat the victim's sister and lawyer in the courtroom. The policemen appealed the verdict. In March, eleven policemen were arrested and charged with torturing suspects five days after an eighteen-year-old theft suspect died in police custody in Adana. Two years after the journalist Metin Gökçepe died in police custody, the higher court overturned the verdict that had acquitted half of the accused police officers; a new trial was pending as of this writing.

In 1999, ten people were killed during a house raid in Adana and in Istanbul; witnesses and human rights observers reported no evidence of a shootout in either case, as claimed by the police. Extra-judicial killings by police forces during house raids or demonstrations had become common in Turkey after the Anti-Terror Law entered into force in 1991; between 1991 and 1994, 174 people died during house raids and peaceful demonstrations. In 1999, several police officers faced trial for extra-judicial killings they allegedly committed during previous years.

The police routinely used brutal force to break up demonstrations. In March, police in Ankara used pressurized water, fog bombs, and truncheons to disperse a demonstration of civil servants. Around eighty demonstrators were treated at nearby hospitals for respiratory problems and bruises. The Turkish Physicians' Union protested the security forces' use of "fog bombs with extremely harmful chemicals on the human body." Police occasionally harassed the "Saturday Mothers," relatives of missing people who hold weekly protests in Istanbul, and detained some participants for promoting illegal organizations.

Prisons remained poorly administered and underfunded. The prison administration and prisoners clashed over prisoners' legitimate demands for improved conditions and, at other times, their quest for political control, but no serious structural reform was achieved. A parliamentary human rights commission launched investigations at four southeastern prisons, at the Istanbul Women and Juvenile Prison, at several detention centers and at police precincts. The commission reported in April that inmates were tortured by various methods, including reverse hanging by the arms, beating the soles of feet, and the use of pressurized water and electric shocks. Commission members themselves reported having seen evidence of torture on prisoners and in detention rooms. Commission members described finding tools, such as manual electric generators, wooden sticks, metal pipes and truck tires, that had initially been hidden from them. The investigating parliamentarians described as "atrocious" the conditions at the Juvenile Prison, where an undercover journalist from the mainstream media had witnessed during regular visiting hours seven or eight guards beating a child.

Defending Human Rights

The human rights community in Turkey, including, most prominently, the Human Rights Foundation of Turkey (HRFT), the Human Rights Association (HRA), the Mazlum-Der and the Helsinki Citizens Assembly Initiative (HCAI), is one of the most active segments of civil society. While these groups enjoy credibility and legitimacy abroad and at home, their activities are closely scrutinized by the courts and security forces. The publications of these organizations and statements of their officials are the subject of criminal trials, branch offices are raided by police, and advocates are often arbitrarily detained. In February, a court acquitted HRA officials for the speeches they had made during "Human Rights Week" in December 1997. The court verdict overruled the prosecutor's request to close the HRA. In July, however, a court sentenced HRA head Akin Birdal to one year of imprisonment for "inciting hatred" in a speech calling for a peaceful end to the Kurdish conflict. As of this writing, there were several other charges still pending against Mr. Birdal, all related to his writings and public speeches. Although the Diyarbakir branch of HRA remained closed by the emergency law government, the HRFT operated a center in the city.

Foreign human rights groups were generally able to travel to Turkey to conduct research and observe trials, but certain restrictions applied in the southeast. Journalists and human rights observers had only limited access to rural areas of southeastern Turkey. The week following Newroz celebrations, a group of foreign observers was not allowed to visit Tunceli province. The Ministry of Justice refused a request from Barbel Narnhammer, a German parliamentarian with the Social Democratic Party (SPD), and journalist Godfried Stein to visit journalist Hasan Olgun, the former Diyarbakir representative of pro-Kurdish newspaper *Ozgur Gundem*, in prison. In April, the Turkish government agreed to allow the United Nations special rapporteur on torture to conduct an investigation, which was scheduled to take place in November. In 1997, the special rapporteur had published his annual report citing evidence of widespread patterns of abuse in detention and prisons.

The Role of The International Community

The European Union

Tense relations between Turkey and the European Union reached a climax in late 1997 when the European Union made a decision to exclude Turkey from its list of eleven prospective members. In June, the E.U. pointed to Turkey's dismal human rights record as its primary concern, but it also took steps to improve relations with Turkey, including efforts to expand the Turkey/E.U. customs union and to promote economic and social development in the country. The E.U. also decided to issue regular reports on Turkey's progress in meeting E.U. general standards for admission. The European Parliament continued to block development aid to Turkey because of human rights concerns.

The E.U. made efforts to prevent an influx of Iraqi and Turkish Kurds by providing assistance to Turkey.

The Council of Europe

In June, the Council of Europe's Parliamentary Assembly approved a recommendation on the humanitarian situation of Kurdish refugees, which was critical of both sides to the conflict, though its criticism of the government's treatment of the Kurdish minority was substantially weakened in the floor debate. Turkey remained subject to the assembly's monitoring procedure and its rapporteurs visited the country in September. As of this writing, their report was being drafted.

The European Court of Human Rights and the European Commission on Human Rights, which have found Turkey in violation of the European Convention on Human Rights on several occasions, continued to have a heavy caseload from Turkey, including commission proceedings related to cases of "extra-judicial" killings. To date, Turkey has paid approximately \$800,000 in compensation to victims of abuses whose cases went before the court or commission, and more than 1,000 applications against Turkey are currently pending.

The Organization for Security and Cooperation in Europe (OSCE)

The OSCE's human dimensions institutions remained engaged in Turkey, with the Office for Democratic Institutions and Human Rights (ODIHR) consulting Turkish authorities on the possible creation of a national ombudsperson, and the OSCE Representative on Freedom of the Media paying a May visit—at the invitation of the Turkish government—to discuss freedom of expression concerns.

United States

In 1999, the U.S. government reaffirmed its commitment to press for human rights improvements while stressing the overall importance of Turkey as a strategic ally. The State Department's *Country Reports on Human Rights Practices for 1997* noted the Turkish government's efforts to improve the country's human rights record, but stated that there was a "general recognition that the country's human rights performance is inadequate." The Clinton administration pledged to block a possible \$3.5 billion attack helicopter sale to Turkey unless its human rights record improved significantly, in accordance with commitments made by Prime Minister Yılmaz during his meeting with President Clinton in December 1997. In September, the State Department took an important and unprecedented decision to allow the sale of U.S.-manufactured armored personnel carriers to Turkey's Anti-Terror and Anti-Riot Police to go forward with U.S. Export-Import Bank financing, only if the equipment were not used in eleven provinces where those police have been associated with serious human rights violations. At the time of this writing, it was uncertain that the sale would ultimately take place, and if so, under what monitoring mechanism to ensure compliance with the United States government's restriction.

The administration also criticized Turkey's decision to ban the Welfare Party and expressed its concern that the closure of legitimate parties "damages confidence in Turkey's democratic, multi-party system." In February, U.S. Assistant Secretary of State John Shattuck visited one of the former DEP deputies, Leyla Zana, in prison; she is serving a fifteen-year term largely for speeches she had made. U.S. foreign assistance to Turkey dropped to an estimated \$26.5 million in 1999, and the administration requested only \$6 million—eliminating all U.S. military loans (FMF)—for 1999.

TURKMENISTAN

Human Rights Developments

Under the dictatorship of President Saparmurat Niyazov, the government of Turkmenistan in 1999 continued to deny its citizens nearly every civil and political right. With no political opposition, no freedom of assembly, no opportunity for public debate, and a Soviet-style secret police, very little information on human rights abuses was available. One of the poorest of the former Soviet republics, the Central Asian nation worked to keep human rights off the agenda as it courted foreign investors eager to exploit its untapped natural resources, especially oil and gas. On two occasions, however, international pressure on President Niyazov forced the release of a handful of high-profile political prisoners.

President Niyazov's visit to the United States in April occasioned ten releases. On the eve of Niyazov's arrival in the U.S., police detained former foreign minister and dissident Andy Kuliev in the capital, Ashgabat, as he was attempting to return to Turkmenistan from Moscow after five years in exile. Subsequent pressure from the Clinton administration and others sources led Turkmen officials to release Kuliev and Durdymurat Khoja-Mukhamedov. A leader of the banned Party of Democratic Development of Turkmenistan, Khoja-Mukhamedov had been incarcerated since February 1996 in a psychiatric hospital on medically unjustifiable grounds.

Six of the eight members of a group known as the "Ashgabat Eight" were also freed in April. The eight were imprisoned after an ill-fated march in 1995 to protest wage arrears and the lack of democracy. Begenchmurat Khojaev and Baytr Sakheliev, both imprisoned since 1995 for their alleged participation in the rally, were released the same day; two days later the government released Amanmyrat Amanurdyev, Khudayberdi Amanurdyev, Charymurat Amanurdyev and Kakamurat Nazarov, also members of the "Ashgabat Eight." Also released were Mukhammetkuli Aimuradov and Khoshali Geraev, convicted in 1995 of anti-state crimes and "attempted terrorism," for maintaining contact with Turkmen political activists abroad. Both men had been serving time in strict-regime labor camps in the western city of Turkmenbashi.

Unfortunately, Charymurat Gurov, also of the "Ashgabat Eight," died in custody in January under suspicious circumstances. The government asserted that he died of natural causes (heart ailments and tuberculosis), but according to eyewitness reports his corpse was bruised and bore other evidence of mistreatment and torture. The remaining member of the "Ashgabat Eight," Gulgeldi Annaniyazov, remained in prison. Mr. Kuliev, who saw Annaniyazov during

his own imprisonment in April, reported to Human Rights Watch that the latter was in such poor health that he could barely walk or speak, and that he was extremely thin and pale.

While the government reneged on its promise to release additional political prisoners, the president did sign an amnesty decree in October freeing women, disabled prisoners, those suffering from tuberculosis, juveniles, war veterans, and male prisoners over the age of sixty. Individuals convicted of murder, rape, terrorism, or drug-related crimes were not included in the amnesty. The decree did not appear to reflect a real change in the government's policy toward those it deemed a threat; authorities continued to threaten, assault, and imprison perceived opponents. As of this writing, there were no reports of prisoners having been released.

In early September, the Committee for National Security (KNB) arrested former presidential spokesman Durdymuhammed Gurbanov on charges of embezzlement. He was released a week later after some thirty people demonstrated in Ashgabat to demand his release, an extraordinary event. As of September, the government had taken no measures to punish or imprison the demonstrators. In April, Gurbanov had given a series of interviews to Radio Liberty in Prague during which he severely criticized President Niyazov and the government. Upon his return to Ashgabat in June, the KNB repeatedly summoned him to their offices and kept him under constant surveillance.

In early August, three assailants kidnapped and beat Durdymurat Khoja-Mukhamedov as he was returning home from a meeting at the British Embassy. They drove him outside Ashgabat, kicked and beat him until he lost consciousness, and left him. Khoja-Mukhamedov was still bandaged and in pain one month after the attack.

November of 1997 also saw the arrest of Radio Liberty stringer Yovshan Annakurbanov as he prepared to board a flight to Prague to attend a journalists' seminar. Though Turkmen police later alleged that Annakurbanov possessed a computer disc containing information on Turkmen opposition parties, no mention of the disc was made at the time of his arrest. Annakurbanov was released about a week later, on the eve of U.S. Secretary of Energy Federico Pena's visit to Turkmenistan.

The death penalty cases of Andre Voronin and Kamal Nepesov highlighted Turkmenistan's arbitrary and capricious criminal justice system. Amnesty International reported that the two men were sentenced to death in April by a court in the Mary region for the murder of a Bayramali sanatorium director. Voronin and Nepesov claimed they were tortured—their toes crushed with pliers and electric shocks applied to the anus—and that their families were threatened. Further, the men were allowed access to their lawyers only a month after their arrests and only after signing confessions obtained under psychological and physical pressure. While Human Rights Watch could not independently confirm the men's charges, according to the report, the men also alleged that the authorities failed to investigate their claims of innocence.

