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Kyrgyzstan Holds Deeply Flawed Parliamentary Elections

by Michael J. Ochs

On February 20, 2000, Kyrgyzstan held the first round of its second parliamentary election since gaining independence in 1991. For the first time, voters could choose among parties in party-list voting for 15 seats of 60 in the lower chamber. According to the Central Election Commission (CEC), about 65 percent of voters turned out. The Communist Party came in first, winning 28 percent. The pro-presidential Union of Democratic Forces was second, with 19 percent. Four other parties passed the 5- percent threshold, in the following order: the Democratic Party of Women (13 percent); Party of Afghan Veterans (8 percent); Ata-Meken (6 percent); and My Country (5 percent).

Much of the real drama took place before the first round, when opposition parties headed by potential challengers to President Askar Akaev were excluded. The controversial election law carefully required parties to have been registered for a year before the election in order to field a party list. This provision barred *Ar-Namys* [Honor] Party, headed by former Vice President Felix Kulov. Also disqualified was *El (Bei Bechara)* [Party of Poor People], led by businessman and Parliament member Daniar Usenov, because its charter did not state specifically it intended to participate in elections. On February 4, the opposition Democratic Party of Kyrgyzstan (DKK), which had been already registered to participate, was also excluded for allegedly holding a congress without the necessary quorum.

Even before the election, the observation mission of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) took the unusual step of issuing a statement on February 8 criticizing the exclusion of these parties. After the first round, the mission, along with an observer delegation of the OSCE

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Parliamentary Assembly, judged the election not to have fully corresponded to OSCE standards. Though the voting and vote count had proceeded well in most districts, parties and candidates had not been able to participate on an equal basis and state media favored pro-government candidates and parties while attacking opposition figures, especially Kulov

In single-mandate districts, only three of the seats were decided in the first round. A runoff took place on March 12 in the remaining districts. Both Kulov and Usenov made it into runoff races, though both claimed they had been robbed of first round victories. But the CEC disqualified Usenov before the second round, claiming that he had not accurately disclosed all his property holdings. Kulov was able to run, but despite having won a plurality in the first round, official results gave the victory to his government-backed opponent. Kulov and his supporters alleged rampant interference by local officials who intimidated voters and falsified the balloting. The ODIHR observation mission strongly criticized the second round and openly questioned the results in Kulov's Kara-Buura district.

After Kulov's defeat, his supporters began holding protest demonstrations in Bishkek and Kara-Buura. On March 22, officers of the Ministry of National Security arrested Kulov and charged him with having sanctioned, while Minister of National Security, the illegal purchase of bugging equipment. An official announced that once the investigation of his crimes was over, he would be tried in a closed military court.

On February 22, President Akaev's press secretary said the elections have shown that "in Kyrgyzstan, democracy is not an empty slogan but a reality." Just

the opposite is true. Unfortunately, the election destroyed the myth of Kyrgyz democracy. If democracy is measured by fair elections, in which the public and the international community can give credence to the official results, then Kyrgyzstan has taken a giant step backwards.

If Kyrgyzstan's image as an oasis of democracy in the authoritarian Central Asian desert has been badly damaged, Akaev's has been utterly ruined. He has shown himself willing to exploit a carefully written election law to disqualify threatening candidacies and to manipulate his country's election administration, judicial system, law enforcement apparatus and national security ministry to secure his own power and position

After the government's handling of the parliamentary election, government-opposition relations are in crisis. The opposition's worst suspicions have been confirmed, having seen what Akaev is willing to do to retain power. Nor is there any reason to expect any near-term improvement, given the upcoming presidential election. The government, for its part, may decide a more broad-ranging crack-down makes sense, given the course Akaev has chosen and the desire to crush any resistance before it gets out of hand.

Having thrown away his reputation as a democratic reformer, Akaev may now emphasize ever more greatly the Islamic threat in Central Asia and argue that the West must continue to back his secular regime—despite its slippage towards authoritarianism—against religious fundamentalism. At the same time, Akaev may move away from the West, while developing closer relations with Rus-

President Putin signs religious groups deadline extension

by John F. Finerty

sia and China, both of which have stressed the need to combat “terrorism and religious extremism.”

The State Department echoed the OSCE’s assessment of Kyrgyzstan’s election, regretting the setback to Kyrgyzstan’s democratic process. In mid-April, Secretary of State Albright traveled to Central Asia, where she visited Kazakstan, Kyrgyzstan and Uzbekistan. In Bishkek, Albright openly called for Kulov’s release pending his trial and won Akaev’s agreement to implement the ODIHR’s recommendations for improving the electoral process before the presidential election.

Though Secretary Albright openly criticized backsliding on human rights and stagnation in electoral democracy in Central Asia, she also stressed the danger to the region posed by terrorists and drug trafficking, and offered assistance to help safeguard borders. With Washington increasingly worried about security matters and prepared to expand bilateral cooperation to address perceived threats, Central Asian leaders seem unconcerned about U.S. strictures on democracy.

The region’s strongmen have never suffered any serious consequences in relations with Washington for rigging elections. If Askar Akaev, perhaps the weakest of them, gets away with falsifying the parliamentary election and arresting his leading rival, the last remaining hopes of holding a fair presidential election will vanish—along with prospects for Kyrgyzstan’s democratization. □

As reported on by *Religion Today*, on March 26, 2000, Russia’s President Vladimir Putin signed an amendment to the 1997 “Law on Freedom of Conscience and Religious Associations” extending the registration deadline for religious organizations to December 31, 2000. Under the 1997 “Law on Freedom on Conscience and Religious Associations,” all religious organizations (i.e., religious associations with full legal status and other privileges) operating in the Russian Federation were supposed to have been re-registered with the Ministry of Justice by December 31, 1999.

At the time of the original deadline, thousands of organizations—including many Russian Orthodox—had not been re-registered. In some areas of Russia, officials have been openly hostile to “disfavored” groups or churches, attempting to prevent them from registering or trying to close them down.

Although the deadline extension provides some breathing room for organizations that were not able to register by December 31, 1999, the amendment also increases the possibility that unregistered organizations may be liquidated after December 31, 2000. Whereas the 1997 law provided that organizations failing to achieve re-registration “may be liquidated,” the new version states that such organizations “are subject to liquidation through a court procedure at the demand of [the government office] that carries out registration.” □

War Crimes Prosecutions before the International Criminal Tribunal for the Former Yugoslavia

Summary as of March 7, 2000*

Total number of publicly indicted persons to date:	93
Indictees dead (5 while at large, 2 in detention):	7
Indictments withdrawn:	18
Currently in detention in The Hague:	36
Released from detention pending the prosecutor’s appeal of acquittal (Delalic):	1
Transferred to serve sentence in Norway after conviction (Erdemovic):	1
Released after acquittal (Pacic):	1
At Large:	29

*Source: International Criminal Tribunal for the Former Yugoslavia (<www.un.org/icty/>).

**Commissioner
Harold Hongju Koh
and Special Advisor
to the Secretary of State
Ross Wilson
before the Commission**



Helsinki Commission hearing focuses on failure of Belarus to meet human rights standards, Russia-Belarus Union

by Orest Deychakiwsky

“Lukashenka’s regime continues to clench the reigns of power, stifling fundamental freedoms and violating the human rights of Belarusian citizens,” said Commission Chairman Rep. Christopher H. Smith (R-NJ) at a March 9 hearing “Belarus—Stalled at the Crossroads.” “The regime has refused to engage in meaningful dialogue with the opposition. He has paid lip service to dialogue, or has used the tactics of delay and obfuscation, reminiscent of the communist past. Unless Lukashenka begins an honest dialogue with the opposition, ends police repression, allows freedom of the media and reforms the electoral process, Belarus will never rise to meet the basic human rights standards iterated in the Helsinki Documents and cease being a pariah in the European community,” said Smith. Chairman Smith also expressed growing concern about the Russia-Belarus Union: “How can one talk about a Union when a mockery is made of democratic processes... can a genuine debate exist under these circumstances? Can you speak of a Union when the decks are stacked against those who

deeply care about Belarus’ independence, and when the head of the country actively works against open debate on the subject? A momentous decision such as whether or not to unify with another country, with all the implications for Belarus’ sovereignty, should—as perhaps no other decision—reflect the genuine will of the people.”

