



# CSCE Digest

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The Commission on Security and Cooperation in Europe

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## Commission Holds Russian Elections Hearing

On July 10, 1996, Chairman Rep. Christopher H. Smith (R-NJ) presided over Commission hearings on the results of the Russian presidential elections and their implications for U.S. foreign policy. Witnesses included: Dr. Michael McFaul, Carnegie Endowment for Peace; Professor Dr. Peter Reddaway, The George Washington University; Dr. Blair Ruble, Director of the Kennan Institute; and Ambassador James Collins, Special Advisor to the Secretary of State for the New Independent States. Also attending were Commissioners Reps. Ranking Minority Member Steny Hoyer (D-MD),

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Delegates Rep. Henry J. Hyde (R-IL) and Rep. Greg Laughlin (R-TX) cast votes in Stockholm 5th Annual OSCE Parliamentary Assembly Meeting Held

From July 4-9, 1996, thirteen Members of Congress participated in the fifth annual meeting of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) in Stockholm, Sweden. The delegation included Commissioners Rep. Matt Salmon (R-AZ), Ranking Minority Rep. Steny H. Hoyer (D-MD), Rep. Benjamin L. Cardin (D-MD), and Representatives Head of Delegation Henry J. Hyde (R-IL), Greg Laughlin (R-TX), Patricia Schroeder (D-CO), Louise McIntosh Slaughter (D-NY), Bob Clement (D-TN), Bill K. Brewster (D-OK), Pat Danner (D-MO), Karen L. Thurman (D-FL), Alcee L. Hastings (D-FL), and Jesse L. Jackson, Jr. (D-IL).

The Parliamentary Assembly was established in 1991 as a legislative partner to the multilateral framework of the governments participating in the OSCE and was designed to guide a new era of cooperation in East-West relations to fortify parliamentary democracy in countries undergoing post-Communist transition. Of the 54 fully participating OSCE states, 49 were represented at this year's meeting, with Bosnia-Herzegovina, the Czech Republic, Tajikistan, and Turkmenistan not attending.

The Parliamentary Assembly organizes its work in three General Committees reflecting the three original "baskets" of the Helsinki Final Act: Com-

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The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

## Belarus Update

Recent developments in Belarus point to continuing basic human rights restrictions. At the June 27 OSCE Permanent Council meeting in Vienna, the U.S. raised concerns over the Belarus human rights situation. Italy, speaking for the EU, supported the U.S. intervention which raised the continuing restrictions on the rights to free speech and assembly, and the right to organize and bargain collectively. Concern was also expressed about the trend toward centralization of power in the executive branch, i.e., in President Lukashenka.

Recent negative developments on the Belarusian human rights scene include: a government announcement suspending the license of Belorusskaya Delovaya Gazeta, one of Minsk's leading independent newspapers; the beating of Galina Drakokhrust, wife of a Radio Liberty journalist, widely believed to be the work of special police; Lukashenka's attacks on college teachers; and Lukashenka's July 1 announcement that Belarusian citizens will not be allowed to travel abroad without registering with the appropriate authorities.

Meanwhile, seven Ukrainians involved in the April 26 anti-Lukashenka mass rally remain imprisoned, as does Andrej Rymashevsky, detained for burning the non-existent Soviet Socialist Belarusian Republic state banner. Furthermore, Belarusian opposition leaders Zenon Paznyak, leader of the Belarusian Popular Front, and Syarhei Naumchyk, BPF Press Secretary, who recently visited the CSCE in Washington, remain in exile due to an April arrest warrant issued for them by Lukashenka.

At the same time, members of the Belarusian parliament, including Parliament Chairman Semyon Sharetsky and deputy chairmen Genadzy Karpenka and Vasil Navikaw, are becoming increasingly critical of Lukashenka's heavy-handed rule.

☞ Orest Deychakiwsky



## New CSCE Web Site Announced

The Commission on Security and Cooperation in Europe's new Internet World Wide Web site is located at <http://www.house.gov/csce>. Currently the site includes many of the election observation reports from the last several years. Locations for Press Releases, the Digest and other materials are under development.

## Commission Appeals on Behalf of Kosovar Albanian Human Rights Activist

On June 28, Commission Co-Chairs Rep. Christopher H. Smith (R-NJ) and Sen. Alfonse D'Amato (R-NY) wrote both to Serbian President Slobodan Milosevic and U.S. Secretary of State Christopher regarding an order given to leading surgeon and human rights activist Alush Gashi to appear before a Belgrade Magistrate Court on July 1. The charges against Gashi were subsequently withdrawn by the court.

The letter to President Milosevic urged him to intervene immediately in the case, arguing that the pending charges are based on Gashi's human rights activities. The letter noted how incidents like this damage any chance the newly declared Yugoslav federation consisting of Serbia and Montenegro has for becoming a full-fledged member of the OSCE. The Serbian President's staff responded by informing Smith and D'Amato that the charges against Gashi were withdrawn but claimed that they were based on his breach of public office when, as part of the Medical Faculty at the University of Pristina in 1990, he refused to agree to the enrollment of students who were ethnic Serbs. The charges were withdrawn, it was added, under a statute of limitation affecting the allegation.