Defending Human Rights

The status of independent human rights monitoring in Turkmenistan is best reflected by a phrase from the oath of loyalty to the nation emblazoned on the masthead of all the country's newspapers and magazines: "If I criticize you may my tongue fall out!" The sole local organization allowed to address human rights issues, the official Turkmen National Institute of Democracy and Human Rights under the president of Turkmenistan, acts mainly as a buffer between the Turkmen government and international bodies. International observers fare no better than would-be local monitors: the government denied Human Rights Watch representatives visas on one occasion and refused to grant them official meetings during a subsequent trip to the region in May 1999.

The Role of the International Community

Organization for Security and Cooperation in Europe (OSCE)

The OSCE in 1999 initiated more forceful demonstrations of concern for human rights abuses in Turkmenistan than in the past. When current OSCE Chairman-in-Office Bronislaw Geremek visited Turkmenistan in April he appealed in his meeting with President Niyazov for the release of political prisoners. An OSCE special representative conducted a mission to the country in March and a memorandum of understanding was being prepared as of this writing.

United Nations

In October 1997, the UN Resident Coordinator in Ashgabat Omer Erifur publicly stated the UN's commitment to "all possible support and assistance...to the government of Turkmenistan by the UN system organizations and other major donors" citing "recent and internally induced changes toward democratization."

European Union

In February, the European Union signed an interim agreement with Turkmenistan aimed at boosting trade, which will remain in force until the full Partnership and Cooperation Agreement (PCA), scheduled to be ratified in the fall of 1999, comes into force. Although the PCA mandates respect for civil and political freedom, the lack of any such freedoms in Turkmenistan did not seem to be hindering progress toward ratification.

United States

The U.S. pursued a contradictory policy toward Turkmenistan in 1999. On the one hand, the *Country Reports on Human Rights Practices for 1997* provided a thorough indictment of the repressive and inhumane practices of that government, and the Department of State raised the issue of political prisoners prior to President Niyazov's state visit. On the other hand, the U.S. refusal to attach any conditions to the state visit or to its aid, credits, and trade involving Turkmenistan entirely undercut any critical message. The Department of State's appropriation request for Turkmenistan for fiscal year 1999 was nearly triple the 1998 estimate. The state visit resulted in a joint statement giving clear priority to cooperation in the energy sector; it expressed concern with the need for "rapid concrete steps toward reform" in human rights, but did not link these steps to continued good relations. And despite all evidence that Turkmenistan had only contempt for the rule of law, the White House issued a press release stating that "Turkmenistan is committed to strengthening the rule of law and political pluralism." The press release followed the granting of U.S. credits to Eynon for a pipeline

UNITED KINGDOM

Human Rights Developments

Northern Ireland

THE APRIL 1998 MULTI-PARTY AGREEMENT, CONFIRMED BY A CLEAR MAJORITY IN A PUBLIC REFERENDUM ON MAY 20, ESTABLISHED NEW POLITICAL ARRANGEMENTS FOR NORTHERN IRELAND AND DOMINATED THE NEWS THROUGHOUT THE YEAR. THE AGREEMENT, STEERED TO COMPLETION BY FORMER U.S. SENATOR GEORGE MITCHELL AS PEACE TALKS CHAIRMAN, CONFIRMED THE PRINCIPLE OF CONSENT, REQUIRING THAT ANY CHANGE IN THE CONSTITUTIONAL STATUS OF NORTHERN IRELAND MUST BE AGREED UPON BY A MAJORITY OF ITS PEOPLE. IT PROVIDES FOR A NORTHERN IRELAND ASSEMBLY, CROSS-BORDER BODIES BETWEEN NORTHERN IRELAND AND THE REPUBLIC OF IRELAND, AND—AT THE URGING OF HUMAN RIGHTS GROUPS—A SERIES OF INITIATIVES AIMED AT THE ENHANCED PROTECTION OF HUMAN RIGHTS. THE AGREEMENT APPEARED TO HAVE SURVIVED THE WORST ACT OF POLITICAL VIOLENCE IN THE HISTORY OF “THE TROUBLES”—A CAR BOMB EXPLOSION ON AUGUST 15, 1998, CLAIMED BY REPUBLICAN PARAMILITARY DISSIDENTS BELONGING TO THE “REAL IRA,” WHICH KILLED TWENTY-NINE PEOPLE IN OMAGH. IN THE WAKE OF THE BOMBING, PUBLIC REVULSION EVOLVED INTO A UNITED RESOLVE TO ENSURE THAT THE HISTORIC AGREEMENT SURVIVED. ON OCTOBER 16, 1998, JOHN HUME, LEADER OF THE SOCIAL DEMOCRATIC AND LABOR PARTY AND LONG TIME CIVIL RIGHTS CAMPAIGNER, AND DAVID TRIMBLE, LEADER OF THE ULSTER UNIONIST PARTY, WERE AWARDED THE NOBLE PEACE PRIZE FOR THEIR EFFORTS TO ADVANCE THE PEACE PROCESS IN NORTHERN IRELAND.

ALTHOUGH THE AGREEMENT’S HUMAN RIGHTS PROVISIONS ARE STRONG, THE INITIAL IMPLEMENTATION PHASE PROVED DISAPPOINTING AS THE U.K. GOVERNMENT CONSISTENTLY FAILED TO TRANSLATE THE PROVISIONS INTO PRACTICAL AND EFFECTIVE HUMAN RIGHTS PROTECTIONS. MOREOVER, RIGHTS GROUPS CRITICIZED THE GOVERNMENT FOR FAILING TO BRING THE U.K. INTO COMPLIANCE WITH EXISTING INTERNATIONAL OBLIGATIONS IN AREAS NOT DIRECTLY ADDRESSED IN THE AGREEMENT. THE CONTINUATION OF DRACONIAN EMERGENCY LAWS, STRENGTHENED IN RESPONSE TO THE OMAGH BOMBING; INTIMIDATION OF DEFENSE LAWYERS; ALLEGATIONS OF SECURITY FORCE COLLUSION IN LOYALIST PARAMILITARY MURDERS; ROUTINE POLICE ABUSE; AND THE INDISCRIMINATE USE OF PLASTIC BULLETS REMAINED SERIOUS HUMAN RIGHTS CONCERNS.

DESPITE THE AGREEMENT’S COMMITMENT TO “NORMALIZE” SECURITY ARRANGEMENTS, THE U.K. GOVERNMENT IMMEDIATELY MOVED TO STRENGTHEN EXISTING EMERGENCY LAWS IN NORTHERN IRELAND IN THE AFTERMATH OF THE OMAGH BOMBING. ON SEPTEMBER 3, 1998, PARLIAMENT PASSED NEW LAWS RELAYING THE RULES OF EVIDENCE TO FACILITATE CONVICTIONS FOR MEMBERSHIP IN ILLEGAL ORGANIZATIONS. THE NEW LAWS REQUIRE THE TESTIMONY OF A SENIOR POLICE OFFICER, CLAIMING THAT A SUSPECT IS A MEMBER OF A PROSCRIBED ORGANIZATION, AS THE BASIS FOR PROSECUTION. INFERENCES OF GUILT CAN BE DRAWN FROM A SUSPECT’S SILENCE IN THE FACE OF QUESTIONING ABOUT POTENTIAL MEMBERSHIP OR REFUSAL TO COOPERATE WITH “ANY RELEVANT INQUIRY.” SUCH INFERENCES CAN BE USED TO CORROBORATE THE POLICE’S OPINION THAT A SUSPECT IS A MEMBER. THE NEW LAWS ABROGATE THE RIGHT TO REMAIN SILENT, UNDERMINE THE PROHIBITION AGAINST SELF-INCRIMINATION, AND RUN CONTRARY TO THE PRESUMPTION OF INNOCENCE BY UNACCEPTABLY SHIFTING THE BURDEN OF PROOF FROM THE PROSECUTION TO THE ACCUSED. BESTOWING THE ROYAL ULSTER CONSTABULARY (RUC), NORTHERN IRELAND’S POLICE FORCE, WITH SUCH EXTRAORDINARY POWERS IN THE FACE OF LONGSTANDING ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS COMMITTED BY THE POLICE UNDER COVER OF THE EMERGENCY LAWS BELIES THE U.K. GOVERNMENT’S STATED COMMITMENT TO CHANGE FUNDAMENTALLY NORTHERN IRELAND’S POLICING AND SECURITY ARRANGEMENTS.

ALTHOUGH THE AGREEMENT REFLECTS A BASIC UNDERSTANDING THAT HUMAN RIGHTS ARE AN ESSENTIAL COMPONENT OF ANY JUST AND LASTING PEACE, OTHER EARLY INDICATORS POINTED TO A LACK OF COMMITMENT BY THE U.K. GOVERNMENT TO TRANSLATE WORDS INTO ACTION. THE AGREEMENT PROVIDES FOR THE ESTABLISHMENT OF A HUMAN RIGHTS COMMISSION, AN ESSENTIAL BUILDING BLOCK IN THE CREATION OF A HUMAN RIGHTS CULTURE IN NORTHERN IRELAND. UNFORTUNATELY, THE DRAFT LEGISLATION ESTABLISHING THE COMMISSION FELL FAR SHORT OF ENSURING THAT IT IS AN EFFECTIVE INSTITUTIONAL MECHANISM FOR THE PROTECTION OF HUMAN RIGHTS. DESPITE THE AGREEMENT CALLING FOR A COMMISSION “INDEPENDENT OF GOVERNMENT,” COMMISSIONERS WILL BE APPOINTED BY THE SECRETARY OF STATE. MOREOVER, THE DRAFT LEGISLATION DOES NOT PROVIDE THE COMMISSION WITH ANY POWERS OF INVESTIGATION. THE INABILITY TO INVESTIGATE INDIVIDUAL CASES AND PATTERNS OF HUMAN RIGHTS VIOLATIONS WILL PROFOUNDLY COMPROMISE THE COMMISSION’S AUTHORITY AND UNDERMINE THE CRUCIAL ROLE IT CAN PLAY AS AN INDEPENDENT ACCOUNTABILITY MECHANISM. IN JULY 1998, U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON WROTE THE U.K. GOVERNMENT URGING IT TO PROVIDE THE COMMISSION WITH THE NECESSARY INVESTIGATORY POWERS.

HUMAN RIGHTS PROVISIONS IN THE AGREEMENT ALSO PROVIDE FOR THE INCORPORATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR); A BILL OF RIGHTS AUGMENTING THE ECHR WITH RELEVANT MINORITY, ECONOMIC, SOCIAL, AND CULTURAL RIGHTS; ENHANCED PROTECTIONS FOR LANGUAGE RIGHTS; A REVIEW OF THE CRIMINAL JUSTICE SYSTEM; AND THE ESTABLISHMENT OF A COMMISSION TO MONITOR ANTI-DISCRIMINATION LEGISLATION. NOTICEABLY ABSENT IS LANGUAGE REGARDING MUCH-NEEDED JUDICIAL REFORM.