At the hearing, prominent witnesses criticized the Lukashenka regime, focusing on the deterioration of human rights and democracy in Belarus, as well as the implications of the Belarus-Russia Union treaty on Belarus’ existence as an independent state. They also called for meaningful dialogue between the Belarusian Government and the opposition, and free and fair parliamentary elections as a way out of Belarus’ current constitutional crisis.

Testifying were Harold Hongju Koh, Assistant Secretary of State for Democracy, Human Rights and Labor and a Helsinki Commissioner; Ross Wilson, Principal Deputy to the Ambassador-at-Large and Special Advisor to the Secretary of State for

the New Independent States; Semyon Sharetskiy, Speaker of the Supreme Soviet of Belarus illegally disbanded by President Alyaksandr Lukashenka in 1996; Stanislau Shushkevych, independent Belarus’ first head of state; Anatoly Lebedka, chair of the Commission for International Affairs of the 13th Supreme Soviet; and former Romanian Foreign Minister Adrian Severin, head of the OSCE Parliamentary Assembly’s Working Group on Belarus.

Assistant Secretary Koh, who characterized the situation in Belarus as having markedly deteriorated since the spring of 1999, when the Commission held its last hearing on Belarus, stated: “Democratic legitimacy in Belarus can only be restored through free and fair elections in which all citizens and candidates can participate on an equal basis and by restoring the necessary checks and balances among the branches of government. The Lukashenka regime’s recent announcement of plans to resume the OSCE-sponsored dialogue with the opposition must not impose preconditions that will make it impossible



(l to r) Chairman Christopher H. Smith, Belarus Supreme Soviet Speaker Semyon Sharetsky, Adrian Severin, House Majority Leader Richard Armey and Commissioner Rep. Joseph R. Pitts

for the opposition to participate. It instead must produce real results, including agreement on an electoral code that meet OSCE standards and provides an internationally acceptable framework for legitimate, free and fair parliamentary elections. Otherwise, the U.S. and other democracies will find it very difficult if not impossible to recognize the parliamentary elections planned for later this year as legitimate, and Belarus will not resolve its political and constitutional crisis or end its self-imposed isolation.”

Mr. Wilson of the State Department noted that U.S. policy was the same for Belarus as for the rest of the states of the former Soviet Union. “We support Belarus’ sovereignty, independence and territorial integrity, as well as its market democratic transformation and integration among the broader trans-Atlantic community of nations. . . . As we look to Belarus’ future, we see one new concern looming, and that is the prospect that the Lukashenka regime could mortgage his country’s independence to Russia. The Administration’s policy on

integration among the former Soviet states is that it must be voluntary, mutually beneficial and erect no new external barriers. The breakdown of democracy has made a voluntary decision by the Belarusian people impossible.” Mr. Wilson added: “The United States is maintaining a policy of selective engagement with the regime in Miensk, with no direct assistance, emphasizing our call for allowing peaceful demonstrations and resumption of dialogue with the opposition, showing support for democratic leaders and the OSCE’s Advisory and Monitoring Group (AMG), and restating our readiness to work with a Belarus that honestly elects its leaders and cooperates with its neighbors.”

Supreme Soviet Speaker Sharetskiy, who currently resides in Lithuania out of concerns for his safety, asserted: “The majority of the population in Belarus does not support Lukashenka. It is only the all-around support by Russia of the Lukashenka regime which enables the dictator to disrespect the constitution of the Re-

public of Belarus and flagrantly violate the laws and liberties of people, in disregard of appeals by international organizations and parliaments of democratic countries for the Belarusian Government to return to a lawful sphere and start real negotiations with the representatives of the democratic opposition. . . . The independence of Belarus and the preservation of its sovereignty, its return to a democratic way of development, and its joining of European structures, is not only necessary for the creation of normal living conditions for the ten million Belarusian people who are European in their mindset, but it is also necessary in order to guarantee the security of our neighbors and all of Europe—understanding that the problems of Belarus should be solved by the Belarusians themselves.”

Stanislav Shushkevych, who together with Boris Yeltsin and Leonid Kravchuk terminated the Soviet Union through the creation of the CIS in December 1991, observed: “Supporters of Belarusian independence

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(l to r) Anatoly Lebedka of the 13th Supreme Soviet, first Belarus Head of State Stanislau Shushkevych, Jan Zaprudnik (interpreter) and Belarus Supreme Soviet Speaker Semyon Sharetskiy



are not enemies of Russia. They understand that Russia is more democratic than Belarus is today and that Russia's economy is more liberal. But they also realize that to follow the path of reforms together with an unpredictable Russia is similar to that of following a herd of horses, speeding along without knowing where they might turn next. Russia does not conceal its intentions that it wants to swallow Belarus under the guise of 'unification.' The Russian Federation Council on Foreign and Defense Policy declared openly that the unification must be used 'to oppose the expansion of NATO to the East.'"

Leading democratic opposition member Anatoly Lebedka warned of possible Lukashenka tactics in negotiation with the opposition: "Different, diametrically opposed approaches to solving the Belarus problem have collided. The OSCE, the Council of Europe, and the opposition suggest playing chess using the well-established and generally recognized rules. The Lukashenka regime, sweeping the figures off the

board, prefers to use it for smacking its opponent on the head. In fact, it has unilaterally stopped consultations on starting a negotiating process. Declarations and promises of the Belarusian authorities are not worth the paper they were written on." Referring to the planned parliamen-

“The key issue is that time is short and much needs to be done in order for free, fair and recognizable elections to take place in Belarus this year.”

tary elections, Lebedka stated: "If the regime persists in playing the role of a deaf mute, the reaction of the world community must be appropriate. In this situation, an election that is not a consequence of negotiation and compromise, but that is held under deliberately unequal and discriminatory conditions, cannot be recognized as democratic and legitimate. The U.S., in coalition with the European Union,

is capable of effectively influencing the situation in Belarus, using possibilities offered by Russia for this purpose. The allocation of financial assistance to Russia should be considered in conjunction with the human rights situation in Belarus. The protection of human rights must remain one of the priorities of Western foreign policy."

Adrian Severin of the OSCE PA concluded: "The current situation in Belarus does not give much reason for enthusiasm in that. There have been a number of setbacks to the democratization process and to the efforts of the OSCE... to create an inclusive political dialogue on elections. The date for these elections is drawing near with many necessary issues yet to be resolved. However, some hope still remains. The government has recognized the need for a national dialogue and has instituted its own process. The opposition has expressed a willingness to participate in any meaningful dialogue which will work towards the resolution of their differences with the government. Whereas confidence and

trust are still lacking in this new process, it is imperative that all sides try to make the effort a successful one.” However, he cautioned: “The key issue is that time is short and much needs to be done in order for free, fair and recognizable elections to take place in Belarus this year.”

One of the expectations raised during the hearing was that during the planned March 15 opposition-staged “Freedom March 2”, there will not be a repeat of the events of last October’s Freedom March in which some demonstrators were beaten, and that the rights to freedom of assembly will be unequivocally respected. (On March 9, following discussions with the organizers of the demonstration, the Miensk city government sanctioned “Freedom March 2”.)

In addition to Chairman Smith, attending the hearing were Commissioner Rep. Joseph R. Pitts (R-PA), Rep. Alcee L. Hastings (D-FL), Vice-Chairman of the First Committee of the Parliamentary Assembly, Rep. Sam Gejdenson (D-CT), Ranking Member of the International Relations Committee, and R. Spencer Oliver, Secretary General, OSCE (Organization for Security and Cooperation in Europe) Parliamentary Assembly. Majority Leader Rep. Dick Armey (R-TX) offered his encouragement to the Belarusian opposition in a brief discussion at the hearing.

Copies of the hearing statements are available on the Commission website at < <http://www.house.gov/csce/> > or by phoning (202) 225-1901.