The letter to Secretary Christopher urged the United States to raise concern over Alush Gashi in meetings with Serbian officials, which it apparently did. Gashi had testified on human rights in Kosovo in a Helsinki Commission hearing in 1994.

In the former Yugoslavia, Kosovo was a province of Serbia, one of six republics, that had considerable autonomy and federal status, and in which the large ethnic Albanian population had significant cultural freedom. As Serbian authorities stripped the region of all autonomy in 1990, leaders of the Albanian population proclaimed Kosovo to be an independent republic and have engaged in a largely passive resistance to Serbian rule. Kosovar Albanians have faced severe repression at the hands of Serbian authorities in recent years and have established their own social infrastructure in areas like education and health care in parallel with that established officially by Belgrade. Despite the promises for regional stability brought about by the Dayton Agreement ending the conflict in nearby Bosnia-Herzegovina, the situation in Kosovo remains volatile.

☞ Bob Hand



## U.S. Resolution on Tribunal Focal Point for Bosnia Debate

Bosnia was high on the agenda of the U.S. delegation to the Stockholm Parliamentary Assembly meeting (see story, page 1). The work of the International Criminal Tribunal for the Former Yugoslavia received special attention at a briefing, organized by the delegation, with Judge Jules Deschênes of the Tribunal's court of appeals, while a free-standing comprehensive resolution on the former Yugoslavia, introduced by the U.S., provided the framework for much of the debate among parliamentarians.

Judge Deschênes, a senior Canadian jurist and legal scholar, briefed parliamentarians on the organization and procedures of the Tribunal, established by the U.N. Security Council in May 1993, which has jurisdiction over individuals responsible for war crimes, crimes against humanity, and genocide committed on the territory of the former Yugoslavia after January 1, 1991. The judge provided a brief historical overview of the prosecution of war criminals. The Hague-based Tribunal, the first international tribunal established for the prosecution of war criminals since World War II, has indicted over seventy individuals, including Bosnian Serb leaders Radovan Karadzic and Ratko Mladic. The briefing, held on the eve of the one-year anniversary of the fall of the U.N.-designated safe haven of Srebrenica, underscored the need for both political and financial support for the work of the Tribunal. The informative meeting preceded a special plenary session devoted to developments in the former Yugoslavia.

Ambassador Robert Frowick, OSCE Head-of-Mission to Bosnia-Herzegovina, addressed the plenary in a speech which took stock of the progress made by the mission as well as the considerable challenges which remain. The retired U.S. diplomat described in detail the evolution of the mission—the largest ever undertaken by the OSCE—based in Sarajevo, with field offices throughout Bosnia. Mandated by the Dayton Agreement, the mission

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# CSCE

## CSCE\NGO Delegation Examines Human Rights in Turkey

From July 1-6, Commission staff joined representatives from five NGOs on a mission to Ankara, Diyarbakir, and Adana, Turkey. The delegation attended the trial of Human Rights Foundation of Turkey representatives and examined human rights issues. The delegation included: Elisa Munoz, American Association for the Advancement of Science; Dr. Torsten Loucas, Berlin Medical Association; Dr. Eva Metalios, Doctors of the World; and Dr. Charles Clements, Physicians for Human Rights. Douglas Johnson of the Center for Victims of Torture accompanied the delegation in Adana.

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## Commission Hearing Focuses on September Bosnian Elections

The Helsinki Commission convened a June 26 public hearing to discuss the recent decision to schedule elections in Bosnia-Herzegovina for September 14. Convened by Chairman Rep. Christopher H. Smith (R-NJ) and Co-Chairman Sen. Alfonse D'Amato (R-NY) and attended by Commissioners Rep. Matt Salmon (R-AZ), Ranking Minority Rep. Steny H. Hoyer (D-MD), Rep. Benjamin L. Cardin (D-MD), and Representatives Jesse Jackson (D-IL) and Frank R. Mascara (D-PA), the witnesses were two key players in the decision, Organization for Security and Cooperation in Europe (OSCE) Head-of-Mission Ambassador Robert Frowick and

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committee I deals with Political Affairs and Security; Committee II deals with Economic Affairs, Science, Technology and the Environment; and Committee III deals with Democracy, Human Rights, and Humanitarian Affairs. Each committee reports a majority-adopted resolution. The overarching theme of this year's Assembly was a "model of European Security in the 21st Century," a subject currently under negotiation by the 54 fully participating states in the OSCE.

General Committee on Political Affairs and Security: Committee I considered a report prepared by British MP Bruce George on a "Common and Comprehensive Security Model for Europe for the Twenty-first Century" as well as a resolution containing elements which might be included in such a model first proposed by Russia at the 1994 OSCE Budapest summit and to be discussed at the Lisbon summit scheduled for early next December.