THE MOST SIGNIFICANT HUMAN RIGHTS ISSUE ADDRESSED BY THE AGREEMENT IS NORTHERN IRELAND’S LONGSTANDING PROBLEMS WITH POLICING, EYEMPLIFIED BY A POLICE FORCE PLAGUED BY SERIOUS ALLEGATIONS OF HUMAN RIGHTS ABUSES. THE AGREEMENT ESTABLISHED THE INDEPENDENT COMMISSION ON POLICING FOR NORTHERN IRELAND, CHAIRED BY FORMER HONG KONG GOVERNOR CHRIS PATTEN, WHOSE REMIT IS TO ENSURE THAT FUTURE POLICING ARRANGEMENTS RESULT IN A POLICING SERVICE THAT IS “PROFESSIONAL, EFFECTIVE AND EFFICIENT, FAIR AND IMPARTIAL, [AND] FREE FROM PARTISAN CONTROL; ACCOUNTABLE, . . . AND OPERAT[ING] WITHIN A COHERENT AND CO-OPERATIVE CRIMINAL JUSTICE SYSTEM, WHICH CONFORMS WITH HUMAN RIGHTS NORMS.” AREAS FOR THE COMMISSION’S REVIEW INCLUDE COMPOSITION (THE RUC IS 93 PERCENT PROTESTANT AND 11 PERCENT FEMALE), RECRUITMENT, TRAINING, CULTURE, AND ACCOUNTABILITY. SIGNIFICANTLY, THE AGREEMENT STATES THAT THE COMMISSION SHOULD “CONSULT WIDELY. . . WITH NON-GOVERNMENTAL EXPERT ORGANIZATIONS.” DEEP CONCERN HAS EMERGED THAT THE COMMISSION WILL FOCUS SOLELY ON THE MANAGERIAL DIMENSIONS OF “DOWNSIZING” AND “DIVERSIFYING” THE FORCE IN ANTICIPATION OF CREATING A “PEACETIME” POLICING SERVICE, INSTEAD OF EMPHASIZING ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS BY THE RUC AND THE CREATION OF EFFECTIVE ACCOUNTABILITY MECHANISMS FOR THE FUTURE. THE COMMISSION IS EXPECTED TO PRESENT ITS FINDINGS AND RECOMMENDATIONS BY THE SUMMER OF 1999.

HUMAN RIGHTS WATCH HAS URGED THE U.K. GOVERNMENT TO TAKE ACTION ON A NUMBER OF IMMEDIATE HUMAN RIGHTS CONCERNS THAT CANNOT AND SHOULD NOT BE REQUIRED TO AWAIT THE FINAL REPORT OF THE POLICING COMMISSION. THE GOVERNMENT’S EMBARRASSINGLY INADEQUATE RESPONSE TO A UNITED NATIONS REPORT CONDEMNING POLICE INTIMIDATION OF DEFENSE LAWYERS (SEE SECTION ON UNITED NATIONS), CONTINUING ALLEGATIONS OF POLICE ABUSE UNDER NORTHERN IRELAND’S EMERGENCY LAWS, AND THE EXCESSIVE USE OF FORCE BY RUC OFFICERS DURING THE 1998 MARCHING SEASON ARE EMBLEMATIC OF LONGSTANDING POLICING PROBLEMS

rooted in an implicit government policy of impunity.

In a rare judicial comment on police abuse, the Northern Ireland High Court awarded David Adams £30,000 (U.S. \$50,100) on February 2, 1999, after finding that RUC officers lied about their involvement in a series of brutal assaults upon Mr. Adams following his arrest under the emergency laws in February 1994. Adams' injuries included broken ribs, a punctured lung, a serious head wound, and a broken leg—the result of officers taking running kicks at him during his detention. An independent investigation into police involvement in the assaults is underway.

None of the police officers on duty the night of Robert Hamill's murder have been subject to disciplinary action or charged in the killing of the Portadown Catholic man. Hamill died on May 9, 1997, after a brutal attack by a crowd of Portadown loyalists on April 27, 1997. The RUC acknowledged that a Land Rover with four officers in it was stationed twenty feet from the spot where the beating took place. The RUC was accused of gross negligence for failing to come to Hamill's aid. Despite eyewitness testimony concerning the proximity of the police vehicle to the beating scene and the improbability that officers inside could have remained unaware of the attack, no action had been taken against the officers as of this writing. On April 22, 1999, one of six men arrested was remanded into custody to await trial for the attack; five others were released.

Human Rights Watch observers in Northern Ireland to monitor security force operations during the July 1999 marching season reported that RUC officers fired plastic bullets indiscriminately and in violation of RUC guidelines. On July 5, 1999, the Protestant Orange Order and its loyalist supporters commenced a standoff against the security forces at Drumcree Church in Portadown after a Parades Commission ruling that rerouted the order's parade away from the predominantly Catholic Garvaghy Road. Orangemen and loyalist supporters massed around the church for seven days. Loyalists breached the security cordon erected around the area and were targeted with plastic bullets by police and British troops stationed opposite a barbed wire barrier, although it appeared that no threat to life or of serious injury to security force personnel existed. The high number of head and upper body injuries indicated that plastic bullets were fired in violation of RUC guidelines that require officers to target people below the waist. One woman lost the sight in her right eye and a man required brain surgery as a result of plastic bullet wounds.

On July 12, 1999, three young boys died in Ballymoney in a sectarian arson attack perpetrated by loyalists. This tragic event, coupled with a police operation on the Drumcree site July 15–17, 1999—which revealed a small cache of explosives and arms and resulted in arrests of dissident loyalists—effectively ended the standoff. A small group of Orangemen have been permitted to carry on a symbolic protest. Loyalist supporters of the Orangemen continued to riot in Portadown. On October 6, 1999, a police officer died from injuries suffered on September 5, 1999, when he was wounded by grenades and petrol bombs thrown by a crowd of loyalist rioters.

Cease-fires called by the major paramilitary groups were broken intermittently throughout 1999 but the political wings of the major paramilitary organizations survived to participate in finalizing the Multi-Party Agreement. Dissident republican paramilitary groups opposing the agreement executed a number of bombings in the aftermath of the referendum, culminating with the car bomb explosion on August 15, 1999, in the town of Omagh (near the Irish border) that killed twenty-nine people and injured hundreds, both Catholic and Protestant. The "Real IRA"—based in the Republic—claimed responsibility for the bombing and subsequently publicly apologized for the loss of "civilian" life. In the face of public outrage across Ireland and in the U.K., the "Real IRA" announced the complete cessation of all military activity on September 7, 1999. As of this writing, cease-fires called by the major republican and loyalist paramilitary organizations, as well as cease-fires called by most of the dissident groups, remained intact.

On January 29, 1999, Prime Minister Tony Blair announced the establishment of a new inquiry into the events of Bloody Sunday—January 30, 1972—when British paratroopers in Derry fired on civil rights marchers killing thirteen people. Blair repudiated the findings of the original Widgery Tribunal which was plagued by allegations that its findings of impunity for the British soldiers involved were politically influenced. Blair also noted that recently recovered evidence deserved a fair and impartial adjudication. The families of the victims cautiously welcomed the new inquiry. Relations between the tribunal and the families have been strained by questions regarding possible immunity from prosecution for anyone giving evidence and problems with the level of legal counsel requested by the families. Substantive hearings begin in February 1999.

On March 9, 1999, Roisin McAliskey was released from custody after U.K. Home Secretary Jack Straw declared her medically unfit and announced that it would be "cruel and inhuman" to extradite McAliskey to Germany. McAliskey was pregnant when arrested in November 1996 for alleged complicity in an IRA bombing in Germany. She was ill throughout her detention and gave birth while on bail in the hospital. Human rights campaigners criticized the quality of Germany's evidence against McAliskey and questioned the motives of British security forces and prison officials in her arrest and ill-treatment in detention.

Defending Human Rights

Human rights organizations have been credited for effective lobbying for strong human rights language in the Multi-Party Agreement. One such organization, the Cross-Community, Belfast-based Committee on the Administration of Justice, was awarded the prestigious European Human Rights Prize in June 1999 by the Council of Europe, signaling the importance the council attaches to the human rights dimension of the peace process.

Human Rights Watch researchers in Northern Ireland to monitor security force operations in July 1999 generally were granted access to areas where security force operations were under way. In two instances observers were denied access for unexplained reasons, although in one of those instances journalists were permitted access.

The Role of the International Community

United Nations

On April 1, 1999, the U.N. special rapporteur on the independence of judges and lawyers issued a report finding that the RUC engaged "in activities which constitute intimidation, harassment, [and] hindrance" of defense lawyers in the course of their professional duties. The report called for an independent inquiry into the 1999 loyalist paramilitary killing of prominent defense lawyer Patrick Finucane—who received death threats from the RUC prior to his murder—and for authorities to conduct an independent investigation of all threats to legal counsel. To the dismay of rights groups, the U.K. government's lengthy written response appeared to justify the very conditions that give rise to lawyer intimidation and impunity for police officers. The government failed to implement even one of the report's recommendations.

Council of Europe

In June 1999, the Council of Europe's Parliamentary Assembly passed a resolution welcoming the Multi-Party Agreement and noting that its human rights provisions—including incorporation of the European Convention on Human Rights and the proposal for a bill of rights—were instrumental in ensuring broad support for the accord.

United States

President Clinton remained closely involved in the multi-party negotiations that led to the peace agreement. In a September 3, 1999, speech in Northern Ireland, the President set "benchmarks" for a new Northern Ireland that included police reform and respect for human rights.

On September 29, 1999, the House Sub-Committee on International Operations and Human Rights held meetings and a hearing on the intimidation of defense lawyers in Northern Ireland. The UN Special Rapporteur on the Independence of Judges and Lawyers Param Cumaraswamy informally met with the subcommittee to present the findings of his report.

In March 1999, the U.S. Congress passed a concurrent resolution expressing the sense of Congress that "all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and adequately address outstanding human rights violations as part of the peace process."

The U.K. section of the U.S. State Department's *Country Reports on Human Rights Practices for 1997* addressed many human rights issues of concern to nongovernmental organizations, including Roisin McAliskey's ill-treatment; the renewed controversy over fresh evidence of security force misconduct in the Bloody Sunday case; allegations of police intimidation of defense lawyers and collusion in the Finucane murder; the indiscriminate firing of defective plastic bullets by police during the 1997 marching season; criticisms leveled at the U.K. by various UN human rights bodies; and serious problems with accountability mechanisms in Northern Ireland.

Relevant Human Rights Watch report:

Justice for All? An Analysis of the Human Rights Provisions of the 1998 Northern Ireland Peace Agreement, 4/99

UZBEKISTAN

Human Rights Developments

The year 1999 was disastrous for human rights in Uzbekistan. In a sweeping effort to eliminate religion as a potential source of political opposition, the government of Islam Karimov employed mass arbitrary arrests, torture of men in custody, religious discrimination, and harassment of independent human rights activists and journalists.

Beginning in December 1997, the government of Uzbekistan stepped up its almost seven-year campaign against independent Muslims. It was triggered by the brutal murder of several policemen in Namangan, one of whom was beheaded. In response, police arrested hundreds of people in the Fergana Valley and Tashkent, many of whom were practicing Muslims who do not follow "official" Islam. Some men were taken directly from the street simply because they had beards, a perceived sign of piety. Police routinely fabricated evidence by allegedly planting small amounts of narcotics or ammunition on suspects, and beat and threatened arrestees, both at the time of arrest and during interrogation.

On January 23, a group of about 100 women assembled outside a police station in Tashkent—to protest the arrest and detention of their male relatives. Police broke up the demonstration [an extraordinary event in this repressive country] and detained the women until late evening. Police fined human rights activist Mukhtabar Akhmedova a portion of her monthly pension for her alleged role as an organizer of the protest.

Several show trials of those arrested during the crackdown took place in May, June, and July and were featured prominently in the state-controlled media, which were already running a propaganda campaign justifying the mass arrests as a necessary measure to counter a surging "fundamentalist" Islamic movement allegedly bent on overthrowing the existing state order. In one of the trials, which involved eight men, several defendants testified that police beat and tortured them with electric shock and suffocation while in detention, and coerced them into signing self-incriminating statements. The sentences in this trial, heard by the Supreme Court and seriously compromised by due process violations, ranged from three years in a reform colony to the death sentence.

Following sustained protest by the international community and human rights groups, the three-and-a-half year prison sentence of Rakhmat Otaqulov was commuted to forced labor and he was allowed to return home. Otaqulov, a Muslim religious teacher whose arrest was widely believed to be politically motivated, was convicted on June 10, 1997, for alleged illegal possession of narcotics and pistol cartridges. His brother, who actively protested his arrest, was among the eight defendants sentenced in the Supreme Court trial.