(l to r) interpreter, Chechen Foreign Minister Seilam Bechaev and Chechen M.P. Tourpal-Ali Kaimov

Commission Briefing features Chechen Parliamentarians

by John F. Finerty

On February 2, Commission Chairman Rep. Christopher H. Smith (R-NJ) held a briefing on the war in Chechnya. Addressing the gathering were two members of the parliament of Chechnya elected in 1997, Mr. Seilam Bechaev, Vice President of the Parliament and Mr. Tourpal-Ali Kaimov, Chairman of the Budget Committee of the Parliament. Smith was joined by Commissioner Rep. Joseph R. Pitts (R-PA).

Bechaev and Kaimov described the devastation inflicted on the population of Chechnya by Russian military forces, and expressed particular concern about the potential consequences of Russian aerial attacks in the vicinity of nuclear waste sites in Chechnya. They claimed that neither the radical Islamic forces nor any of the pro-Moscow Chechen figures suggested by Moscow for post-war leadership positions in Chechnya enjoy the support of the indigenous Chechen population. The parliamentarians asserted also that although President Maskhadov had declared

Sharia law and suspended the work of the parliament, the parliament rejected the directive and continued its work without interference from President Maskhadov.

Asked about the wave of violence and kidnappings that had occurred following the 1994-96 war between Russia and Chechnya, Mr. Kaimov contended that “the main organizers of all these events were the Russian special services.” When Chechen authorities sought the extradition from Russia of an ethnic Chechen suspected in the killing of six Red Cross workers in 1996, stated Bechaev, “Moscow refused to comply.”

In his opening statement, Chairman Smith charged “what the Russian Government describes as an anti-terrorist operation has degenerated—if not planned from the beginning—into a war of destruction against the people of Chechnya. By using the excuse of seeking to punish a handful of guilty or alleged guilty persons, the Russian Government is applying in-

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(l to r) Chechen Representative in Washington Lyoma Usmanov, Chechen M.P. Seilam Bechaev, Commission Staff John Finerty, Chairman Christopher Smith and Chechen M.P. Tourpal-Ali Kaimov

discriminate force far out of proportion to its stated objectives.”

Rep. Benjamin A. Gilman, Chairman of the House International Relations Committee, in a written statement said, “Just as in Russia’s earlier military campaign in Chechnya in 1994-96, thousands of innocent civilians have been killed and displaced by the Russian military’s blanket shelling and bombing and vicious tactics.” Gilman expressed disappointment that “President Clinton has done too little about this” and suggested that “it may be the appropriate time for the United States to bring a resolution before the United Nations Security Council regarding this brutal operation.”

In this connection, the 53-nation Human Rights Commission of the United Nations in Geneva, approved on April 25 a resolution (22 for, 7 opposed, 19 abstentions) criticizing Russia for the “widespread and flagrant” human rights abuses committed in Chechnya. The resolution also urges Russia to establish a national commission of inquiry to investigate the human rights situation in Chechnya, as earlier proposed by UN Human Rights Commissioner Mary Robinson. The Russian delegation called the resolution “unbalanced” and claimed that nations involved in the bombing of Kosovo “have no moral right” to condemn Russia for its actions in Chechnya. □

Individuals, for reasons of personal conviction, who will not serve in a military capacity are termed conscientious objectors. Reasons vary for objecting to military service based on personal conscience but often they are rooted in religious faith. This article will deal specifically with the issue of religious faith as the basis for conscientious objection, discuss the limited OSCE commitments on the issue, and examine the various ways that conscientious objectors are viewed by several OSCE states.

Conscientious objection has been recognized as a element of the freedom of thought, conscience, religion and belief in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms. A number of religious traditions, such as the Quakers, Jehovah’s Witnesses, certain Christian groups such as the Mennonites, Seventh Day Adventists, and some Baptists and Pentecostals eschew any form of violence, even violence employed in self defense. Religious believers have paid a high price for their beliefs, spending time in prison or years at hard labor. The sincerity of religious conviction held by these conscientious objectors is undeniable given such punitive alternatives in lieu of military service.

The OSCE participating States addressed the issue of conscientious objection in the 1990 Copenhagen Concluding Document (§§ 18.1-18.6) by noting that the United Na-

Conscientious Objection: Civic Duty vs. Personal Conviction

by Karen S. Lord

tions Commission on Human Rights had recognized the right of everyone to have conscientious objections to military service. Furthermore, the OSCE participating States agreed “to consider introducing, where this has not yet been done, various forms of alternative service, which are compatible with reasons for conscientious objection, such forms of alternative service being in principle of a non-

combatant or civilian nature, in the public interest and of a non-punitive nature...”

clude Belgium, Iceland, Ireland, Luxembourg, Malta, Netherlands, United Kingdom, and the United States. Countries with conscription include Albania, Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Macedonia, Moldova, Norway, Poland, Portugal, Romania, Russia, Serbia-Monte-negro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, and Ukraine. Austria and Germany offer alternative civilian service for the same duration as the compulsory military service but others such as Bulgaria, Poland, Spain and Switzerland require service duration to be twice as long. Denmark, Germany and Greece allow for the choice of unarmed

native military service under these conditions are subject to prison terms.

A number of OSCE States with compulsory military service do not offer alternatives to conscientious objectors leaving the individual objector to face lengthy prison sentences, including in labor camps. These countries include Turkmenistan, Armenia, Albania, and Turkey.

The Russian Federation presents a unique situation for conscientious objectors. The Russian Constitution, Section 3, article 29, states, “A citizen of the Russian Federation, in the case that his convictions or confession contradict fulfillment of military service, or any other cases established by federal law, has the right to alternative military service.” Yet the Russian law is silent concerning alternative service and conscientious objectors must often turn to the courts to enforce their constitutional rights. In the case of *D. S. Maslov* (No. 63-0, May 22, 1996), the Constitutional Court held that the constitutional right of a Jehovah’s Witness who refused military service was immediately effective notwithstanding the fact that no law existed outlining alternative military service. More recently, the Novgorod regional court on January 26, 2000 ruled in favor of a Seventh Day Adventist pastor’s constitutional right to claim conscientious objection and stated that he was precluded from serving in the military until a federal law on alternative civil service is passed. □

Special thanks to Knox Thames for his research assistance

combatant or civilian nature, in the public interest and of a non-punitive nature,” making “available to the public information on this issue.” The issue would remain under consideration and information on these questions exchanged. While no further commitments have been made, the issue is periodically discussed at the OSCE implementation review meetings.

The treatment of conscientious objectors varies within the OSCE region and is related to whether the country has a voluntary military or conscripted force. Countries where there is currently no conscription in-

military service for conscientious objectors. In Hungary, the unarmed military service and civilian alternative service are the same duration as regular armed service although those choosing civilian service receive lower pay and benefits. In Uzbekistan, alternative non-military service is available with the caveat that 20 per cent of the conscientious objector’s salary is remitted to the Ministry of Defense. If the individual also objects to the garnishment of wages, they face imprisonment, fines or are sent to military training courses. Those refusing to perform military service or alter-

**Geraldine Finucane
and
Eunan Magee**



Human Rights in Northern Ireland considered at Commission hearing

By Maureen T. Walsh

Since the early 1990s, human rights groups have documented a pattern of abuse by Northern Ireland's police force—the Royal Ulster Constabulary (RUC)—against defense lawyers representing those charged with political offenses in Northern Ireland. On March 14, the Helsinki Commission held a hearing focused generally on the status of the rule of law and the independence of defense attorneys in Northern Ireland. The hearing also addressed the specific allegations of collusion by British security forces in the murders of two prominent defense attorneys and a subsequent cover-up by the British Government.

The Commission hearing was held in connection with the anniversary of human rights lawyer Rosemary Nelson's murder in Northern Ireland. Nelson was killed by a car bomb outside her home in Belfast on March 15, 1999. She had become well known for representing clients in high-profile,

politically sensitive cases. Ten years earlier, another defense attorney, Patrick Finucane, was murdered by masked gunmen in his home under circumstances suggesting the involvement of police and other government agents. Loyalist paramilitary groups

Since the early 1990s, human rights groups have documented a pattern of abuse by Northern Ireland's police force—the Royal Ulster Constabulary (RUC)—against defense lawyers representing those charged with political offenses in Northern Ireland.