The U.S. delegation played an active role in the lengthy debate held in committee and through the introduction of amendments contributed to the final resolution of the Assembly. While other delegations tended to focus on theoretical aspects of the security model, the American participants stressed the paramount importance of implementing existing OSCE commitments as a fundamental element of such a model. Accordingly, the U.S. amendments focused on pressing issues of non-compliance, most notably in connection with the conflict in Chechnya, and the serious irregularities which occurred in Albania's recent parliamentary elections.

Mr. Hastings' proposed language underscoring the importance of implementing existing OSCE principles as essential elements of genuine security, and urging that any new commitments build upon these principles, was approved. He also proposed an amendment on self-determination which sparked a lively debate, although the suggested paragraph was not approved.

Mrs. Schroeder was met with stiff opposition by the countries of the European Union when she offered language to strengthen the economic component of the security model. She also introduced a successful amendment that endorsed the conclusions and recommendations of an Assembly delegation that had observed serious irregularities in the May Albanian parliamentary elections.

Mr. Laughlin's amendment acknowledged the important role played by the OSCE in seeking a peaceful resolu-

tion of the conflict in Chechnya, and called upon Russia and the Chechens to implement the Nazran accord for withdrawal of federal forces from the region.

General Committee on Economic Affairs, Science, Technology and the Environment: Committee II considered Canadian Sen. William Kelly's report examining the impact of economic and environmental developments on security in the OSCE, which was to assess the extent to which economic instability and disputes over natural resources and environmental damage contribute to social unrest and political instability. The accompanying resolution contained recommendations for cooperative efforts to address these issues. The United

States offered a substantive amendment to reaffirm the OSCE's commitment to work through the Economic Forum's seminars and follow-up activities to develop effective methods to address the economic and environmental

The committee also considered a proposal for an "OSCE Economic Charter" which would serve as a standard-setting guide for the reforming states...

concerns of the countries in transition, and to build public support for reform efforts. The committee also considered a proposal for an "OSCE Economic Charter" which would serve as a standard-setting guide for the reforming states in their efforts to create stable, transparent and predictable economic frameworks to spur domestic growth and attract foreign direct investment.

General Committee on Democracy, Human Rights, and Humanitarian Affairs: Committee III considered Polish Sen. Jerzy Cieslaka's report on the "problems of refugees, exiles and immigrants in countries of their permanent and temporary residence" which was amended and reported to the full plenary. The U.S. successfully introduced two amendments to the draft resolution. The first, by Reps. Cardin and Slaughter, that dealt with citizenship problems which have emerged in some OSCE countries since the dissolution of the Soviet Union, Yugoslavia, and Czechoslovakia, reiterated the standard for granting citizenship in such situations. Rep. Slaughter offered language addressing trafficking in women and girls, estimated to involve more than 500,000 victims in Europe, in which the Parliamentarians agreed to seek the passage of national laws which would provide for the prosecution of those who travel abroad for the purpose of having sex with a minor.

☞ Marlene Kaufmann, Ronald McNamara, Erika B. Schlager

## Commission Holds Briefing on War Crimes Trials

On May 28, the Helsinki Commission convened a briefing on war crimes trials related to the former Yugoslavia. Earlier that month, the International Criminal Tribunal for the former Yugoslavia began its first war crimes trial, in the case against Dusan Tadic. At the same time, public attention has become increasingly absorbed with the prospect of holding elections in Bosnia-Herzegovina later this year, while the highest ranking Bosnian-Serb leaders remain indicted by the Tribunal, but at large in Bosnia. These developments have heightened questions about the prospects for holding war criminals personally accountable for their actions and the role of the United States—with roughly 18,000 U.S. troops participating in IFOR—in this process.

At the outset of the briefing, it was noted that the Commission had originally sought to have a hearing on this issue that would have included witnesses from the Departments of State and Defense. Although the Defense Department had indicated its willingness to make Undersecretary Walter Slocombe available, the State Department was unable to provide a counterpart witness that was acceptable to the Defense Department, in effect making a hearing impossible.

Nevertheless, the Commission's briefing proceeded with three expert non-governmental witnesses: Thomas S. Warrick, a partner in the law firm of Pierson Seemes and Bemis and counsel for the Coalition for International Justice, a non-governmental organization which supports the work of the International Criminal Tribunals for the Former Yugoslavia and Rwanda; Norman Cigar, Professor of National Security Studies at the U.S. Marine Corps School of Advanced Warfighting and the author of *Genocide in Bosnia: The Policy of Ethnic Cleansing*; and Iain Guest, a Senior Fellow at the United States Institute for Peace and author of *On Trial—the United Nations, War Crimes and the Former Yugoslavia*.

Thomas Warrick led off the panel's discussion, providing an up-to-the minute overview of the indictments issued by the Tribunal, arrests of suspects, and a summary of the on-going trial of Dusan Tadic. Most importantly, Warrick outlined some of the potential implications of permitting Radovan Karadzic and Ratko

Mladic—currently the highest ranking Bosnian Serb political and military figures to be indicted—to remain at large during upcoming elections. Painting a bleak scenario, he posited that “if Karadzic continues to be at large, the elections are doomed to fail.”