The government systematically closed independent mosques and harassed religious leaders, several of whom disappeared. In September 1997, Ne'matjon Portpiev, imam of a mosque in Andijan and former assistant to Sheikh Abdullali Qori Mirzoev, reportedly disappeared. Sheikh Mirzoev and another assistant, Ramatnabek Matkarimov, are believed to be in police custody or to have died in custody after the National Security Service (SNB) detained them in 1995.

Leading independent imam Obidkhon Nazarov suffered persistent government harassment in 1999 and has not been seen since March 5. The Spiritual Directorate had removed Nazarov from his position as imam in December 1995 for "disobedience to decrees of the Spiritual Directorate." On April 29 the Fergana regional court sentenced his brother, Abdumalik Nazarov (arrested in the December crackdown), to nine years in prison for possession of illegal narcotics. Also in April, the government attempted to evict the Nazarov family from their home, but that effort failed thanks to intervention by international observers and local supporters. The criminal charges against and harassment of Nazarov were presumably designed to silence him and to discourage others from active participation in non-official Islam.

The Law on Freedom of Conscience and Religious Organizations, adopted by the Supreme Council (or parliament) on May 1, sets out a legal framework for the broader repression of non-official religions. It serves to marginalize religious groups that might be perceived as a forum for opposition to

President Islam Karimov's administration, and it criminalizes the practices of some foreign religious groups that have places of worship in the country.

The law's article 5 prohibits proselytism: penalties range from a fine of fifty to 100 times the minimum monthly wage (about U.S.\$11) to three years of imprisonment. The law also prohibits private teaching of religious principles. Article 14 forbids non-clerics from wearing "ritual" attire in public. Wearing such clothing can result in a fine of five to ten times the amount of the minimum monthly wage or administrative arrest for up to fifteen days.

Under the law, religious groups face excessively burdensome registration requirements: for example, they must have one-hundred members who are citizens of Uzbekistan and over the age of 19. As of September, however, preliminary reports indicated that the government was allowing for exceptions on the membership requirement, and it appeared that it was not implementing the law fully with regard to non-Muslim groups. The law, together with amendments to the criminal code, sets out penalties of up to five years of imprisonment for religious leaders who fail to register their groups and for those who participate actively in a prohibited religious group.

In 1999, dozens of students were expelled from state institutions of higher education for wearing Islamic attire. Female students who wore hijab (traditional Muslim covering, usually including a head scarf, sometimes covering the face, and a long, loose-fitting robe or dress) were expelled, and male students with beards were subjected to pressure to shave or else were expelled. University administrators pointed to the law, particularly the prohibition on "ritual" dress in public, to support their decisions to deprive pious Muslim students of their right to education. Even primary and secondary school girls were expelled for wearing hijab. The SNB followed several expelled university students who had met with Human Rights Watch, and warned them not to speak with foreigners again.

Pastor Rashid Turibaev of the Baptist Full Gospel Christians Church in the Karakalpakstan autonomous region was sentenced in late October 1997 to two years of hard labor and internal exile for carrying out church services, on charges of organizing unsanctioned gatherings, meetings, and demonstrations. In May, police in Shakhrisabz reportedly raided the homes of Jehovah's Witnesses.

There was no free and independent media in Uzbekistan. The State Control Inspectorate continued to censor all press materials, and a new government body, the Qanoat (Uzbek for Abstemiousness) Center, was established in 1999 to review all religious literature and video and audio tapes, with the aim of stopping the flow of certain religious materials from abroad. Ramonberdi Abdurakhmanov, an official of the Procuracy General, aptly stated in July that with the establishment of the Qanoat Center, "no non-state organization or state organization has any right to do anything concerning religion without the knowledge of our state."

On August 1, unidentified men in plain clothes assaulted and beat Russian journalists Vitalii Ponomarev and Nikolai Mitrokhin on the street in Tashkent in broad daylight. The attackers had apparently been waiting for the two journalists to emerge from the home of Murat Zahidov, chair of the Committee for the Protection of Individuals of Uzbekistan. Ponomarev and Mitrokhin had just returned from the Fergana Valley, where they were investigating cases of arbitrary arrest of Islamic religious leaders.

The government apparently attempted to silence criticism by prosecuting journalists for slander as a criminal offense. On June 11, the Syr Darya regional court sentenced radio journalist and satirist Shodir Mardiev to eleven years in prison for slander, illegal acquisition or sale of foreign currency, and extortion. The charges against Mardiev were brought by Jalal-Abduhalikhatova Abasov, deputy procurator of Samarkand. Mardiev had satirized Abasov in a June 1997 radio broadcast that reportedly exposed Abasov's abuse of power in favoring a local business man. Sixty-two-year-old Mardiev was reportedly held in solitary confinement until the time of his appeal, which he lost. He is in seriously poor health and is said to have suffered two brain hemorrhages while in detention.

In a positive development, participants in the Organization for Security and Cooperation in Europe's June seminar on women's issues were given a forum to discuss openly the pervasiveness of domestic violence in Uzbekistan. This was a welcome first step toward addressing domestic violence, but major obstacles remained, among them, police indifference to women's complaints.

Defending Human Rights

In 1999, the government again refused to register the two leading human rights groups in the country, the Human Rights Society of Uzbekistan (HRSU) and the Independent Human Rights Organization of Uzbekistan (IHROU).

On December 21, 1997, three IHROU members, Mikhail Ardzinov, Jamal Mirsaidov and Ergash Kasimov, were stopped by police officers in Samarkand while on their way to a founding meeting of the Tajik National Cultural Center of Samarkand. Police took the men to a precinct station in Samarkand, where they were held for the duration of the scheduled meeting. After several hours, Mr. Ardzinov attempted to leave, but two officers grabbed him and, along with five or six others, beat him repeatedly and threw him to the floor. He and Mirsaidov were then asked to sign a prepared statement against the organizing of unsanctioned meetings and, after refusing to sign, were threatened by procurator Bohadur Sadulaev with fifteen days in prison. Once released, Ardzinov and Mirsaidov left the building to find approximately thirty police officers and men in plain clothes awaiting them. Police returned Mirsaidov to the police station; ten of them surrounded Ardzinov, beat him, and forced him into a police vehicle. He was then forcibly transported to Tashkent by three men in plain clothes, who forced him to keep his head down and taunted him. When police released him, they warned him not to return to Samarkand. Mirsaidov was put under ten days of administrative arrest, but released after three days, when the American embassy voiced objection. Police held Kasimov for fourteen hours and then released him after he signed a statement verifying he had been warned not to organize unsanctioned meetings.

Members of the Namangan branch of the HRSU reported continual harassment by local authorities. Unidentified men in plain clothes followed the group's members, and unmarked police cars were regularly parked outside their homes. Family members of arrested men who shared information with the group were called in by local police, questioned, and threatened that their relatives' sentences would be extended if they continued to speak with human rights activists. In January, members of the group sent a letter to Ombudswoman Sayora Rashidova, chair of the government's Human Rights Institute, expressing their desire to set up a joint commission to examine human rights violations in the Namangan region. In February, the Namangan procurator questioned the group's members for hours about the letter and about their sources of information on human rights abuses and events in Namangan. The HRSU members were permitted to leave without divulging their sources.

The Role of the International Community

Organization on Security and Cooperation in Europe (OSCE)

The OSCE intensified its advocacy through its Central Asian Liaison Office in Tashkent in 1998. The October 1997 Memorandum of Understanding provided a framework for technical assistance projects in democratization, human rights, and electoral democracy, including a human rights education course held in May 1998. In his meetings with Uzbekistan government officials in April, Chairman-in-Office Bronislaw Geremek stressed the absence of civil liberties, and condemned the use of repression against suspected "extremists." The OSCE also lodged official protests on several specific cases of illegal detention, and pressed for access to the detainees for the international community. Experts from the Liaison Office journeyed to the Fergana valley to monitor trials and investigate violations. In addition, during a June visit to Tashkent the OSCE High Commissioner on National Minorities rebutted Uzbek officials' insistence that they faced the threat of religious and political extremists by stressing the importance of upholding international commitments.

European Union

The European Union continued its suspension of the Partnership and Cooperation Agreement signed with Uzbekistan in June 1996, pending an investigation of the human rights situation there to be conducted in mid-1998 by the European Parliament's Foreign Affairs Committee, which at this writing is preparing to report its findings. In the absence of this agreement, the E.U. provided technical assistance in the fields of police training and promotion of civil society and sponsored a project of the International Helsinki Federation to increase awareness about human rights.

United States

As in previous years, the United States continued its strong criticism of Uzbekistan's human rights violations. The Embassy in Tashkent took an active role, sending diplomats to monitor trials against accused "Wahabists" in Namangan, and registering several official protests with the Uzbek government against probable use of torture and blatantly prejudicial legal proceedings. The State Department *Country Reports on Human Rights Practices for 1997* used blunt language in describing Uzbekistan as an authoritarian state where civil and political freedoms are severely limited or nonexistent, including the right to worship freely. The report issued by the Congressional Commission on Security and Cooperation in Europe in March also decried the new pressure against independent religious groups. This censure stood in contrast the statement made by First Lady Hillary Rodham Clinton during her November 1997 visit to Samarkand, praising religious freedom in Uzbekistan.

Nevertheless, U.S. aid appropriations for Uzbekistan continue to grow, unhindered by that country's appalling record of rights violations. The requested assistance to Uzbekistan leapt from an estimated thirty-two million dollars spent in fiscal year 1998 to thirty-six million for fiscal year 1999.

Yet Uzbekistan exhibited no progress at all towards the principles cited in the U.S.-Uzbekistan Joint Commission statement issued during its first meeting in February 1998, "reaffirming the commitment of both governments to the principles of a free and democratic society, including respect for human rights, and free speech and assembly." The chairman of the Export-Import Bank, James A. Harmon, signed an agreement to provide a \$215 million long-term guarantee for U.S. companies to export industrial equipment, calling Uzbekistan a "dynamic and stable country."

Relevant Human Rights Watch report:

Uzbekistan: Crackdown in the Fergana Valley: Arbitrary Arrests and Discrimination, 5/98

FEDERAL REPUBLIC OF YUGOSLAVIA

Human Rights Developments

The government of the Federal Republic of Yugoslavia (Serbia and Montenegro), led by President Slobodan Milosevic, continued its blatant disregard for human rights in 1998. Police and army actions in Kosovo involved grave breaches of international humanitarian and human rights law. Milosevic also took steps against the independent Serbian-language media and the autonomy of Serbia's universities, and failed to cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

By far the most serious violations occurred in the southwestern province of Kosovo, inhabited predominantly by ethnic Albanians who seek independence. After years of peaceful resistance to Yugoslav government repression, some ethnic Albanians formed an armed resistance against the state, known as the Kosovo Liberation Army (KLA), or Ushtria Clirimtare e Kosoves (UCK) in Albanian. By early 1998, the KLA had taken credit for a series of attacks on policemen and ethnic Albanians it considered collaborators with the government.

The first government atrocities took place in late February and early March when special police forces attacked three villages in the Drenica region, known for its KLA presence, with artillery, helicopters, and armored vehicles. At least eighty-eight people were killed, twenty-four of them women and children. Although it is unclear to what extent the KLA was offering resistance, the evidence strongly suggests that at least seventeen people were executed after they had been detained or surrendered.

The police attack in Drenica was a watershed in the Kosovo conflict: thousands of outraged Albanians who had been committed to the nonviolent politics of their political leader Ibrahim Rugova decided to join the KLA. In the ensuing months, the KLA took control of an estimated 40 percent of Kosovo's territory.

The government began a large-scale offensive against the KLA in mid-May, a few days after Milošević agreed to U.S. demands that he meet with Rugova. The special police together with the Yugoslav Army attacked a string of towns and villages along the border with Albania in the west, with the specific intent of depopulating the region. Until then, the KLA had been receiving arms and fresh recruits from across the border.