—armed groups that support Northern Ireland's inclusion in the United Kingdom rather than its unification with the Republic of Ireland—claimed responsibility for both murders.

Both Patrick Finucane and Rosemary Nelson's clients reported that during police interrogations without

the presence of counsel, RUC officers uttered threats against Finucane and Nelson and commented that the attorneys shared their clients' "nationalist" views and were sympathetic to the Irish Republican Army (IRA). Several weeks prior to Finucane's

murder, a British Government official stated publicly that there were in Northern Ireland, "a number of solicitors unduly sympathetic to the cause of the IRA." Six months before her death, Rosemary Nelson testified at a U.S. congressional hearing that the RUC harassment included death threats against her. In 1998, a

U.N. Special Rapporteur on the Independence of Judges and Lawyers reported that "the RUC has engaged in activities which constitute intimidation, hindrance, harassment or improper interference" with defense attorneys. The Special Rapporteur described these activities as "consistent



**(l to r) Michael Posner,
Paul Mageean
and
Jane Winter**

and systematic.” Human rights groups allege that such intimidation and harassment of defense attorneys continues today without adequate response by the British Government.

In his opening statement at the Commission hearing, Chairman Rep. Christopher H. Smith (R-NJ) commented on the great strides that have been made toward peace in Northern Ireland in recent years. Chairman Smith noted, however, that “ensuring a defendant’s rights to a fair trial and unfettered access to appropriate counsel is crucial if Northern Ireland is to achieve a lasting peace.” Smith recalled that in the 1990 OSCE Copenhagen Document, the United Kingdom, as an OSCE participating State, affirmed that “where violations of human rights and fundamental freedoms are alleged to have occurred, the effective remedies available include the right of the individual to seek and receive adequate legal assistance.” The unsolved murders of Patrick Finucane and Rosemary Nelson, as well as the ongoing

threats against defense lawyers in Northern Ireland, discourage lawyers from representing clients charged with politically motivated offenses, thereby impinging on the ability of such individuals to seek and receive legal assistance.

Commissioner Harold Hongju Koh, Assistant Secretary of State for Democracy, Human Rights and Labor, explained that the State Depart-

rule of law; and third, because of the Administration’s concern with regard to the human rights situation in Northern Ireland. Speaking specifically about the unsolved murder of Rosemary Nelson, Koh stated, “We believe that the allegations of collusion by the RUC in Mrs. Nelson’s murder are disturbing and can only be resolved by an investigation that not only is, but is also seen to be, fundamentally impartial.”

Representative Benjamin Gilman (R-NY), Chairman of the House International Relations Committee, expressed his opinion that “the resolution of [the Finucane and Nelson murders] and the bringing to justice of those responsible... cannot come soon enough. The British Government, regrettably, has been dragging its feet on

these issues.” Gilman also used the occasion to call for criminal justice reform in Northern Ireland including specifically “a new police service which reflects the new north, shares its diversity and respect for human rights.”

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“We believe that the allegations of collusion by the RUC in Mrs. Nelson’s murder are disturbing and can only be resolved by an investigation that not only is, but is also seen to be, fundamentally impartial.”

—Commissioner Harold Hongju Koh

ment’s concern with the topic of protecting human rights advocates in Northern Ireland arises, first, from an “abiding concern about the protection of human rights defenders around the world”; second, because of the nexus between protection of lawyers and the

(l to r) Commissioner Harold Hongju Koh,
 Chairman Rep. Christopher H. Smith,
 Commissioner Rep. Joseph R. Pitts
 and
 House International Relations Committee
 Chairman Rep. Benjamin A. Gilman



Witnesses before the Commission were Geraldine Finucane, the widow of slain defense attorney Patrick Finucane; Eunan Magee, the brother of slain defense attorney Rosemary Nelson; and representatives from London-based, Belfast-based, and U.S.-based human rights organizations. Representatives of the British and Irish Governments were invited to testify at the hearing but declined to do so.

Geraldine Finucane testified that, having questioned the circumstances of her husband's murder for eleven years, she has concluded that "it is clear that the British Government [is] responsible for the deaths of my husband and Rosemary Nelson. This is not just because they failed to protect them. Pat and Rosemary were the victims of British Government policy—that of selective targeting and directed assassination. . . It is for this reason that my family has insisted upon an inquiry. Because for us, the key question is not who were the people pulling the triggers but who were the people pulling the strings." To date, two investigations into Patrick Finucane's

murder have been completed and a third is underway. Each investigation was carried out by a policeman from England who was called to Belfast to do the investigations but who reported to the RUC Chief Constable in car-

posed publicly, so that the healing process can begin, and peace can start to grow."

In early 1999, British Irish Rights Watch, a nongovernmental organization based in London, delivered to the

British and Irish Governments documents which suggest that a secret unit within the British Army intelligence has conspired with loyalist paramilitaries to target Catholics for murder. At the hearing, British Irish Rights Watch Director, Jane Winter, denounced these alleged actions and stated, "In a democracy, no state agency should ever participate in

"In a democracy, no state agency should ever participate in illegal acts, especially not the murder of its own citizens."

—British Human Rights Watch Director Jane Winter

rying them out; none of the investigations' findings have been made public, and no one has been prosecuted for the murder. Ms. Finucane linked the lack of progress on the murder investigation to the Northern Ireland peace process, stating "the British Government. . . would have us believe that we must achieve peace before we can think about truth and justice. But it is the very absence of these things in Northern Ireland over the last thirty years that has made peace impossible. . . The truth must be ex-

illegal acts, especially not the murder of its own citizens." According to Ms. Winter, "peace will never fully take hold in Northern Ireland while landmark cases such as the murder of Patrick Finucane remain unresolved." In addition, "the brutal and callous murder of Rosemary Nelson. . . shows that unless measures are taken to deal with our allegations, lawyers in Northern Ireland will continue to be at risk."

Eunan Magee's testimony recalled that his sister, Rosemary Nelson, had complained to human rights groups,

to a subcommittee of the U.S. Congress, and to a U.N. Special Rapporteur on the Independence of Judges and Lawyers about harassment she was facing. In response to Rosemary's complaints, the RUC conducted a risk assessment and decided that she did not face a significant risk. Mr. Magee expressed frustration that "it now seems to us that those in government or in the police who did nothing to safeguard Rosemary, and indeed those police officers who were involved in threatening and harassing her will not be held to account. We believe that if they are not held to account, the harassment and intimidation of defense lawyers in Northern Ireland will continue."

Paul Mageean from the Belfast-based Committee on the Administration of Justice, discussed the details surrounding Rosemary Nelson's murder including, in particular, the alleged inaction of the RUC after being made aware of the threats against Rosemary and the reported heavy security force presence in the vicinity of her home during the days and weeks prior to her murder. The criminal investigation into Nelson's murder is focused on catching the person or persons who planted the bomb that killed her. According to Mageean, such an investigation will not fully examine the circumstances surrounding Rosemary's murder. He testified, "If in another democratic state, a lawyer had been subject to regular threats from police officers, if the United Nations had drawn its concerns about the safety of the lawyer to the attention of the government, and if subsequently the lawyer in question had been killed, we are convinced that a full inquiry would be established. We can see no reason for the U.K. Government not taking this step now." Mageean requested

that the U.S. Government use the OSCE as a forum to raise these issues with the British Government. Chairman Smith indicated in response that the OSCE human dimension mechanisms have not previously been used to raise these issues but that in the future they should be, including at the annual meeting of the OSCE Parliamentary Assembly this July.