Norman Cigar picked up the discussion from there, addressing some of the military questions that stem from the stated U.S. policy goal of seeking the surrender of indicted war criminals to The Hague. Cigar argued that many of the civilian tasks, including but not only the holding of elections, have been held hostage by the contin-

“The Dayton peace agreement gave much promise to the hope for not only peace, but also justice in the former Yugoslavia. The question is: what has that translated into in reality? So far, at least, on the key issue of apprehension of war criminals, it seems that it's nobody's job.” —Thomas S. Warrick

ued high-profile presence in Bosnia of indicted war criminals. By delaying the effective achievement of those tasks, the failure to take such criminals into custody may actually undermine the military goals elaborated at Dayton. This, in turn, could undermine the exit strategy for U.S. forces, which depends upon a requisite degree

of stability and security in order for IFOR to be able to turn over control to a light follow-on force. Cigar described the concern that an active IFOR role in obtaining custody of indicted war criminals—particularly Karadzic and Mladic—constituted mission creep as the “drunk and the lamp syndrome.” “Somebody comes up to a drunk under a street lamp and asks, ‘what are you doing?’ ‘Well, I'm looking for my car keys, which I lost.’ And the person asks him, ‘did you lose them there?’ ‘No, I lost them in that parking lot down there. But it's dark there, and it's a lot easier to look here.’ In other words, by specifying your own mission as an easy one, you may achieve that. But in the end, you won't really achieve your ultimate objective.”

Iain Guest concluded by addressing the larger questions raised by the effort to get war criminals before the Tribunal in The Hague. In this discussion, he touched on three related themes: first, he described the need to hold people accountable for past wrongs in order to pave the way for long-term reconciliation; second, he portrayed the Tribunal as a vehicle for restoring humanitarian law standards which have been badly battered during the Yugoslav war; and third, he argued that a resolution of problems related to refugees and repatriation is dependent on ensuring accountability for war crimes. ☞ Erika B. Schlager

Frank Wolf (R-VA), Ben Cardin (D-MD), and Matt Salmon (R-AZ).

Dr. McFaul called the elections “a tremendous victory for democracy,” since they were the first free vote for the head of state in the thousand-year history of Russia and demonstrated that—despite pessimistic pronouncements to the contrary—Russians are capable of distinguishing between political philosophies and making a democratic choice. McFaul pointed out that they actually had been making democratic, anti-Communist choices since 1991 when the first presidential elections were held. However, McFaul said that at least four significant problems remain in the wake of the Yeltsin victory: 1) Russia has no effective multi-party system and accompanying party system controls, allowing the possibility for demagogues to appear on the scene and establish viable candidacies; 2) the press is not as free and independent as had been supposed—given a choice, the media by and large chose what it considered self-preservation over genuine unbiased coverage of the candidates; 3) rule of law is yet to be established in Russia, and there is little prospect of doing so in the near future—consequently, human rights will continue to be in trouble; and 4) the super-presidential system concentrates too much power in the hands of the President.

Professor Reddaway then characterized the election as “a choice between two unattractive candidates” that allowed a demonstration by the Russian people against the Communists, but was not a “triumph of democracy” as some have claimed. Besides noting the Yeltsin administration’s monopoly of the major media and violation of the campaign expenditure limits, Reddaway discerned a drift by Yeltsin toward authoritarianism since 1993, with the election only confirming this trend. “By allying himself with [former General Alexandr] Lebed, a self-described ‘semi-democrat,’ by stressing his own Tsar-like qualities, by featuring nationalist themes and the restoration of order, Yeltsin suggested that he was set on continuing to move gradually toward authoritarianism.” Reddaway quoted the prediction of human rights activist and Russian parliamentarian Sergei Kovalev that Russia would cease to be a state based on law and would “be governed in a draconian manner.” Moreover, Reddaway saw a looming eco-

nomics crisis for Russia, induced at least in part by Yeltsin’s pork-barrel campaign.

“With each election,” testified Dr. Ruble, “Russian democracy’s roots grow that much further into the ground. The important post-election question is whether or not institutions such as political parties will emerge despite the best efforts of the clans engaged in Kremlin intrigue. For this to happen,” he continued, “Boris Yeltsin is going to have to engage himself in day-to-day governance, rather than rally the forces only in times of crisis.” Ruble contended that the situation in Russia today is more dangerous than a year ago, “with apparently a partially incapacitated president, a Prime Minister and National Security Advisor at odds with one another, a disaffected forty percent of the electorate. . . , and a group of foreign supporters of reform who can easily serve as a flashpoint for popular anger. Into this mix is the ‘Lebed Wild Card.’

“Yeltsin suggested that he was set on continuing to move gradually toward authoritarianism”

The next months will be crucial in his personal learning and development. But in the long run,” concluded Ruble, “the decision lies with the Russian political elite. The Russian people have demonstrated their commitment to democracy on several occasions, but Russian politi-

cians need to step beyond petty politics and act in the national interest. The elections demonstrate a heroic commitment to decency on the part of the Russian people not always evident among their leaders. . . [this] is the time for serious hard work, the work of governing. There is little evidence to date that President Yeltsin has either the interest or the capacity to govern.”