Many villages from Peć in the north to Đakovica in the south were shelled while civilians were still present. Noncombatants who fled the attacks were sometimes fired on by snipers, and a still undetermined number of people were taken into detention. In three cases, helicopters marked with the Red Cross emblem reportedly fired on civilians. Landmines were placed in strategic points along the border, as well as along the southern border with Macedonia. Most villages in the region were systematically destroyed, and farmers' livestock was shot, to ensure that no one could return in the short-run. Fifteen thousand people fled to Albania, and an estimated 30,000 went north to Montenegro.

The KLA's first major offensive began on July 19 when it attempted to capture the town of Oraovac. The offensive failed and the police recaptured the town two days later. In the fighting at least forty-two people were killed. Witnesses reported summary executions and the use of human shields by the police. Foreign journalists received reports of mass graves, although these reports were not confirmed.

The government forces intensified their offensive throughout July and August, despite promises from Milošević that it had stopped. By mid-August, the government had retaken much of the territory that had been held by the KLA, including their stronghold of Mališevo. Unable to protect the civilian population, the KLA retreated into Drenica and some pockets in the west.

Some of the worst atrocities to date occurred in late September, as the government's offensive was coming to an end. On September 26, eighteen members of an extended family, mostly women, children, and elderly, were killed near the village of Donje Obrinje by men believed to be with the Serbian special police. Many of the victims had been shot in the head and showed signs of bodily mutilation. On the same day, thirteen ethnic Albanian men were executed in the nearby village of Golubovac by government forces. One man survived and was subsequently taken out of the country by the international agencies in Kosovo.

The government offensive was an apparent attempt to crush civilian support for the rebels. Government forces attacked civilians, systematically destroyed towns, and forced thousands of people to flee their homes. One attack in August near Senik killed seventeen civilians who were hiding in the woods. The police were seen looting homes, destroying already abandoned villages, burning crops, and killing farm animals.

The majority of those killed and injured were civilians. At least 300,000 people were displaced, many of them women and children now living without shelter in the mountains and woods. In October, the U.N. High Commissioner for Refugees (UNHCR) identified an estimated 35,000 of the displaced as particularly at risk of exposure to the elements. Most were too afraid to return to their homes due to the continued police presence.

At least one hundred ethnic Albanians "disappeared" in Kosovo between February and September 1999, about half of whom were last seen in the custody of the police. The precise number was impossible to determine since the Yugoslav authorities did not make public the number of people they had in detention. Some of the "disappeared" may have been in prison, others were possibly dead. Others unaccounted for in the conflict may have gone into hiding, fled Kosovo, or joined the KLA.

As of October 4, 1,242 ethnic Albanians had been charged with "terrorist acts," according to the government, although only 684 of these people were in custody. Detained individuals included human rights activists, humanitarian aid workers, political party members, doctors, and lawyers, many of whom were physically abused. The use of torture against detainees was widespread, and five people were known to have died from abuse in prison during the year.

The government restricted the ability of humanitarian aid agencies to treat the internally displaced. On various occasions, the police blocked access to needy populations, confiscated supplies, and harassed and even attacked humanitarian aid workers. Three humanitarian aid workers were killed by mortar fire while trying to deliver food near Kijevo on August 24. The government justified the restricted access by claiming that some humanitarian organizations had distributed supplies, including arms, to the KLA.

The KLA also committed serious violations of international humanitarian law, including the taking of hostages and extrajudicial executions. At least one hundred ethnic Serbs, and a number of ethnic Albanians and Roma, were missing in circumstances in which KLA involvement was suspected: at least thirty-nine of them were last seen in KLA custody. In some villages the KLA tried to drive ethnic Serbs from their homes. In some cases, elderly Serbs stayed behind, either too old to flee or unwilling to abandon their homes. Some of these people were missing and feared dead. Four Serbian journalists were known to have been detained by the KLA.

On September 9, the police reported the discovery of bodies they claimed had been killed by the KLA in Lake Radonjic near Glodjane. By September 16, they had gathered thirty-four bodies, eleven of whom were identified, including some ethnic Albanians. At the end of August, the police claimed to have discovered the human remains of twenty-two people and a kiln used by the KLA to cremate the bodies in the village of Klecka. The manner in which the allegations were made, however, raised serious questions and underlined the importance of an investigation by an impartial forensics team to investigate Klecka, as well as the other areas where summary executions were reported.

On September 11, the Montenegrin government decided to close the internal boundary between Montenegro and Kosovo to all persons seeking refuge from the armed conflict. Two days later, a group of 3,200 ethnic Albanians from Kosovo, the majority of them women, children, and the elderly, were expelled to Albania by Montenegrin authorities.

The Yugoslav government restricted the work of domestic and foreign journalists who sought to report the atrocities in Kosovo. Some ethnic Albanian journalists were threatened, detained, or beaten by the police. Independent radio and television stations in the Albanian language continued to be denied licenses and, in one case, a station was closed down. The international media covering Kosovo also faced a number of restrictions, starting with the denial of visas to critical journalists whom the state considered "anti-Serb." One journalist was declared persona non grata. A number of foreign journalists were beaten or fired upon by the police. Other minority groups in FRY also complained of discrimination, especially the Muslims in Sandžak and Hungarians in Vojvodina. Members of the country's large Roma population, the poorest ethnic group in FRY, were occasionally subjected to violence by individuals, usually "skinheads," as well as by the police. Roma in Kosovo were harassed and occasionally attacked by both ethnic Albanians and the police.

The country's ethnic minorities were hardly the only victims of human rights abuses in 1999. Throughout the year, the Yugoslav government continued to take repressive measures against all citizens who challenged or criticized its authority, regardless of ethnicity. Police abuse against common criminals, as well as those publicly demonstrating against the government, remained a common occurrence. The court system was closely controlled by the state, providing little opportunity for a fair hearing or a remedy for abuses committed by the state.

On May 26, the Serbian parliament passed a new law, the University Act, which gave government authorities exclusive power to appoint rectors, faculty deans, and governing boards at all public universities. The new law also required that all faculty members sign new employment contracts, regardless of the terms and conditions of their existing contracts. After the adoption of the new law, rectors, deans, and members of governing boards at universities across Serbia were replaced with government appointees, many of them prominent members of the ruling political parties in Serbia. Protests against the new law were violently dispersed; and professors involved with opposition political parties or publicly opposed to the policies of President Milošević were verbally attacked by the government.

Government attacks on the Serbian-language press picked up throughout 1999, especially towards the end of the year. The government maintained direct control of the state radio and television, which provided news for the majority of the population. State programs continued to glorify the government's accomplishments, conceal its failures and, most importantly, manipulate the fears of the population. As was the case during the wars in Bosnia and Croatia, the state-run radio and television purposefully spread disinformation about Kosovo and promoted images of "the enemy" intended to inflame the conflict.

Independent media faced serious restrictions, including the confiscation of radio equipment and arbitrary bans. On October 9, in response to the threat of NATO intervention, the Serbian government passed a decree on special measures that allowed for the direct censorship of local and foreign media. The decree banned the broadcast of foreign news programs like the BBC, RFE, and VOA, and ordered local media not to disseminate material that was "against the territorial integrity, sovereignty and independence of the country." On the basis of the decree, the police closed down two newspapers, *Danas* and *Dnevni Telegraph*, and confiscated their computers on October 13. The next day, the independent daily *Niša Borba* was also closed. Two radio stations, Radio Index and Radio Senta, were also shut down.

On October 20, the Serbian parliament adopted a new Law on Public Information that incorporated many of the restrictions from the special decree, notably a ban on foreign radio and television broadcasts that were "of a political-propaganda nature." The law imposed exorbitantly high fines on those who breach the law. On October 23, the owner of *Dnevni Telegraph* and *Evropljanin* magazine, Slavko Curuvija, was charged with publicizing information "jeopardizing the territorial integrity and independence of the Republic of Serbia and Federal Republic of Yugoslavia" because of an open letter to Milošević published by his magazine that strongly criticized the government. He and the magazine's editor and publisher were found guilty and fined \$230,000.

The least obvious but highly effective restriction on the media was the deliberate lack of a coherent legal framework for the establishment of private radio and television stations, which the government used to justify the denial of broadcast licenses. Without a license, stations could be summarily closed down, as happened to at least four stations in 1999.

Throughout 1999, the federal and Serbian authorities failed to cooperate fully with the ICTY. A number of prominent indictees remained on FRY territory during the year, and the government refused visas to some ICTY investigators who wished to conduct investigations in Kosovo, as well as U.S. Ambassador at Large for War Crimes Issues David Scheffer.

Defending Human Rights

A number of well-established local human rights organizations were active in documenting abuses in Yugoslavia and campaigning against them. The Humanitarian Law Center, with offices in Belgrade and Prishtina, Kosovo, and the Helsinki Committee for Human Rights in Serbia publicized violations against ethnic Albanians and Serbs alike, as well as against Roma. The Kosovo Helsinki Committee and the Council for the Defense of Human Rights and Freedoms focused their work on violations in Kosovo; the latter produced a vast amount of material on abuses by the police. The Association of Independent Electronic Media (ANEM) documented and publicized the ongoing problems faced by the independent media.

These organizations and others, such as the Center for Human Rights, the Belgrade Circle, and Women in Black, were generally allowed to function, although they were verbally threatened by the government, especially Serbian Deputy Prime Minister Vojislav Šešelj, who also heads the Radical Party. A number of local activists with the council in Kosovo, however, were harassed, detained, arrested, and beaten. One of them, Reyhan Bislimi, died in police custody in July from beatings he sustained while in detention.

The Role of the International Community

Despite repeated promises not to "allow another Bosnia," the international community failed to take adequate steps to stop the violence in Kosovo. The evidence suggests that the international community, afraid of the KLA's rapid growth, may have given Milošević a green light to proceed with a military offensive from July–September that involved serious breaches of humanitarian law.

On those occasions when the international community did condemn government abuses, words and symbolic actions proved meaningless, with deadlines postponed, conditions abandoned, and sanctions poorly enforced and even withdrawn, notwithstanding continued violence. Even less condemnation was directed towards Milošević's stifling of domestic dissent in the university and the media.

The Contact Group

Disunity was particularly evident among the members of the Contact Group dealing with developments in the Balkans—the United States, the United Kingdom, France, Germany, Italy, and Russia—where Russia in particular played the role of spoiler, although Russia's resistance was at times used by Western states as an excuse for their own inaction, especially by those countries with business interests in the country. On March 9, in its first statement after the February 29 escalation of the conflict, the Contact Group called for Security Council consideration of a comprehensive arms embargo on FRY; refusal to supply to FRY equipment that might be used for internal repression or terrorism; denial of visas for senior FRY and Serbian representatives responsible for the repression; and a moratorium on government-financed export credit support for trade and investment in Serbia. Russia refused to support the last two measures, but committed to discuss additional measures if FRY failed to make progress toward fulfillment of the Contact Group's conditions. When the Contact Group met again on April 29, it noted the on-going violence and the limited progress on conditions it had previously set, and in response, the Group decided to freeze funds held abroad by the FRY and Serbian governments. It warned if Belgrade continued to block dialogue by May 9, the Group would impose an investment ban on Serbia. Russia refused to endorse these sanctions. At a May 9 meeting of the G-8 (the United States, Canada, the United Kingdom, France, Germany, Italy, Japan, and Russia), the gathered states agreed to implement the asset freeze and

impose the investment ban, and once again Russia declared that it did not associate itself with the new sanctions.