Michael Posner, Executive Director of the New York-based Lawyers Committee for Human Rights, reiterated the calls for independent inquiries into the Finucane and Nelson murders. Posner pointed out that these are not the only cases where lawyers were threatened; in November 1999, a fact-finding trip to Belfast by the Lawyer's Committee revealed that defense lawyers are continuing to face threats similar to those experienced by Patrick Finucane and Rosemary Nelson. Posner testified that "the fact that this is still going on at this moment is to me the most important reason that we have to continue to push to break the cycle of impunity. It is still not clear to those in authority, or in the police, or in government, that this sort of conduct is unacceptable and there is a consequence." It was recommended that OSCE fora be used to motivate an open and honest discussion of these and other problems in Northern Ireland. Posner also emphasized the importance of the British Government repealing the "emergency law provisions" which give police in Northern Ireland expansive powers to investigate individuals suspected of security offenses and which deny to such individuals ordinary due process rights, including the right to have counsel present during all police interrogations. Posner and the other witnesses also emphasized the need for comprehensive changes

in the structure and operations of the police and security forces in Northern Ireland.

Calls for independent inquiries into the circumstances surrounding Patrick Finucane and Rosemary Nelson's murders have been issued by the U.S. House of Representatives, the Government of Ireland, the European Parliament, the U.N. Special Rapporteur on the Independence of Judges and Lawyers, and numerous human rights groups and bar associations. The British Government has stated that in the absence of new evidence there is no reason for an independent inquiry in either case. □

Helsinki Commission intern Colin Robertson contributed to this article.



(l to r) Srdjan Darmanovic, Veselin Vukotic, and Janusz Bugajski

Montenegrin issues considered at Commission Hearing

By Bob Hand

On Tuesday, February 1, the Helsinki Commission held a public hearing on “Promoting and Protecting Democracy in Montenegro.” Testifying before the Commission were: Srdjan Darmanovic, Director of the Center for Democracy and Human Rights in Podgorica; Veselin Vukotic, Managing Director for the Center for Entrepreneurship in Montenegro and full professor at the Faculty of Economics in Podgorica; and Janusz Bugajski, Director, East European Studies at the Center for Strategic and International Studies in Washington, DC.

Montenegro, with a South Slavic population of Eastern Orthodox heritage, as well as Bosnian and Albanian minorities, is the only former Yugoslav republic to have maintained ties in a federation with Serbia. Since 1997 Montenegro has moved towards democracy, and its leaders have broken with past involvement in the ethnic violence which devastated neighboring Croatia, Bosnia and Kosovo. In contrast, the Belgrade regime of Slobodan Milosevic has become more entrenched in power

and more determined to maintain this power even if Serbia is brought to ruin. The divergence of paths has made the existing federation almost untenable, especially in the aftermath of last year’s conflict in Kosovo.

“We now hear reports of a confrontation with Milosevic and possible conflict in Montenegro as a result. . . .” stated Commission Chairman Rep. Christopher H. Smith (R-NJ) in his opening remarks. “With good judgment and resolve, conflict can be avoided. As democracy is strengthened in Montenegro, the international community can also extend to those in Serbia struggling to bring democracy to their Republic a chance to succeed.”

Commission Co-Chairman Senator Ben Nighthorse Campbell (R-CO) remarked, “Montenegro. . . is in the precarious position of being part of a larger Yugoslav federation in which human rights are violated and democratic developments are ruthlessly crushed.” He said, “We are fortunate today that we can focus on developments in Montenegro where the prospects for democracy offer one of

the few glimmers of hope in a region torn by conflict and ethnic hatreds.”

Ranking Commissioner Rep. Steny H. Hoyer (D-MD) noted that Montenegrin relations with Belgrade have become untenable. “Something has to give, and I hope that it is not peace,” he said. He praised the new leadership of Montenegro, saying that “it deserves support of the West, not just the United States.”

Janusz Bugajski, testifying on Montenegrin military matters, stated that the “Montenegrin Government has acquired the resources not only for self-government but also for self-defense.” It is “more prepared than Croatia in 1991, Bosnia in 1992, or Kosova in 1999 to challenge Belgrade’s domination.” He testified that “nearly 70 percent of the population would back independence.” However, Bugajski highlighted several conflict scenarios possible if Belgrade attempts to retain Montenegro. He said that these include “a military coup and occupation; the promotion of regional and ethnic conflicts; or the provocation of civil war. More likely, Milosevic will engage in various provocations,

intimidations, and even assassinations to unbalance the Montenegrin leadership. He will endeavor to sow conflict between the parties in the governing coalition, heat up tensions in the Sandjak region of Montenegro by pitting Muslims against Christian Orthodox, and threaten to partition northern Montenegro if Podgorica pushes toward statehood.”

Srdjan Darmanovic testified to the political progress that Montenegro has made over the last two years, including broadening of the political base of the pro-democratic block; creating a liberal legal framework for the development of civil society; substantial opening of space for independent media; reforming the judiciary, public administration and local administration and opening of the Republic towards the world and a pro-western foreign policy orientation. Darmanovic also noted that there are still obstacles to democratization, including “tendencies for preserving... former economic and political monopolies, while keeping pluralistic democracy much more as a facade than reality; [the] rather slow... process of privatization; the process of transferring state media into the real public services... is slow; [the] many inherited and deep-rooted old patterns of behavior in public administration and the judiciary...” He testified that the largest danger is “Mr. Milosevic’s regime that rules the federation of which Montenegro is still formally a member.” Darmanovic pointed out that the international community is encouraging Montenegro to participate in the “politics of ambiguity,” since it neither wishes Milosevic to seize Montenegro, nor does it wish to bear the bur-

den of a third peace-keeping operation in the region. “[T]he ‘politics of ambiguity’ has very dangerous limits,” he said. “It cannot last forever.”

Dr. Veselin Vukotic testified about the economic progress underway in Montenegro. He testified that this has included reform in three areas: privatization of state ownership, monetary and financial system reform, and economic sovereignty from Yugoslavia. Privatization has consisted of two programs: the Mass Voucher Privatization program, where “citizens receive vouchers from the Montenegrin government free of charge, with which they can purchase private

“With good judgement and resolve, conflict can be avoided.”

— Chairman Christopher H. Smith

shares in formerly state-owned companies,” and the sale of state-owned businesses through international tender. In terms of monetary reform, there has been a transition from the Dinar to the Deutsche Mark, as well as “a plan for a complete legal restructuring of the financial system...” These reforms, according to Vukotic, have allowed Montenegro’s economy to move away from that of Yugoslavia. Though Montenegro does not have complete authority to pass laws governing economic matters, Dr. Vukotic testified that borders with Serbia have been closed and trade with Serbia has decreased. Even so, he noted, the economy must still move closer to a market economy, through

increased transparency to deter corruption and with a more open society.

All three witnesses testified that U.S. assistance would be necessary to prevent another conflict in the Balkans. Mr. Darmanovic stated, “Without the active role of main Western countries and without a serious peace and stability preserving strategy in the whole region, including Montenegro, the Belgrade regime will sooner or later decide to act in order to topple the Djukanovic government or to instigate conflict in Montenegro.” Mr. Bugajski testified that “Washington should aim to deter

armed conflict... Above all, the international community must avoid any repetition of the Croatian, Bosnian, and Kosovo scenarios where a half-hearted response to Milosevic simply encourages violence.”

When asked by Co-Chairman Campbell about the Italian indictment of the Montenegrin Foreign Minister on corruption charges, Dr. Vukotic testified that the closed economic system encouraged corruption and the situation showed the need for the new economic system and laws. When asked by Commissioner Rep. Benjamin L. Cardin (D-MD) if the independence movement would exist without the influence of Milosevic, Mr. Bugajski responded that, even if Milosevic left power, the feeling for democracy and independence would still be present in Montenegro. □

Roma in Kosovo

by Erika B. Schlager

While the plight of Roma in Bosnia was largely unknown or ignored by the international community during the conflict there, the media and international organizations have paid far more attention to the Roma in Kosovo. To a great extent, this is due to the increasing activism of Romani non-governmental organizations throughout Europe. Two such organizations—the International Romani Union and the Roma National Congress—visited Washington in late 1999. Both identified the plight of Roma in Kosovo as their highest concern. This article provides a summary of basic information about Kosovo's Roma.