“The Russian elections,” said Ambassador Collins, “reaffirmed rejection of the past and kept open important opportunities for the success of Russia’s transformation. While Americans cannot claim credit for the outcome of the election, the United States can claim credit for maintaining policies of support for democracy and economic reform in Russia, and the Clinton administration will continue to pursue a wide-ranging security and foreign policy agenda with the Russians, in both areas of cooperation—the Middle East and Bosnia—and where differences remain—Chechnya, NATO enlargement, and the proposed nuclear reactor sale to Iran.”

Chairman Smith inquired as to the status of Russian military forces in Transdnistria, and whether the administration views the October 1997 withdrawal date—

## Sergei Kovalev Suffers Heart Attack, Commission Secures U.S. Consultation

On July 8, Sergei Kovalev, former Soviet political prisoner and member of the Russian Duma, suffered a serious heart attack and was admitted to the Kremlin Main Clinic. His condition at this writing has stabilized, although his physicians say that he is expected to remain at the clinic for a month.

At the request of CSCE Commissioner Rep. Frank Wolf (R-VA), together with Chairman Rep. Christopher H. Smith (R-NJ) and Ranking Minority Member Rep. Steny Hoyer (D-MD), and through the good offices of Ambassador Collins at the State Department, a cardiologist at Walter Reed Army Hospital has been in contact with Kovalev's doctor to provide assistance if requested.

Sergei Kovalev testified before the Helsinki Commission on March 6, 1996 on the continuing carnage in Chechnya.

✉ John Finerty



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stipulated by the Moldovan and Russian executive branches—as legally binding under international law. Ambassador Collins reaffirmed the State Department position that the Moldovan Government is fully entitled to expect the troops to leave its territory, but agreed to provide a full response after consultation with the State Department legal office.

Smith, Hoyer and Wolf expressed concern about the ongoing war in Chechnya and the renewed violence following the election. Mr. Hoyer spoke of the need to speak out at high levels about Chechnya and other human rights abuses—this being, historically, the success of the Helsinki process. Mr. Wolf was especially critical of what he felt was administration indifference to the suffering in Chechnya and renewed his call for the administration to seek Russian and Chechen acceptance of a high-level third party mediator.

Congressman Cardin expressed his opinion that the U.S. should have been more outspoken in rejecting the intolerant remarks of General Lebed, who inter alia called Mormons “mold and scum” and chided someone for “talking like a Jew.” Such statements, added Congressman Salmon, will lessen the enthusiasm of Congress for assisting Russia.

✉ John Finerty

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is responsible for supervising the preparation and conduct of elections, strengthening respect for human rights and fundamental freedoms, and organizing negotiations on regional stabilization and arms controls measures.

While noting considerable headway in preparing for “the most complex elections in history,” Frowick was particularly frank in acknowledging that the substantive conditions called for in the Dayton plan have not been realized. He cited the limited time frame of IFOR's mandate and broad support among virtually all of the political parties in Bosnia as key elements in his decision to recommend proceeding with the elections. Frowick decried the defiance of Bosnian Serb leader and indicted war criminal Radovan Karadzic, who continues to wield considerable power and influence in Republika Srpska despite the Dayton agreement which calls for indictees to be handed over to the Tribunal.

“I think it is untenable for OSCE to carry forward its supervision of the electoral process in Bosnia-Herzegovina with anyone indicted as a war criminal serving as President of one of the leading political parties in the electoral context,” said Frowick. “Therefore,” he continued, “I plan to use the prerogatives at my disposal as Head of the OSCE Mission in Sarajevo and Chairman of the Provisional Election Commission at least to deny the SDS eligibility in the elections as long as it defiantly insists on retaining Mr. Karadzic in a party office. On this matter, it is my judgment that OSCE must take a stand.”

Reaction to Ambassador Frowick's remarks was mixed. Commissioner Rep. Steny H. Hoyer (D-MD), a member of the U.S. delegation and a Vice President of the Assembly, welcomed the decision to take determined action against Karadzic. Several parliamentarians questioned Frowick's legal authority to bar the SDS from participating in elections, expected in mid-September, while others questioned the possible fallout from such a move. Undeterred, Frowick made clear his determination to act based on powers given him under the Dayton agreement.

The ensuing debate then turned to the pending U.S. resolution on the former Yugoslavia with many parliamentarians voicing appreciation for American leadership in brokering the Dayton plan and for contributing the largest single contingent of troops to IFOR. In presenting the resolution, Mr. Hoyer recalled the considerable progress achieved on the ground in Bosnia during the twelve months since the Assembly's 1995 Ottawa meeting.

Among the issues addressed in the wide-ranging resolution were the need to press for full implementation

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## OSCE Parliamentary Assembly Adopts Resolution on Turkey

On July 9, 1996, the OSCE Parliamentary Assembly adopted a "Resolution on Turkey" introduced by 17 co-sponsors from seven countries, including Helsinki Commissioners Hoyer and Cardin. The resolution passed without any dissenting votes, although several delegates did not vote and Turkey's delegation had returned to Ankara for a parliamentary vote confirming a new government.