United Nations

In the Security Council, China and Russia, both permanent members with veto power, maintained that the conflict was an internal matter, effectively blocking a forceful Security Council response to the conflict. Security Council Resolution 1160, adopted on March 31, did impose an arms embargo on FRY, a position reached with China abstaining and only after repeated warnings by the Contact Group had been ignored. Resolution 1199, a strongly worded resolution passed on September 23 (with China abstaining again), condemned acts of violence committed in Kosovo, reaffirmed the arms embargo, and, under authority of Chapter VII of the U.N. Charter, demanded an immediate cessation of hostilities. It called upon FRY and the Kosovo Albanian leadership to enter into immediate and meaningful dialogue and demanded that FRY implement immediately the measures contained in the June 12 statement of the Contact Group. The resolution called on the president of FRY to implement his own commitments made in a joint statement with the president of the Russian Federation on June 16, 1999; these included, among other things, not to carry out any repressive actions against the peaceful population, to facilitate refugee return, and to ensure full access for the ICRC and UNHCR. It stated that the Security Council would consider "further action and additional measures" if the measures demanded in its two resolutions were not taken.

UN Special Rapporteur for the Former Yugoslavia Jiri Dienstbier visited Kosovo twice in 1999.

International Criminal Tribunal for the Former Yugoslavia (ICTY)

The ICTY repeatedly stated its intention to investigate war crimes committed in the Kosovo conflict. Preliminary investigations began in September and were continued toward the end of 1999, despite the denial of some visas by the Yugoslav government. On March 13, the U.S. government committed \$10.75 million to support the Tribunal's investigation in Kosovo. Two ICTY investigators were in Kosovo in September when the atrocities in Drenje, Obrijine and Golubovac were discovered, but they did not visit the sites.

European Union

The E.U. response to the conflict in Kosovo was characteristic of the general failure of the international community to send a strong message and follow through with concrete action. The E.U. was slow to adopt even relatively weak measures and was particularly slow to implement and enforce the measures adopted.

The E.U. adopted a Common Position to freeze FRY and Serbian government funds on May 7, 1999, in response to the government abuses. The E.U. regulation formally imposing the asset freeze was not adopted until June 22, 1999. At the May 25 meeting of the E.U. General Affairs Council, the foreign ministers of E.U. member states concluded that, in light of the Milosevic-Rugova meeting in Belgrade, "the proposed measure to stop new investment in Serbia would not be taken forward." That week Belgrade launched a major new offensive to create a cordon sanitaire along its border with Albania that involved serious breaches of international humanitarian law.

Organization for Security and Cooperation in Europe (OSCE)

On October 13, U.S. envoy Richard Holbrooke announced an agreement with Milosevic, by which 2,000 OSCE monitors, called "verifiers," would be based in Kosovo to monitor compliance with Security Council Resolutions 1160 and 1199. As of October 25, the details of the OSCE mandate had not been finalized. Questions remained about the mission's ability to monitor and report on continued abuses, and the international community's response to FRY non-compliance.

Freimut Duwe, the OSCE high commissioner for freedom of the media, spoke out on media restrictions in FRY, and he was denied a visa to the country in September.

Council of Europe

The Parliamentary Assembly of the Council of Europe engaged itself in the Kosovo crisis, sending several missions to FRY and adopting resolutions calling for an end to the violence. The president of the assembly, Leni Fischer, was particularly outspoken. As of this writing, the Committee of Ministers had taken no action on FRY's March 1999 application for admission to the organization.

NATO

On June 11, NATO defense ministers directed NATO military authorities to develop a range of options for possible military action. As a demonstration of military might, they also agreed to carry out air exercises over neighboring Albania and Macedonia. These exercises, known as "Operation Determined Falcon," were carried out on June 15 and heralded as a "serious message to Belgrade." Planes flew over Tirana, the Albanian capital, but not over North Albania where they would have been seen by Serbian forces and the KLA alike.

NATO threats followed the revelation of massacres in late September. An activation order cleared the way for air strikes unless Milosevic complied with Security Council resolution 1199. Milosevic was given until October 17 to withdraw his troops; on October 16, NATO granted him another ten days to comply. On October 16, NATO Secretary General Solana signed an agreement with Milosevic that allowed for non-armed surveillance flights over Kosovo.

United States

The United States played a leading role within the Contact Group and carried out intensive shuttle diplomacy during the year to bring about a negotiated settlement to the conflict in Kosovo. U.S. Special Envoy Richard Holbrooke and U.S. Ambassador to Macedonia Christopher Hill dealt extensively with main actors on both sides, especially Milosevic. As of October 23, the U.S. had fifty-two members in the Kosovo Diplomatic Observer Mission (KDOM), with another one-hundred due to arrive soon.

According to the U.S. government, it had provided more than U.S.\$44 million for humanitarian relief by September. U.S. Ambassador for War Crimes David Scheffer was denied a PRY visa in August, but Under Secretary John Shattuck and former Senator Bob Dole visited Kosovo and issued very critical statements in September.

Despite high-level delegations and great verbal condemnation, the U.S. government failed to address the human rights violations adequately, due to continued reliance on Milosevic as the principal negotiating partner and a preoccupation with maintaining the territorial integrity of the country over all other concerns, including the safety and welfare of the people of Kosovo. Little criticism was expressed during the large-scale government military offensive from July to September, and the evidence suggests that serious human rights abuses may have been tolerated to, as one anonymous diplomat put it, "knock the KLA down a peg."

Relevant Human Rights Watch report:

Humanitarian Law Violations in Kosovo, 10/98

ASYLUM POLICY IN WESTERN EUROPE

Human Rights Developments

Restrictive trends in Western European asylum policy generally continued in 1999, as many countries saw dramatic increases in the number of asylum applications. While there were procedural improvements in some countries, the general response to the increase in asylum seekers was to tighten borders against "illegal migrants," shorten asylum procedures, limit the right of appeal, and pass responsibility to other nations—"safe third countries" through which the asylum seekers traveled en route to Western Europe.

An influx of Turkish and Iraqi Kurds in January set off a bureaucratic panic over a potential "mass influx," leading the European Union (E.U.) Council of Ministers on January 26 to adopt an "EU Action Plan on the Influx of Migrants from Iraq and the Neighboring Region." The action plan, though paying lip service to the humanitarian needs of asylum seekers, was clearly aimed at developing means to satisfy those needs in the home region of asylum seekers, so that persons would not seek refuge in the E.U. member states. Moreover, the plan, with a majority of its provisions devoted to "preventing abuse of asylum procedures" and "combating illegal immigration," reflected the official position that most of the arriving Kurds were economic migrants, not refugees. In fact, approximately one half of the Turkish and Iraqi Kurds who arrived in Italy between mid-December and mid-January filed applications for asylum. Italy took the principled decision to give these applications individualized consideration. This decision was criticized by other European countries that feared the asylum seekers would leave Italy for other destinations in Europe.

A second influx of much larger proportions came from the Federal Republic of Yugoslavia, as a result of the conflict in Kosovo (see Federal Republic of Yugoslavia). Again, the response by West European countries was to try to contain refugee flows in the conflict region. The German government gave the United Nations High Commissioner for Refugees (UNHCR) DM500,000 (U.S.\$312,500) to assist Kosovo Albanian refugees, making clear that it expected the UNHCR to provide this assistance in the Balkans. Most West European states heeded the UNHCR's plea to halt expulsions of rejected Kosovo Albanian asylum seekers. However, Germany and Switzerland refused to ban expulsions for the first five months of the conflict; together they expelled hundreds to Kosovo, where upon return many were detained and interrogated, and some were severely beaten, according to interviews with Human Rights Watch.

The "safe third country" rule remained a favored means of limiting states' obligations to asylum seekers. Those who traveled through a country deemed "safe" were often returned to that country with limited rights of appeal. Application of the "safe third country" rule among E.U. member states was governed by the Dublin Convention, which came into effect on September 1, 1997. Member states experienced difficulties in applying the Dublin Convention and "safe third country" rules, because most asylum seekers lacked travel documents or evidence of their travel routes. In response, member states made a priority of negotiating the Eurodoc Convention, which will provide for fingerprinting of all asylum seekers. A number of countries also considered measures to strengthen the legal presumption against undocumented asylum seekers. Refugee lawyers reported cases of "safe third country" policies resulting in deportations from one "safe third country" to another, and in some cases to the country of origin where the asylum seeker faced a threat of persecution.

Many asylum seekers who did not run afoul of the "safe third country" rule received summary rejection of their claims as "manifestly unfounded." Asylum seekers whose claims were deemed manifestly unfounded generally faced accelerated procedures, with limited opportunities to appeal the decision. In some positive developments, an Austrian court struck down a law that gave those with manifestly unfounded cases only two days to appeal. Germany finally complied with a 1996 Constitutional Court decision requiring that it make legal assistance available at the airports to assist applicants whose claims are deemed manifestly unfounded. Sweden approved a six-month pilot project to give nongovernmental organizations access to airport areas.

Large numbers of asylum seekers were held in detention throughout Europe in 1999. Detention was particularly prevalent for rejected asylum seekers awaiting deportation. Deportation was often stymied by the absence of proof regarding nationality and the unwillingness of countries of origin to accept the return of their citizens. In other cases, rejected asylum seekers fearing persecution upon return put up fierce opposition to deportation. Many went underground, others sought and received church asylum, and some engaged in hunger strikes or even committed suicide to avoid return. In September, a Nigerian woman died in Belgium after policemen who were trying to deport her pressed her face into an airplane seat cushion to stifle her screams, she lost consciousness, and fell into a coma; the two policemen faced criminal charges, and the Belgian minister of the interior resigned over the ensuing scandal.

Throughout Europe, states continued to struggle with the refugee legacy of the conflict in Bosnia and Herzegovina. Some countries, hosting relatively small numbers of Bosnians, gave them permission to remain. Germany, which received 350,000 Bosnians during the war, took the toughest stance. By mid-1999, more than 200,000 had left the country—190,000 voluntarily returned to Bosnia and Herzegovina, 2,000 were forcibly repatriated, and 10,000 were sent to third countries. For many of those returning voluntarily, the threat of deportation and other penalties rendered their return

LESS THAN FULLY VOLUNTARY. GERMAN AUTHORITIES WARNED THAT THE REMAINING 150,000 WOULD BE EXPECTED TO LEAVE THE COUNTRY BY YEAR'S END.

Defending Human Rights

HUMAN RIGHTS WATCH RECEIVED NO REPORTS OF RESTRICTIONS ON THE ACTIVITIES OF REFUGEE ASSISTANCE ORGANIZATIONS. AN ACTIVE COMMUNITY OF NONGOVERNMENTAL ORGANIZATIONS WORKED ON REFUGEE ISSUES. MORE THAN FIFTY ORGANIZATIONS IN THE E.U. AND APPLICANT STATES WORKED TOGETHER UNDER AN EFFECTIVE UMBRELLA ORGANIZATION, THE EUROPEAN COUNCIL ON REFUGEES AND EXILES. IN MANY COUNTRIES, LOCAL CHAPTERS AND REPRESENTATIVES OF AMNESTY INTERNATIONAL, THE INTERNATIONAL HELSINKI FEDERATION, THE JESUIT REFUGEE SERVICE, CARITAS, AND THE INTERNATIONAL FEDERATION OF HUMAN RIGHTS LEAGUES WERE ACTIVE ON ASYLUM ISSUES. THE MIGRATION NEWS SHEET, A MONTHLY NONGOVERNMENTAL PUBLICATION SUMMARIZING DEVELOPMENTS IN THE ASYLUM AND IMMIGRATION FIELD, WAS A VALUABLE RESOURCE FOR ADVOCATES, ACADEMICS, AND POLICY MAKERS.