The Romani community in Kosovo is diverse and includes the following groups:

- Those who identify themselves as Roma, speak Romani (also usually Albanian and/or Serbian), retain Romani cultural traditions, and identify with Roma in other countries. They are usually Orthodox, although there is also a small Catholic Romani community which lives near the Croat community in Kosovo.
- Those who identify themselves as “Ashkaeli” and speak Albanian. They are Muslim.
- Those who identify themselves as “Egyptians”; like Ashkaeli, they speak Albanian but they maintain that their ancestors came from Egypt. They are Muslim.

Notwithstanding the efforts of the “Ashkaeli” and “Egyptians” to differentiate themselves from those who identify themselves as Roma, they are generally all viewed by ethnic Albanians and Serbs as “Gypsies” (“Maxhupi” in Albanian or “Cigani” in Serbian).

There were an estimated 100,000–150,000 Roma in Kosovo before the conflict. The most recent UNHCR/OSCE report on Kosovo, which covers Nov. 1999–Jan. 2000, estimates that there are approximately 30,000 Roma left in Kosovo.

During the 1990s, both ethnic Albanians and ethnic Serbs in Kosovo sought to exploit Roma for their own political purposes (e.g., to inflate their own numbers on censuses).

Situation Before the Conflict

During the 1990s, both ethnic Albanians and ethnic Serbs in Kosovo sought to exploit Roma for their own political purposes (e.g., to inflate their own numbers on censuses). Some Roma complained that they were alternately the targets of “Serbianization” and “Albanianization” campaigns. Roma describe themselves as caught between the hammer and the anvil.

Situation During the Conflict

Beginning in late 1998, with the escalation of anti-Albanian violence, some Roma (especially Albanian

speakers) were the victims of Serb violence, including murder and forced expulsions. Some Roma reportedly joined Serbs in committing atrocities or in looting and pillaging. Other Roma were coerced by Serbs to perform tasks such as digging mass graves. At least one Rom is known to be providing testimony for the International Criminal Tribunal for the Former Yugoslavia on events surrounding the Kosovo conflict.

Situation After the Conflict

Roma have been widely tarred as Serb accomplices and targeted for revenge attacks (including murder, kidnaping and arson) by renegade Albanian elements. When asked what it would take for Roma to send their children back to school in Kosovo, one parent recognized the stigmatizing effects of collective guilt and urged:

“Draw up a list of the criminals. Gather proof against them. Only justice can save us. It will clear most of us—and then and only then can we think of sending our children to school. As things stand now, they would be massacred.”

Where are they now?

Faced with violent reprisals after the end of the NATO campaign:

- some Roma remain in Kosovo, but many have been burned out of their homes and are internally displaced, either in UNHCR camps or in camps not under international supervision.

Tens of thousands of Roma have fled Kosovo:

- some Roma (primarily Serbian-speaking) fled with Serbs to Serbia or Montenegro—although there are also reports that some Roma who tried to go to Serbia were turned back to Kosovo by Serb authorities;
- some Roma fled to Macedonia (which already has large Albanian and Romani minorities);
- some Roma have fled to Western countries, such as Germany, Hungary or Italy.

Particular Problems of Roma IDPs and Refugees

The special problems Roma face as refugees were illustrated on June 6, 1999. At the Stankovc I refugee camp in Macedonia—a UNHCR-administered camp housing both ethnic Albanians as well as Roma from Kosovo—a mob of Albanians attacked two Romani men,

accusing them of collaborating with the Serbs. In the course of the riot, the mob seized a seven-year-old Romani boy and prepared literally to tear his arms out. An official from Catholic Relief Service intervened to save the boy's life. U.S. Ambassador Chris Hill (backed by hundreds of Macedonian riot police) then arrived and succeeded in calming the mob by promising that justice would be done.

Prior to this incident, a UNHCR official had warned an OSCE official that the UNHCR did not have the capacity to protect Roma in the refugee

camps in Macedonia from revenge attacks. In the understaffed tents cities which the UNHCR had hastily erected, there was no effective police force to maintain order.

Throughout June and July, hundreds of Roma from Kosovo fled to Italy, often by boat. In late July, the Italian Government decided to close its borders to Kosovo refugees because the conflict was, officially, over. In a subsequent tragedy in late August, more than 100 Romani men, women and children perished when their boat—designed to hold nine people—capsized in the Adriatic. The refugees had paid their traffickers be-

Roma have been widely tarred as Serb accomplices and targeted for revenge attacks (including murder, kidnaping and arson) by renegade Albanian elements.

tween 1,000 and 2,500 German marks per person to be smuggled out of Kosovo and into Italy. The Italian Government has continued to follow a policy of returning would-be asylum seekers to Kosovo.

Even for those Roma who made it into Western countries such as Italy and Hungary—normally considered safe “third countries” by the United States—the Roma are not necessarily safe. In late June 1999, for example, an angry mob in Naples, Italy, torched the camp of some 1,000 Roma in an act of revenge for an al-

leged traffic accident by a Romani man. During 1998, 146 Roma from Hungary were found to have a well founded fear of persecution and granted refugee status by Canadian authorities; at the end of 1998, 711 Hungarian Roma cases were still pending in Canada. One aid official who worked with Roma in Kosovo has speculated that the influx of Kosovo Roma to Central and Western European countries will strain the already tense relations between Rom and non-Roma.

In late September 1999, a group of approximately 500 Roma attempted to enter Macedonia from

Kosovo, but they were stopped at the border by Macedonian officials. Macedonian officials argued that, with the conflict over and Macedonian refugee camps already filled beyond their capacity, the Roma should go back to Kosovo where KFOR would protect them.

The Roma refused, stating that their homes had been destroyed and that they had continued to be subject to harassment and attacks, notwithstanding KFOR's presence. After about a week of negotiations among Macedonian officials, the UNHCR, Romani NGOs, Romani Members of the Macedonian parliament, and others, the Roma were allowed into Macedonia. NGOs such as the European Roma Rights Center and the Society for Threatened Peoples have urged that Roma not be forced back to Kosovo.

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With regard to the situation for Roma who have remained in Kosovo, NGOs and international organizations have reported a pattern of problems: most remain without housing; Roma often lack access to humanitarian aid and health services; there is virtually no employment for Roma; and Roma say it is unsafe to try to send their children to school.

Commission Action

On July 14, 1999, Commission Chairmen Rep. Christopher H. Smith and Co-Chairman Senator Ben

Nighthorse Campbell, joined by ranking Members Rep. Steny H. Hoyer and Senator Frank R. Lautenberg, wrote to Secretary of State Madeleine Albright expressing concern over the plight of the Romani minority of Kosovo and asking the what measures the Department was taking to ensure their safety. Subsequently, at the Commission's hearing on Kosovo on Feb. 28, Andrzej Mirga, Chairman of the Project on Ethnic Relations Romani Advisory Council, and Bill Frelick, Director of

Policy for the U.S. Committee for Refugees, addressed the situation of Kosovo Roma. As follow up to issues they raised, including criticism of the Department's response to the Commission's July 14 letter, Chairman Smith wrote to Ambassador John Menzies, who had also participated in the Kosovo hearing. Smith's letter asked the Department to respond to specific suggestions to improve refugee processing for Roma and other vulnerable individuals. □

“As you know, the Commission leadership wrote to Secretary Albright on July 14, 1999, to express our concern about the Roma in and from Kosovo. Frankly, the Department's reply was unresponsive to the key issues we raised. The Department's letter essentially leaves the fate of Kosovo's Roma in the hands of the UNHCR. But many Roma (like many of the conscientious objectors) are considered internally displaced and, thus far, the UNHCR has not interpreted its guidelines on internally displaced persons to include referring them to third countries for resettlement. In addition, our witnesses stated that the UNHCR will not recommend Roma or others for asylum if they are in third countries such as Hungary, notwithstanding the fact that a significant number of Hungarian Roma have already been found by Canada to have a well founded fear of persecution.