The final resolution builds on work of the Assembly's May 1995 mission to Turkey and lays the groundwork for a follow-up mission. The resolution seeks to increase the official role of the OSCE in Turkey, which has remained minimal despite the mounting humanitarian crisis. It outlines current human rights concerns, including widespread use of torture, restrictions on free expression and problems facing Turkey's Kurdish citizens. The resolution seeks to encourage peaceful resolution of the crisis in southeast Turkey, where fighting between security forces and Kurdish militants has caused more than 20,000 deaths, resulted in the destruction of more than 3,000 villages and created up to three million internal refugees.

During debate on the resolution in the Committee on Democracy, Human Rights and Humanitarian Questions, a number of amendments to the original draft were offered. One, offered by Turkish and Kyrgyz delegates, supported by U.S. delegates, specifically identifying the PKK as a source of terrorism, passed by two votes. During debate, Turkish delegates invited an Assembly mission to Turkey on behalf of the Turkish parliament, assuring that a more formal invitation would follow. Language which called upon the Assembly President "to appoint and coordinate a delegation to visit Turkey in Fall 1996" was thereby amended to "welcome" the Turkish invitation.

The text of the Resolution as adopted follows:

"Hoping that the excellent cooperation and dialogue between representatives of the Turkish nation and the OSCE Parliamentary Assembly, engendered by the Assembly's May 1995 Delegation visit, will continue in the same positive spirit;

Concerned about ongoing violence in Turkey which is causing losses of thousands of lives and large-scale human suffering;

Condemning terrorism in all forms, especially by radical groups such as PKK, and calling for the urgent termination of any kind of logistical and financial support provided by some countries;

Reaffirming previous Declarations of the OSCE Parliamentary Assembly concerning the appeal to release all prisoners detained solely for non-violent expression of their views, including three former Members of the Grand National Assembly;

Welcomes legislative efforts to amend the Constitution to eliminate such provisions which, as remnants of military rule, restrict political activities fundamental to democratic societies;

Calls upon the Turkish Government and Parliament to abolish Article 8 of the Anti-Terror Law, Article 312 of the Penal Code and other statutes which violate the principle of freedom of expression;

Urges the Turkish Government to take urgent action to halt widespread use of torture by police and other officials, and to end its persecution of medical professionals and NGOs who provide treatment to victims of torture and expose human rights abuses;

Calls upon the Turkish Government to promote economic, social, cultural, legislative and other peaceful means to solve internal problems, in particular those concerning the Kurdish population in southeastern Turkey.

Urges the Turkish Government to establish consultative mechanisms with non-violent Kurdish-based organizations, which recognize the territorial integrity of Turkey, to defuse sources of conflict and propose strategies to resolve the crisis in southeastern Turkey;

Welcomes an invitation by the Turkish Grand National Assembly for an OSCE Parliamentary Assembly delegation to visit Turkey to examine developments in the human rights situation and the respect of OSCE commitments since the visit of the last Assembly delegation in May 1995;

Urges the Chairman-in-Office of the OSCE to send a personal representative to Turkey, in conjunction with the aforementioned Parliamentary Assembly delegation, to develop recommendations regarding the scope and mandate of future OSCE activities."

☞ Mike Amitay

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The delegation met government officials, parliamentarians, journalists, doctors and representatives of NGOs and inquired about potential changes in human rights policy under the new coalition government which includes the Muslim-based Welfare (Refah) Party. While some believed Refah's religion-inspired approach and appeal for unity through a Muslim "community of believers" could provide a climate favorable to reform, others, including rights activists, believed Refah's hands would be tied by the military, especially regarding Kurdish policies. Prime Minister Erbakan is the only Refah representative on the powerful National Security Council, which determines security and other policies. Additionally, many believed that the appointment of hard liner Mehmet Agar as Interior Minister did not bode well for human rights advances. As Chief of Police in Turkey, Agar turned a blind-eye to torture, criticized human rights activists and has been linked in press reports to crime syndicates in Turkey.

A major focus of the visit was the trial of physician Tufan Kose and representative Mustafa Cinkilic of the Human Rights Foundation of Turkey, Adana Branch. The delegation observed the trial along with other international observers including: Dr. Inge Genefke, Medical Director of the Copenhagen-based International Rehabilitation Council for Victims of Torture (IRCT); a Danish parliamentarian; a U.S. Consulate official; and other international NGO representatives.

The charges in this case stem from a secret January 29, 1996 Foreign Ministry directive (No. AKGY-164-1037) expressing concern about negative international publicity caused by the Foundation's published numbers of treated torture victims. The directive was sent to the Ministries of Health, Interior, Justice, as well as the General Staff, the National Intelligence Organization and the National Security Council. On March 7, a Foreign Ministry statement criticized the U.S. Department of State's Human Rights Country Report, specifically disparaging Foundation-supplied data. Turkey's Attorney General then requested that the Foundation turn over the names and addresses of individuals seeking treatment for torture. The Foundation refused on grounds of doctor-patient confidentiality and of fear of retaliation by state organs against both doctors and patients.