The Role of the International Community

European Union

THE EUROPEAN UNION EFFORT TO HARMONIZE ASYLUM AND IMMIGRATION POLICY REMAINED A SERIOUS THREAT TO ASYLUM RIGHTS. THE ACTION PLAN ON THE INFLOW OF MIGRANTS FROM IRAQ ADOPTED IN JANUARY SET THE TONE, BLURRING THE LINE BETWEEN ASYLUM SEEKERS AND ECONOMIC MIGRANTS, FOCUSING RESOURCES ON MEASURES TO CONTROL BORDERS AND KEEP DISPLACED PERSONS IN THEIR REGION OF ORIGIN, AND, WHEREVER POSSIBLE, LIMITING PROTECTION IN EUROPE TO TEMPORARY OR NON-REFUGEE PROTECTION. MANY OF THESE SAME THEMES WERE SPELLED OUT IN A "STRATEGY PAPER ON IMMIGRATION AND ASYLUM POLICY" PREPARED BY THE AUSTRIAN GOVERNMENT DURING ITS E.U. PRESIDENCY. THE EUROPEAN COMMISSION'S EFFORT TO ADDRESS SITUATIONS OF MASS INFLOW, ITS PROPOSED "JOINT ACTION CONCERNING TEMPORARY PROTECTION OF DISPLACED PERSONS," RAN INTO TROUBLE OVER ITS "BURDEN SHARING" PROVISIONS, UNPOPULAR WITH A NUMBER OF MEMBER STATES THAT HOST RELATIVELY FEW ASYLUM SEEKERS. IN JUNE, THE COMMISSION REINTRODUCED THE PROPOSAL, DELETING REFERENCES TO BURDEN SHARING AND ADDRESSING THIS ISSUE IN A NEW COMPANION JOINT ACTION ON "SOLIDARITY" AMONG MEMBER STATES. THROUGHOUT THE YEAR, THE E.U. USED THE ACCESSION PROCESS TO PUT PRESSURE ON APPLICANT COUNTRIES TO TIGHTEN THEIR BORDERS, COMBAT TRAFFICKING, ACT AS A "SAFE THIRD COUNTRY" ACCEPTING ASYLUM SEEKERS RETURNED FROM WESTERN EUROPE, NEGOTIATE READMISSION AGREEMENTS WITH COUNTRIES TO THE EAST AND SOUTH, AND OTHERWISE PROVIDE A BUFFER BETWEEN THE E.U. AND REFUGEE PRODUCING COUNTRIES.

Council of Europe

FACING RESTRICTIVE JURISPRUDENCE IN NATIONAL ASYLUM DETERMINATION PROCEEDINGS, REFUGEE LAWYERS INCREASINGLY RESORTED TO INTERNATIONAL FORA—THE EUROPEAN COMMISSION AND COURT OF HUMAN RIGHTS AND THE U.N. COMMITTEE AGAINST TORTURE—to OBTAIN PROTECTION FOR THEIR CLIENTS. CASES AGAINST THE NETHERLANDS AND GERMANY WERE DECLARED ADMISSIBLE BY THE EUROPEAN COMMISSION OF HUMAN RIGHTS. THE COMMISSION ALSO REACHED A UNANIMOUS DECISION AGAINST SWEDEN, HOLDING THAT ITS PROPOSED EXPULSION OF AN IRANIAN CITIZEN VIOLATED THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR). REFLECTING THIS GROWING JURISPRUDENCE, IN SEPTEMBER THE COMMITTEE OF MINISTERS ADOPTED A RECOMMENDATION THAT MEMBER STATES SHOULD PROVIDE AN EFFECTIVE JUDICIAL REMEDY FOR REJECTED ASYLUM SEEKERS WHO FACE EXPULSION TO A COUNTRY WHERE THEY COULD RISK BEING TORTURED OR SUBJECTED TO INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

United Nations

INCREASINGLY CALLED UPON TO CONSIDER CASES OF REJECTED ASYLUM SEEKERS ON THE BASIS OF NON-REFOULMENT, THE UNITED NATIONS COMMITTEE AGAINST TORTURE DENIED MOST SUCH PETITIONS. IN ONE CASE, HOWEVER, IT CONCLUDED THAT SWEDEN'S PLAN TO EXPEL A REJECTED IRANIAN ASYLUM SEEKER WOULD, IF CARRIED OUT, VIOLATE THE U.N. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.

POLITICAL LEADER IBRAHIM RUGOVA DECIDED TO JOIN THE KLA. IN THE ENSUING MONTHS, THE KLA TOOK CONTROL OF AN ESTIMATED 40 PERCENT OF KOSOVO'S TERRITORY.

THE GOVERNMENT BEGAN A LARGE-SCALE OFFENSIVE AGAINST THE KLA IN MID-MAY, A FEW DAYS AFTER MILOŠEVIĆ AGREED TO U.S. DEMANDS THAT HE MEET WITH RUGOVA. THE SPECIAL POLICE TOGETHER WITH THE YUGOSLAV ARMY ATTACKED A STRING OF TOWNS AND VILLAGES ALONG THE BORDER WITH ALBANIA IN THE WEST, WITH THE SPECIFIC INTENT OF DEPOPULATING THE REGION. UNTIL THEN, THE KLA HAD BEEN RECEIVING ARMS AND FRESH RECRUITS FROM ACROSS THE BORDER.

MANY VILLAGES FROM PE IN THE NORTH TO ĐOKOVICA IN THE SOUTH WERE SHELLED WHILE CIVILIANS WERE STILL PRESENT. NONCOMBATANTS WHO FLED THE ATTACKS WERE SOMETIMES FIRED ON BY SNIPERS, AND A STILL UNDETERMINED NUMBER OF PEOPLE WERE TAKEN INTO DETENTION. IN THREE CASES, HELICOPTERS MARKED WITH THE RED CROSS EMBLEM REPORTEDLY FIRED ON CIVILIANS. LANDMINES WERE PLACED IN STRATEGIC POINTS ALONG THE BORDER, AS WELL AS ALONG THE SOUTHERN BORDER WITH MACEDONIA. MOST VILLAGES IN THE REGION WERE SYSTEMATICALLY DESTROYED, AND FARMERS' LIVESTOCK WAS SHOT, TO ENSURE THAT NO ONE COULD RETURN IN THE SHORT-RUN. FIFTEEN THOUSAND PEOPLE FLED TO ALBANIA, AND AN ESTIMATED 30,000 WENT NORTH TO MONTENEGRO.

THE KLA'S FIRST MAJOR OFFENSIVE BEGAN ON JULY 19 WHEN IT ATTEMPTED TO CAPTURE THE TOWN OF ORAHOVAC. THE OFFENSIVE FAILED, AS THE POLICE RECAPTURED THE TOWN TWO DAYS LATER. IN THE FIGHTING AT LEAST FORTY-TWO PEOPLE WERE KILLED. WITNESSES REPORTED SUMMARY EXECUTIONS AND THE USE OF HUMAN SHIELDS BY THE POLICE. FOREIGN JOURNALISTS RECEIVED REPORTS OF MASS GRAVES, ALTHOUGH THESE REPORTS WERE NOT CONFIRMED.

THE GOVERNMENT FORCES INTENSIFIED THEIR OFFENSIVE THROUGHOUT JULY AND AUGUST, DESPITE PROMISES FROM MILOŠEVIĆ THAT IT HAD STOPPED. BY MID-AUGUST, THE GOVERNMENT HAD RETAKEN MUCH OF THE TERRITORY THAT HAD BEEN HELD BY THE KLA, INCLUDING THEIR STRONGHOLD OF MALIŠEVO. UNABLE TO PROTECT THE CIVILIAN POPULATION, THE KLA RETREATED INTO DRENICA AND SOME POCKETS IN THE WEST.

THE WORST ATROCITIES OCCURRED IN LATE SEPTEMBER, AS THE GOVERNMENT'S OFFENSIVE WAS COMING TO AN END. ON SEPTEMBER 26, EIGHTEEN MEMBERS OF AN EXTENDED FAMILY, MOSTLY WOMEN, CHILDREN, AND ELDERLY, WERE KILLED NEAR THE VILLAGE OF ĐONJE OBRINJE BY MEN BELIEVED TO BE WITH THE SERBIAN SPECIAL POLICE. MANY OF THE VICTIMS HAD BEEN SHOT IN THE HEAD AND SHOWED SIGNS OF BODILY MUTILATION. ON THE SAME DAY, THIRTEEN ETHNIC ALBANIAN MEN WERE EXECUTED IN THE NEARBY VILLAGE OF GOLUBOVAC BY GOVERNMENT FORCES. ONE MAN SURVIVED AND WAS SUBSEQUENTLY TAKEN OUT OF THE COUNTRY BY THE INTERNATIONAL AGENCIES IN KOSOVO.

THE GOVERNMENT OFFENSIVE WAS AN APPARENT ATTEMPT TO CRUSH CIVILIAN SUPPORT FOR THE REBELS. GOVERNMENT FORCES ATTACKED CIVILIANS, SYSTEMATICALLY DESTROYED TOWNS, AND FORCED THOUSANDS OF PEOPLE TO FLEE THEIR HOMES. ONE ATTACK IN AUGUST NEAR SENIK KILLED SEVENTEEN CIVILIANS WHO WERE HIDING IN THE WOODS. THE POLICE WERE SEEN LOOTING HOMES, DESTROYING ALREADY ABANDONED VILLAGES, BURNING CROPS, AND KILLING FARM ANIMALS.

THE MAJORITY OF THOSE KILLED AND INJURED WERE CIVILIANS. AT LEAST 250,000 PEOPLE WERE DISPLACED, MANY OF THEM WOMEN AND CHILDREN NOW LIVING

without shelter in the mountains and woods. In October, the U.N. High Commissioner for Refugees (UNHCR) identified an estimated 35,000 of the displaced as particularly at risk of exposure to the elements. Most were too afraid to return to their homes due to the continued police presence.

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As of October 4, 1,242 ethnic Albanians had been charged with "terrorist acts," according to the government, although only 684 of these people were in custody. Detained individuals included human rights activists, humanitarian aid workers, political party members, doctors, and lawyers, many of whom were physically abused. The use of torture against detainees was widespread, and five people were known to have died from abuse in prison during the year.

The government restricted the ability of humanitarian aid agencies to treat the internally displaced. On various occasions, the police blocked access to needy populations, confiscated supplies, and harassed and even attacked humanitarian aid workers. Three humanitarian aid workers were killed by mortar fire while trying to deliver food near Kijevo on August 24. The government justified the restricted access by claiming that some humanitarian organizations had distributed supplies, including arms, to the KLA.

The KLA also committed serious violations of international humanitarian law, including the taking of hostages and extrajudicial executions. At least one hundred ethnic Serbs, and a number of ethnic Albanians and Roma, were missing in circumstances in which KLA involvement was suspected: at least thirty-nine of them were last seen in KLA custody. In some villages the KLA tried to drive ethnic Serbs from their homes. In some cases, elderly Serbs stayed behind, either too old to flee or unwilling to abandon their homes. Some of these people were missing and feared dead. Four Serbian journalists were known to have been detained by the KLA.

On September 9, the police reported the discovery of bodies they claimed had been killed by the KLA in Lake Radonji near Glodjane. By September 16, they had gathered thirty-four bodies, eleven of whom were identified, including some ethnic Albanians. At the end of August, the police claimed to have discovered the human remains of twenty-two people and a kiln used by the KLA to cremate the bodies in the village of KLE KA. The manner in which the allegations were made, however, raised serious questions and underlined the importance of an investigation by an impartial forensics team to investigate KLE KA, as well as the other areas where summary executions were reported.

On September 11, the Montenegrin government decided to close the internal boundary between Montenegro and Kosovo to all persons seeking refuge from the armed conflict. Two days later, a group of 3,200 ethnic Albanians from Kosovo, the majority of them women, children, and the elderly, were expelled to Albania by the Montenegrin authorities.

The Yugoslav government restricted the work of domestic and foreign journalists who sought to report the atrocities in Kosovo. Some ethnic Albanian journalists were threatened, detained, or beaten by the police. Independent radio and television stations in the Albanian language continued to be denied licenses and, in one case, a station was closed down. The international media covering Kosovo also faced a number of restrictions, starting with the denial of visas to critical journalists whom the state considered "anti-Serb." One journalist was declared persona non grata. A number of foreign journalists were beaten or fired upon by the police. Other minority groups in FRY also complained of discrimination, especially the Muslims in Sandjak and Hungarians in Vojvodina. Members of the country's large Roma population, the poorest ethnic group in FRY, were occasionally subjected to violence by individuals, usually "skinheads," as well as by the police. Roma in Kosovo were harassed and occasionally attacked by both ethnic Albanians and the police.