“In an effort to address these problems, could a presidential determination be issued which would permit the United States to consider certain categories of internally displaced persons in Kosovo, Montenegro, and Serbia as refugees for the purposes of the U.S. resettlement program? In addition, would it be possible for the United States to institute refugee processing out of Podgorica, Montenegro (i.e., INS officers from Zagreb would conduct interviews in Podgorica), as a means of facilitating the processing of resettlement applicants?”

—Letter from Chairman Christopher H. Smith to Ambassador John Menzies, March 13, 2000

Kosovo Update: Serbian Courts Sentence Albin Kurti to 15 Years

On March 13, Kosovo Albanian student leader Albin Kurti—one of the 1,600 Kosovar Albanians held in Serbian prisons, whose case was highlighted at the February 28 Helsinki Commission hearing on Kosovo's Displaced and Imprisoned—was sentenced to 15 years in prison by the District Court in the southern Serbian city of Nis. Kurti was found guilty of endangering the territorial integrity of Yugoslavia. Kurti's court-appointed defense counsel appealed the verdict. Albin Kurti stated before the sentencing that he did not recognize the court, the prosecutor or his defense counsel. □



(l to r) Bill Frelick of the U.S. Committee for Refugees, Serbian Orthodox Bishop Artemije, Father Sava, Project on Ethnic Relations' Andrzej Mirga, International Crisis Group's Susan Blaustein, and Kosovar Albanian student Ylber Bajraktari

Kosovo's displaced and imprisoned focus of Commission hearing

by Bob Hand

On February 28, a Helsinki Commission hearing focused on the plight of Kosovo's displaced population as well as those Kosovar Albanians who were captured by withdrawing Serbian and Yugoslav forces and have languished in Serbian prisons ever since. Commissioners Steny H. Hoyer and Frank R. Wolf attended the hearing, in addition to Chairman Smith.

Ambassador John Menzies, Deputy Special Advisor to the President and Secretary of State for Kosovo Implementation, noted the programs and actions being undertaken to ensure the security and economic development key to the return of all citizens of Kosovo. Meanwhile, the continued imprisonment of the Albanians is "acutely vexing" given the lack of leverage over Belgrade. He noted that women and children have been released through international efforts. Menzies also discussed the recent unrest in the northern Kosovar city of Mitrovica, stating that KFOR [the international peacekeeping force] has dealt with the situation quickly and decisively. He added, however, that the city remains a potential flashpoint, noting that "extremists on both sides are willing to exploit the exasperation

of the Albanians and the fears of the Serbs for their own nefarious purposes."

A second panel, consisted of Bill Frelick of the U.S. Committee for Refugees, Serbian Orthodox Bishop Artemije, the Project on Ethnic Relations' Andrzej Mirga, Susan Blaustein of the International Crisis Group and Kosovar Albanian student Ylber Bajraktari. In their presentations, the

"Kosovo Albanian retaliation against the Roma community is more a policy than an action of vengeful neighbors."

plight especially of the displaced Serbs and Roma from Kosovo were described, along with criticism of the international community for not doing more to protect minority populations. Bishop Artemije noted, "Kosovo Serbs and other non-Albanian groups in Kosovo live in ghettos without security, deprived of basic human rights... Their homes are burned and

looted, even 8 months after the deployment of KFOR." The bishop added that 400 Serbs have been killed and 80 churches destroyed during that time. Mirga said that "Kosovo Albanian retaliation against the Roma community is more a policy than an action of vengeful neighbors." Frelick added that there are many other vulnerable groups as well, including Serbian draft evaders, Kosovo's Muslim Slav population and Albanians living in southern Serbia.

Susan Blaustein asserted that there are "more than 1,600 Albanian prisoners who a full eight months after the Kosovo conflict ended remain in Serbian custody, in clear violation of international humanitarian law. This unfinished business of the Kosovar war wrangles deeply within Kosovar society ... [and] the weak response thus far on the part of the international community has fostered profound cynicism among Kosovars..." Bajraktari referred to the plight of several specific individuals, including 24 year-old student Albin Kurti; human rights activist and pediatrician Flora Brovina, recently sentenced to 12 years imprisonment; intellectual and

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Harvard graduate Ushkin Hoti; and Bardhyl Caushi, dean of Pristina University's School of Law.

Despite their differing concerns, there was considerable consensus among the participants with Chairman Smith's observation that "few efforts to build democratic and tolerant societies in Kosovo or anywhere else in the region can succeed without addressing the role of Slobodan Milosevic and the need for democratic change in Serbia itself." Chairman Smith subsequently wrote to Ambassador Menzies, following up on several issues raised at the hearing, including how the issue of Albanian prisoners was removed from the draft agreement ending the Kosovo conflict; reports that U.S. and other international personnel frequent brothels in Kosovo where trafficked women are being held; steps to help those young men who face imprisonment in Serbia and Montenegro because they either left the country when called into service, or deserted while in service, as encouraged by NATO; the inadequacy of the State Department's response to Commission concerns regarding displaced Roma from Kosovo; and adequate preparation for humanitarian crises which may result from new conflict in either Montenegro or the Presevo region of southern Serbia, including consideration of Human Rights Watch criticisms of NATO's 1999 air campaign if similar intervention again is undertaken. □

On February 17, 2000, the Helsinki Commission held a hearing on the status of religious liberty in Russia. Testifying before the Commission were Ambassador Robert Seiple, Ambassador-at-Large for International Religious Freedom, U.S. Department of State; Father Leonid Kishkovsky, pastor of Our Lady of Kazan Russian Orthodox Church, Sea Cliff, New York, and an Ecumenical Officer for the Orthodox Church in America; Anatoly Krasikov, Chairman, Russian Chapter, International Religious Liberty Association, Moscow, Russia; Pastor Igor Nikitin, Chairman, Union of Christians, St. Petersburg, Russia; and, Rabbi Levi Shemtov, Director of the Washington Office, American Friends of Lubavitch, speaking for Rabbi Berel Lazar Senior Representative of Lubavitch in Russia and the CIS.

With Commission Chairman Christopher H. Smith (R-NJ) presiding, the hearing was attended by Ranking Commission Member Rep.



American Friends of Lubavitch's
Rabbi Levi Shemtov

Helsinki Commission holds hearing on religious liberty in Russia today

by John F. Finerty

Steny H. Hoyer (D-MD) and Rep. Bob Clement (D-TN).

"While the central government appears committed—on paper—to religious freedom through the country, some local officials have clearly interpreted the 1997 law as a license to harass minority religious groups," said Smith. "At least one American missionary has been evicted from Russia—on what certainly appear to be very flimsy grounds. Charismatic groups have been accused by authorities of 'hypnotizing' congregation members. Churches that formerly rented public buildings are now finding these premises closed to them by local officials. The leadership of the Russian Orthodox Church, Moscow Patriarchy seems more interested in criticizing so-called 'non-traditional' faiths than in actually engaging in the witness of their faith—a right protected by a commitment the freedom of speech. Even in supposedly more liberal Moscow, a court case against the Jehovah's Witnesses for allegedly 'inciting religious discord' and 'de-



**(l to r) Orthodox Ecumenical Officer
Father Leonid Kishkovsky,
St. Petersburg Union of Christians’
Pastor Igor Nikitin
and
Moscow International Religious
Liberty Association’s
Anatoly Krasikov**

stroying families’ has dragged on for more than two years.”

“In some instances, religious communities have been able to secure their legal rights through court decisions at both the national and local level, only to face attempts by local officials to ‘liquidate’ their formal status on flimsy legal grounds. In many cases, local officials claim to be ‘protecting’ citizens from the alleged dangers of ‘sects’ when they act against religious communities. It seems to me that their time might be better spent working on economic and social betterment for all of their constituents,” said Hoyer.

Clement commented, “We’re not trying to dictate Christianity around the world, we want tolerance for all religions around the world.”