On March 21, because of their refusal to turn over patient records, Kose was charged under Article 530 of the Turkish Penal Code for "negligence in reporting a

crime," and Cinkilic faces a charge under Article 526 of the Penal Code for "disobeying orders of an official." Kose could be fined if convicted and Cinkilic could face three to six months imprisonment. At the July 5 court hearing, the judge indicated he would need further time to consider documentation submitted by the defense and that the trial would continue on September 13.

While doctors, lawyers, journalists, human rights activists, and parliamentarians who met with the Delegation considered torture to be widespread in Turkey, a number of officials emphatically declared that torture did not exist in Turkey. The 1995 State Department human rights report states, "Torture also continued to be a very serious problem. Police and security forces often employed torture during periods of incommunicado detention and interrogation." It continues, "The climate of impunity that the relatively small number of convictions creates remains the single largest obstacle to reducing unlawful killing, torture and other human rights abuses."

International NGO representatives, including those on the delegation, plan to continue to monitor legal proceedings against the Foundation and support efforts to treat victims of torture and document human rights abuses. Widespread condemnation of efforts to terminate the Foundation's torture treatment and rehabilitation efforts stems from respect for the Foundation's work, recognition that its services are vitally needed in Turkey, and reaction to the attack on internationally accepted medical ethics inherent in the prosecution. Delegation members were further disturbed because the prosecution was motivated by public relations concerns—the Foundation was bringing Turkey bad publicity. Instead of taking efforts to prevent torture, the government sought to "kill the messenger." The delegation's joint statement urged the Government of Turkey to "support Foundation efforts to treat and rehabilitate victims of torture, not only to fulfill international legal obligations under the U.N. Convention Against Torture, but also for the benefit of Turkish society."

The delegation also met with Dr. Seyfettin Kizilkan, who has appealed a 3-year 9-month prison sentence for possession of illegal weapons. Dr. Kizilkan is well-known for his humanitarian views and work to improve conditions facing Kurdish migrants who fled fighting throughout southeast Turkey. Dr. Kizilkan had also cooperated with foreign medical professionals documenting torture and other human rights abuses. The delega-

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Special Advisor to the President and Secretary of State Ambassador William Montgomery.

The controversy over scheduling the election was based on a conflict between the nine-month deadline set by the Dayton Agreement for holding elections in Bosnia-Herzegovina and conditions on the ground which make holding free and fair elections by that time impossible. The OSCE was tasked in Dayton with helping to organize the elections, and with certifying that conditions exist for free and fair elections. On June 25, Swiss Foreign Minister and OSCE Chairman-in-Office Flavio Cotti reluctantly issued the certification, assessing the situation on the ground as very difficult but concluding that no convincing alternative existed to proceeding in accordance with Dayton. Press reports indicated that the United States and some European countries were pressuring the OSCE for the certification.

Chairman Smith opened the hearing by expressing concern over Bosnia's future and the OSCE's credibility in human rights diplomacy. Noting that the election date had been effectively decided he said that improving the situation by September was as important now as debating the wisdom of the decision. Senator D'Amato noted that the provisions of Dayton regarding free and fair elections—including the repatriation of refugees and displaced persons—had not been met, and concluded that the elections will likely legitimize the power of those who seek ethnic partition of the country. Mr. Hoyer added that the capture of persons indicted for war crimes was of paramount importance, calling it not just a matter of conscience but of reality.

Ambassador Frowick, who recommended certification to the Chairman-in-Office, recognized the problems which continue to plague Bosnia-Herzegovina, including daily human rights violations, but noted that important improvements were made in the first half of 1996 thanks to the OSCE and other international organizations that have started allowing freer movement, association and expression. He added that the one-year Implementation Force (IFOR) mandate was a limit for the elections, that waiting the full nine months of the 6-9 month range specified by Dayton to hold the elections was "stretching it," and that obtaining an agreement from IFOR not to start downsizing in June as originally planned but after the elections only made that possible. Finally, Frowick noted that the broad spectrum of political parties—incumbent and opposition alike—supported pro-

ceeding with the elections while working to improve the conditions for holding them.

Ambassador Montgomery described two challenges in holding the elections, both of which he added were described in a June 10 letter to Secretary of State Christopher from the Helsinki Commission Co-Chairs and Ranking Member Hoyer. As for accomplishing the massive administrative arrangements for conducting the elections and accommodating election observers in a country with a destroyed infrastructure, he expressed full confidence in the ability of Ambassador Frowick and the OSCE Mission to manage and noted the assistance the United States was providing to make that possible. As for the substantive challenges, he acknowledged that things remained "messy," but argued that improvements have only come about as a result of establishing deadlines and forcing the parties to meet the deadlines through constant international engagement. Ambassador Montgomery also claimed that the elections legitimize national institutions that presently exist only on paper, and that the 54 OSCE countries—in addition to the 49 participating political parties in Bosnia-Herzegovina—support certification. He cautioned those predicting victory and continued power of the nationalists in the elections that in both Bosnian entities—the Federation and Republika Srpska—absolutely no one knows what the results will be.