The country's ethnic minorities were hardly the only victims of human rights abuses in 1999. Throughout the year, the Yugoslav government continued to take repressive measures against all citizens who challenged or criticized its authority, regardless of ethnicity. Police abuse against common criminals, as well as those publicly demonstrating against the government, remained a common occurrence. The court system was closely controlled by the state, providing little opportunity for a fair hearing or a remedy for abuses committed by the state.

On May 26, the Serbian parliament passed a new law, the University Act, which gave government authorities exclusive power to appoint rectors, faculty deans, and governing boards at all public universities. The new law also required that all faculty members sign new employment contracts, regardless of the terms and conditions of their existing contracts. After the adoption of the new law, rectors, deans, and members of governing boards at universities across Serbia were replaced with government appointees, many of them prominent members of the ruling political parties in Serbia. Protests against the new law were violently dispersed; and professors involved with opposition political parties or publicly opposed to the policies of President Milosevic came under fire.

Government attacks on the Serbian-language press picked up throughout 1999, especially towards the end of the year. The government maintained direct control of the state radio and television, which provided news for the majority of the population. State programs continued to glorify the government's accomplishments, conceal its failures and, most importantly, manipulate the fears of the population. As was the case during the wars in Bosnia and Croatia, the state-run radio and television purposefully spread disinformation about Kosovo and promoted images of "the enemy" intended to inflame the conflict.

Independent media faced serious restrictions, including the confiscation of radio equipment and arbitrary bans. On October 9, in response to the threat of NATO intervention, the Serbian government passed a decree on special measures that allowed for the direct censorship of local and foreign media. The decree banned the broadcast of foreign news programs like the BBC, RFE, and VOA, and ordered local media not to disseminate material that was "against the territorial integrity, sovereignty and independence of the country." On the basis of the decree, the police closed down two newspapers, *Danas* and *Dnevni Telegraph*, and confiscated their computers on October 13. The next day, the independent daily *Nasa Borba* was also closed. Two radio stations, Radio Index and Radio Senta, were also shut down.

On October 20, the Serbian parliament adopted a new Law on Public Information that incorporated many of the restrictions from the special decree, notably a ban on foreign radio and television broadcasts that were "of a political-propaganda nature." The law imposed exorbitantly high fines on those who breach the law. On October 23, the owner of *Dnevni Telegraph* and *Evropljanin* magazine, Slavko Curuvija, was charged with publicizing information "jeopardizing the territorial integrity and independence of the Republic of Serbia and Federal Republic of Yugoslavia" because of an open letter to Milosevic published by his magazine that strongly criticized the government. He and the magazine's editor and publisher were found guilty and fined \$230,000.

The least obvious but highly effective restriction on the media was the deliberate lack of a coherent legal framework for the establishment of private radio and television stations, which the government used to justify the denial of broadcast licenses. Without a license, stations could be summarily closed down, as happened to at least four stations in 1999.

Throughout 1999, the federal and Serbian authorities failed to cooperate fully with the ICTY. A number of prominent indictees remained on FRY territory during the year, and the government refused visas to some ICTY investigators who wished to conduct investigations in Kosovo, as well as U.S. Ambassador at Large for War Crimes Issues David Scheffer.

Defending Human Rights

A number of well-established local human rights organizations were active in documenting abuses in Yugoslavia and campaigning against them. The Humanitarian Law Center, with offices in Belgrade and Prishtina, Kosovo, and the Helsinki Committee for Human Rights in Serbia publicized violations against ethnic Albanians and Serbs alike, as well as against Roma. The Kosovo Helsinki Committee and the Council for the Defense of Human Rights and Freedoms focused their work on violations in Kosovo; the latter produced a vast amount of material on abuses by the police. The Association of Independent Electronic Media (ANEM) documented and publicized the ongoing problems faced by the independent media.

These organizations and others, such as the Center for Human Rights, the Belgrade Circle, and Women in Black, were generally allowed to function, although they were verbally threatened by the government, especially Serbian Deputy Prime Minister Vojislav Šešelj, who also heads the Radical Party. A number of local activists with the council in Kosovo, however, were harassed, detained, arrested, and beaten. One of them, Reyheb Bislimi, died in police custody in July from beatings he sustained while in detention.

The Role of the International Community

Despite repeated promises not to "allow another Bosnia," the international community failed to take adequate steps to stop the violence in Kosovo. The evidence suggests that the international community, afraid of the KLA's rapid growth, may have given Milošević a green light to proceed with a military offensive from July–September that involved serious breaches of humanitarian law.

On those occasions when the international community did condemn government abuses, words and symbolic actions proved meaningless, with deadlines postponed, conditions abandoned, and sanctions poorly enforced and even withdrawn, notwithstanding continued violence. Even less condemnation was directed towards Milošević's stifling of domestic dissent in the university and the media.

The Contact Group

Disunity was particularly evident among the members of the Contact Group dealing with developments in the Balkans—the United States, the United Kingdom, France, Germany, Italy, and Russia—where Russia in particular played the role of spoiler, although Russia's resistance was at times used by Western states as an excuse for their own inaction, especially by those countries with business interests in the country. On March 9, in its first statement after the February 29 escalation of the conflict, the Contact Group called for Security Council consideration of a comprehensive arms embargo on FRY; refusal to supply to FRY equipment that might be used for internal repression or terrorism; denial of visas for senior FRY and Serbian representatives responsible for the repression; and a moratorium on government-financed export credit support for trade and investment in Serbia. Russia refused to support the last two measures, but committed to discuss additional measures if FRY failed to make progress toward fulfillment of the Contact Group's conditions. When the Contact Group met again on April 29, it noted the on-going violence and the limited progress on conditions it had previously set, and in response, the group decided to freeze funds held abroad by the FRY and Serbian governments. It warned if Belgrade continued to block dialogue by May 9, the group would impose an investment ban on Serbia. Russia refused to endorse these sanctions. At a May 9 meeting of the G-8 (the United States, Canada, the United Kingdom, France, Germany, Italy, Japan, and Russia), the gathered states agreed to implement the asset freeze and impose the investment ban, and once again Russia declared that it did not associate itself with the new sanctions.

United Nations

In the Security Council, China and Russia, both permanent members with veto power, maintained that the conflict was an internal matter, effectively blocking a forceful Security Council response to the conflict. Security Council resolution 1160, adopted on March 31, did impose an arms embargo on FRY, a position reached with China abstaining and only after repeated warnings by the Contact Group had been ignored. Resolution 1199, a strongly worded resolution passed on September 23 (with China abstaining again), condemned acts of violence committed in Kosovo, reaffirmed the arms embargo, and, under authority of Chapter VII of the U.N. Charter, demanded an immediate cessation of hostilities. It called upon FRY and the Kosovo Albanian leadership to enter into immediate and meaningful dialogue and demanded that FRY implement immediately the measures contained in the June 12 statement of the Contact Group. The resolution called on the president of FRY to implement his own commitments made in a joint statement with the president of the Russian Federation on June 16, 1999; these included, among other things, not to carry out any repressive actions against the peaceful population, to facilitate refugee return, and to ensure full access for the ICRC and UNHCR. It stated that the Security Council would consider "further action and additional measures" if the measures demanded in its two resolutions were not taken.

U.N. Special Rapporteur for the Former Yugoslavia Jici Dienstbier visited Kosovo twice in 1999.

International Criminal Tribunal for the Former Yugoslavia (ICTY)

The ICTY repeatedly stated its intention to investigate war crimes committed in the Kosovo conflict. Preliminary investigations began in September and were continued toward the end of 1999, despite the denial of some visas by the Yugoslav government. On March 13, the U.S. government committed \$1.075 million to support the Tribunal's investigation in Kosovo. Two ICTY investigators were in Kosovo in September when the atrocities in Donje Obrinje and Golubovac were discovered, but they did not visit the sites.

European Union

The E.U. response to the conflict in Kosovo was characteristic of the general failure of the international community to send a strong message and

follow through with concrete action. The E.U. was slow to adopt even relatively weak measures and was particularly slow to implement and enforce the measures adopted.

The E.U. adopted a common position to freeze FR Yugoslavia and Serbian government funds on May 7, 1999, in response to the government abuses. The E.U. regulation formally imposing the asset freeze was not adopted until June 22, 1999. At the May 25 meeting of the E.U. General Affairs Council, the foreign ministers of E.U. member states concluded that, in light of the Milošević-Rugova meeting in Belgrade, "the proposed measure to stop new investment in Serbia would not be taken forward." That week Belgrade launched a major new offensive to create a cordon sanitaire along its border with Albania that involved serious breaches of international humanitarian law.

Organization for Security and Cooperation in Europe (OSCE)

On October 13, U.S. envoy Richard Holbrooke announced an agreement with Milošević, by which 2,000 OSCE monitors, called "verifiers," would be based in Kosovo to monitor compliance with Security Council Resolutions 1160 and 1199. As of October 25, the details of the OSCE mandate had not been finalized. Questions remained about the mission's ability to monitor and report on continued abuses, and the international community's response to FR Yugoslavia non-compliance.

Freimut Duve, the OSCE high commissioner for freedom of the media, spoke out on media restrictions in FR Yugoslavia, and he was denied a visa to the country in September.

Council of Europe

The Parliamentary Assembly of the Council of Europe engaged itself in the Kosovo crisis, sending several missions to FR Yugoslavia and adopting resolutions calling for an end to the violence. The president of the assembly, Leni Fischer, was particularly outspoken. As of this writing, the committee of ministers had taken no action on FR Yugoslavia's March 1999 application for admission to the organization.

NATO

On June 11, NATO defense ministers directed NATO military authorities to develop a range of options for possible military action. As a demonstration of military might, they also agreed to carry out air exercises over neighboring Albania and Macedonia. These exercises, known as "Operation Determined Falcon," were carried out on June 15 and heralded as a "serious message to Belgrade." Planes flew over Tirana, the Albanian capital, but not over north Albania where they would have been seen by Serbian forces and the KLA alike.

NATO threats followed the revelation of massacres in late September. An activation order cleared the way for air strikes unless Milošević complied with Security Council resolution 1199. Milošević was given until October 17 to withdraw his troops; on October 16, NATO granted him another ten days to comply. On October 16, NATO Secretary General Solana signed an agreement with Milošević that allowed for non-armed surveillance flights over Kosovo.

United States

The United States played a leading role within the Contact Group and carried out intensive shuttle diplomacy during the year to bring about a negotiated settlement to the conflict in Kosovo. U.S. Special Envoy Richard Holbrooke and U.S. Ambassador to Macedonia Christopher Hill dealt extensively with main actors on both sides, especially Milošević. As of October 23, the U.S. had fifty-two members in the Kosovo Diplomatic Observer Mission (KDOM), with another 100 due to arrive soon.

According to the U.S. government, it had provided more than \$44 million for humanitarian relief by September. U.S. Ambassador for War Crimes David Scheffer was denied a FR Yugoslavia visa in August, but Under Secretary John Shattuck and former Senator Bob Dole visited Kosovo and issued very critical statements in September.

Despite high-level delegations and great verbal condemnation, the U.S. government failed to address the human rights violations adequately, due to continued reliance on Milošević as the principal negotiating partner and a preoccupation with maintaining the territorial integrity of the country over all other concerns, including the safety and welfare of the people of Kosovo. Little criticism was expressed during the large-scale government military offensive from July to September, and the evidence suggests that serious human rights abuses may have been tolerated to, as one anonymous diplomat put it, "knock the KLA down a peg."

Relevant Human Rights Watch reports:

Humanitarian Law Violations in Kosovo, 10/99