Ambassador Seiple testified, “In Russia there is the potential for events to bring about a decline of religious freedom. There is also the potential for us and like-minded advocates of religious freedom to take steps to prevent this from happening.” He concluded that “many observers today

believe that the situation with respect to religious freedom in Russia has stabilized. I believe the country remains on the cusp... I am an optimist by nature. I believe the Russian people and their government will choose to respect religious freedom and democracy, but not without the active support of the international community. We will continue to work with our European partners to promote a climate in Russia which respects diversity in religious practice.”

Rabbi Shemtov commented, “in recent years the incidents of anti-Semitism in Russia have reached alarming levels... but there was also an undeniable trend towards lawlessness... It must be noted that since August of 1999, when a savage attack at the Choral Synagogue in Moscow and the attempted bombing of the Bolshaya Boronya Synagogue followed a few days later, the situation has improved dramatically.”

“Following the visit of American Members of Congress to the OSCE Parliamentary Assembly meeting in St.

Petersburg [in July 1999], city officials were much more amenable to my church’s community services,” noted Pastor Nikitin. “The visit by the U.S. Congress had a tremendous positive impact.”

Speaking of the much-discussed 1997 “Law on Freedom of Conscience and Religious Associations,” Father Kishkovsky stated, “It was flawed, and it ought not to have taken place.” Nevertheless, he asserted, “It is also clear that at the federal level in Russia there have been, indeed, good faith commitments to deal equitably with religious communities and to observe the international norms when it comes to human rights and religious liberty.”

Dr. Krasikov recalled James Madison’s warning, “When there is a union of state and church, this has often resulted in using religion to uphold political tyranny,” as he discussed what he believed are efforts by some to merge the Russian Orthodox Church with the Russian Government. □

Commission holds second hearing on Organized Crime and Corruption

by Marlene Kaufmann

On March 23, the Helsinki Commission held a hearing entitled "Organized Crime and Corruption in the OSCE Region." The hearing was the second in a series examining the issue and focused on both regional and international efforts to address corruption.

Witnesses included Rob Boone, Assistant Secretary for Narcotics and International Law Enforcement Affairs, U.S. Department of State; James K. Weber, Deputy Assistant Director, Investigative Services Division, Federal Bureau of Investigation; John Tennant, Deputy Assistant Administrator, U.S. Agency for International Development; Adrian Karatnycky, President, Freedom House; and, Nancy Lubin, President, JNA

Associates, Inc. and American Foreign Policy Council Senior Fellow.

Commission Chairman Rep. Christopher H. Smith (R-NJ) expressed concern that "widespread corruption in countries of the OSCE threatens their ability to provide strong independent legal regimes, market-based economies and social well-being for their citizens. Corruption is stymieing economic reforms in these countries and impeding efforts to improve the status of disadvantaged groups."

Co-Chairman Senator Ben Nighthorse Campbell (R-CO) stated that "twenty-five years after the signing of the Helsinki Final Act, there is perhaps no single greater threat to the

core OSCE principles of democracy, human rights and the rule of law than organized crime and corruption. The United States and the OSCE have vested interests in effectively combating organized crime and corruption."

Assistant Secretary Rob Boone noted, "This is a matter in which the initiative of the Commission under your leadership, as well as that of your parliamentary colleagues from other

"We have spent a lot of time in pressing for international approaches to how to deal with corruption, bribery, and organized crime...[Co-Chairman Campbell's] initiative on this is very important and it dovetails completely with the kind of thing we are trying to do."

—Secretary of State Madeline Albright

OSCE nations has been of decisive significance." He reviewed Administration efforts, both bilateral and multilateral, to combat corruption and organized crime under the President's International Crime control Strategy initiated in May 1998 including the First Global Forum on fighting corruption hosted by Vice President Gore in Washington in February 1999, regional efforts such as the Southeast Europe Cooperative Initiative (SECI) and the Stability Pact as well as specific bilateral programs with Russia, Ukraine and Bosnia-Herzegovina. Mr. Boone pointed out, however, "The ability to confront and surmount corruption and organized crime turns on the political will and

institutional capabilities of each individual nation. Policy encouragement and material support by other nations can be invaluable, but they cannot substitute for the determination and capability of each country to act within its own borders."

James Weber of the FBI's Investigative Services Division provided perspective on the dimension of the problem. "In Fiscal Year 1999, the

FBI had 91 special agents and 64 supportive personnel abroad addressing appropriately 24,000 investigative requests from domestic field offices—compared with 14,000 requests in 1998." Mr. Weber also mentioned the SECI initiative and informed the Commission that the FBI is specifically tasked

to deal with the issue of trafficking in women and children—an issue on which Chairman Smith has taken a leadership role. The U.S. delegation to the Annual OSCE Parliamentary Assembly, held in St. Petersburg, Russia in 1999, introduced a resolution calling for stronger efforts to combat this scourge, which passed the Assembly with overwhelming support from the delegations of the 54 OSCE participating States.

USAID's John Tennant emphasized that "corruption is in no way limited to Europe and Eurasia. This is at root a development issue, borne mostly of inadequate or weak democratic institutions. Therefore, we cannot treat the symptom of corruption

without also addressing the illness of, among other things, an overly centralized, bureaucratic, and ineffective system of governance.” He reviewed AID’s strategy for combating corruption and organized crime and explained that its activities in the field fall under five specific areas: implementing the rule of law; establishing independent and competent judiciaries; promoting transparent and efficient economic reform; promoting civil service reform; and civil society interventions and anti-corruption strategies. Mr. Tennant cautioned that one single solution cannot work for all countries. “For example,” he said, “legal ‘reform’ cannot be made by executive decree. Reform of any kind must be backed by the people, and by their elected representatives. By the same token, anti-corruption campaigns waged by narrow political elites all too often serve to perpetuate centralized political and economic control. Relying solely on strengthening enforcement mechanisms is also not the answer, nor is more money the best solution.”

The President of Freedom House, Adrian Karatnycky, seconded this premise. “We must be careful not to view the struggle against corruption as somehow divorced from economic and political reform. In particular, we should refrain from collaboration in government anticorruption activities in those post-Soviet regimes in which opposition is suppressed, the media are censored and controlled, and the executive authority supercedes the judiciary,” he said.

When asked whether the U.S. should deal with corrupt governments and engage them programmatically, both Karatnycky and Dr. Nancy felt the U.S. must deal with these countries at all levels—but does not have to embrace them and give a stamp of approval. “It’s not if, but how we engage them,” said Lubin.

During the Annual Meeting of the OSCE Parliamentary Assembly in 1999 in St. Peterburg, Russia, Co-Chairman Campbell amended the body’s final resolution to include lan-

Ministers when they meet in Vienna later this year.

In a subsequent hearing before the Senate Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs, Co-Chairman Campbell discussed with Secretary of State Madeleine Albright his OSCE Parliamentary Assembly initiative and the Commission’s work with the State Department in placing the issue of combating corruption on the agenda of the OSCE Summit. Secretary Albright remarked, “We

have spent a lot of time in pressing for international approaches to how to deal with corruption, bribery, and organized crime. . . your initiative on this is very important and it dovetails completely with the kind of thing we are trying to do.”

As a part of its continuing engagement on the issue, the OSCE Parliamentary Assembly will focus on “OSCE Challenges in the 21st Century—Good Governance: Regional Cooperation, Strengthening Demo-

cratic Institutions, Promoting Transparency, Enforcing the Rule of Law and Combating Corruption” during its annual meeting in Bucharest, July 6-10, 2000. The Parliamentary Assembly will also hold a special seminar in October in Cyprus to examine the role of parliamentarians in combating corruption and organized crime. □

The OSCE Heads of State and Government meeting at the Istanbul Summit in November 1999 recognized “that corruption poses a great threat to the OSCE’s shared values.”

guage calling for an OSCE Ministerial Meeting to address the issue of corruption and organized crime in the OSCE region.

Subsequently, the OSCE Heads of State and Government meeting at the Istanbul Summit in November 1999 recognized “that corruption poses a great threat to the OSCE’s shared values.” The summit leaders tasked the Permanent Council to examine ways in which the participating States can work together to develop more effective methods of combating corruption and report to the OSCE

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