The discussion focused on many related issues, but the need to capture persons indicted for war crimes was first among them. There was consensus among the witnesses and Members of Congress alike that it is critical for rebel Serb leaders Radovan Karadzic and Ratko Mladic, along with dozens of lesser but also indicted figures still exercising power and influence in Bosnia-Herzegovina, to be surrendered to The Hague. Ambassador Montgomery noted the efforts of the United States to press Slobodan Milosevic to apprehend these individuals, but Members questioned the wisdom of trusting the Serbian President to follow through, especially since he was viewed at least as personally responsible for the conflict—and perhaps deserving of indictment himself. The hearing concluded with a discussion of ways in which the Helsinki Commission can become involved, especially by traveling to Bosnia-Herzegovina to observe the September 14 elections.

☞ Bob Hand

## Helsinki Commission to President Yeltsin: “Rein in Your Attack Dog!”

The Helsinki Commission has criticized comments made by newly appointed Russian national security advisor Alexandr Lebed, who called the Mormon church “mold and scum” and maintained that there are only three “established, traditional religions,” Orthodoxy, Islam, and Buddhism. He later chided a supporter for “speaking like a Jew.”

In a press release dated June 28, Commission Chairman Christopher Smith (R-NJ) called Lebed’s statement a threat to religious liberty that indicated “an alarming disregard for international agreements to which Russia has acceded,” as well as ignorance of Russian history, the historical background of which includes many other faiths. Hundred of thousands of Jews, Evangelical Christians, Lutherans, Catholics, and members of other faiths trace their lineage and tradition back to the time of the Tsars and the Russian Empire.

Co-Chairman Senator Alfonse D’Amato (R-C-NY) noted that Lebed’s attempt to connect the Mormon

Church with the Japanese cult implicated in the poison gas attack on the Tokyo subway had no factual basis, and that “the comment that someone was ‘speaking like a Jew’ is contemptible, and unworthy of anyone pretending to leadership in a civilized state.”

Meanwhile, five high-ranking religious officials visiting Washington expressed less concern about Lebed’s remarks, inasmuch as he is not responsible for religious affairs in Russia.

(In the past, however, statements by high-ranking Soviet officials, whatever their portfolio, would be used by lower level bureaucrats to operate accordingly. In April 1989, following General Secretary Gorbachev’s meeting with the Patriarch of the Russian Orthodox Church, Evangelical Christians reported to this writer a more positive attitude by local bureaucrats: “all they knew was that Gorbachev had met with some high-up church official, so they figured they should be more decent to believers.”) John Finerty

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tion discussed his case with his medical colleagues, lawyers, journalists and officials, and examined substantial evidence that appears to be fabricated, including a picture and description of a bomb allegedly found on Kizilkan’s balcony—provided to local officials by security sources before it was actually discovered. Delegation members urged the Government of Turkey “to drop the charges against Dr. Kizilkan and to reinstate him to his position as Chief Physician of Diyarbakir Social Security Hospital.”

The delegation saw and heard evidence of the serious health and human rights consequences of the destruction of more than 3,000 villages and the massive population displacement in the southeast of Turkey. Individuals explained how family members in Diyarbakir had disappeared and how their efforts to petition local security officials concerning their relatives’ whereabouts had been forcibly prevented. Many with whom the delegation met expressed extreme pessimism about the situation and believed that only an extended international presence in southeast Turkey could bring an end to the conflict and alleviate the widespread suffering. Delegation members urged the Government of Turkey to pursue peaceful political means to resolve the armed conflict responsible for widespread hardship, suffering and discontent.

Debate, continued from page 7  
of the Dayton agreement; continued human rights violations in Kosovo, the Sandzak, and Vojvodina; the importance of encouraging democratic development in Serbia-Montenegro; cooperation with the war crimes tribunal; negotiations over the Brcko corridor; and deployment of an OSCE mission in Croatia.

During the course of debate, there were repeated pleas from delegations, including from key allies, that the United States maintain a military presence in Bosnia-Herzegovina after the current IFOR mandate expires in December. The resolution was overwhelmingly approved by the Assembly in a vote of 129-12, with 4 abstentions. [The Stockholm Declaration, including the full text of the resolution can be obtained by contacting the Commission.]

☞ Ron McNamara

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The delegation concluded that “constructive attempts to resolve persistent human rights violations in Turkey will strengthen Turkey’s democratic institutions and help Turkey fulfill its international commitments. The delegation expressed “hopes that a new Turkish government will be successful in solving these problems peacefully.”

☞ Mike Amitay

# Commission on Security and Cooperation in Europe

234 Ford House Office Building

Washington, DC 20515-6460

E-mail address: CSCE@HR.HOUSE.GOV

Internet Web Site: <http://www.house.gov/csce>

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COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

WASHINGTON, DC 20515-6460

OFFICIAL BUSINESS

*Christopher H. Smith*  
M.C.

