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Turkish Human Rights Abuses Continue Amid Promise of Reforms

On October 17, Turkey's Deputy Prime Minister and Foreign Minister, Tansu Çiller, announced a step-by-step reform of her country's human rights practices and policies. The statement echoed earlier promises of reforms by Çiller and others which, for the most part, have failed to materialize or to bring about significant human rights improvements. The announcement came within days of a major campaign, launched by Amnesty International, to draw renewed international attention to continuing human rights abuses in Turkey. "Wide-

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Voters Line up in Yerevan

Armenia's President Reelected Amid Controversy

On September 22, 1996, Armenia held its second presidential election since gaining independence in 1991. Incumbent President Levon Ter-Petrossyan ran against three opposition contenders. According to official figures, about 52 percent of eligible voters cast ballots to reelect Ter-Petrossyan by 51.75 percent, barely surpassing the 50 percent figure required to avoid a runoff. His closest rival, Vazgen Manukyan, former Prime Minister and Defense Minister, received 41 percent of the vote.

As widely reported in the international media, Ter-Petrossyan's claims of victory evoked opposition charges of vote-rigging. On September 25, mobs broke into parliament and beat up the Speaker and his Deputy. In response, Ter-Petrossyan banned rallies and ordered tanks into the streets while troops subdued the demonstrators. Many opposition activists, including members of parliament, were arrested and beaten, and opposition party headquarters were closed down. From hiding, Vazgen Manukyan called for resistance, claiming to have won the election.

International observers had characterized Armenia's July 1995 parliamentary election as "free but not fair," so Armenian authorities wanted a

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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.

Commission Holds Briefing on Deteriorating Belarus Situation

Over the past year, observers have noted increasing signs of serious political and economic deterioration as President Lukashenka's increased authoritarianism and human rights repression have become subjects of concern—both within and outside Belarus. An October 30 Commission briefing examined the volatile political and human rights situation in Belarus, focusing on the possible November 24 referendum.

Witnesses included: Zyanon Paznyak, Chairman of the Belarusian Popular Front, recently granted political asylum in the U.S.; Jack Segal, director of Ukrainian, Belarusian and Moldovan Affairs, U.S. Department of State; Jan Zaprudnik, leading expert on Belarus and former editor, Radio Liberty Belarusian Service; and Antti Korkeakivi, Legal Advisor on the CIS, Lawyers Committee for Human Rights.

P a z n y a k characterized P r e s i d e n t Lukashenka as lawless and against all things Belarusian—even his own people. He cited the drastic decrease in the number of Belarusian language schools, persecution of

people wearing the traditional national flag or insignia, and the arrests at last spring's demonstrations merely for speaking Belarusian. Citing specific instances, he stated that human rights are "totally ignored" and that Lukashenka, by ignoring the law, is acting as a dictator.

Segal outlined official U.S. positions on the situation in Belarus, asserting that "the political character of Belarus as a nation hangs in the balance, with the issues of freedom of expression, human rights and separation of powers at the center of the debate." While recognizing Belarus' worsening human rights record and unsatisfactory progress in building a democratic system, he argued that the U.S. should not turn its back on the country, but should cooperate where possible to assist Belarus, including engaging "in a dialogue on political reform." He noted that the U.S. has repeatedly expressed its dissatisfaction with the Belarusian

government's intolerance of opposition and exercise of a virtual information blockade against its critics in the electronic media, and will continue to seek Belarus' compliance with the democratic principles it undertook to uphold as a member of the OSCE.

Zaprudnik reflected on political and daily life in Belarus based on his most recent visit. He characterized Lukashenka's method of running Belarus as relatively simple: "Blame the enemy—the parliament, the opposition parties, the liberal Russian media, the West, the CIA—through the monopolized media and press" and castigate and fire various public officials. As a result, according to Zaprudnik, "Folks in the country blame bad officials who get in the way of a good president for their misery." On the other hand, young people are resisting Lukashenka's political

course and becoming "increasingly active on behalf of democratization, freedom of speech, Belarusian nationhood and cultural rebirth."

Korkeakivi commented on Lukashenka's controversial draft constitution—scheduled for a controversial November



Commission briefing on Belarus

24 referendum—from the human rights perspective, concluding that it "puts forth a system that really undermines the other two branches of power so effectively that the president can interpret human rights provisions without any real checks." He also pointed out that, in addition to the content of the draft constitution deserving criticism, the referendum process itself can also be challenged as illegal. Indeed, following the Commission briefing, Belarus' Constitutional Court, Parliament and Central Election Commission (CEC) all said that the vote should be advisory and have no legal force. Lukashenka, not surprisingly, has "overruled" the Constitutional Court verdict and related parliamentary decisions, and, as this issue was going to press, had removed the Chairman of the CEC.

The full text of the briefing will be published and made available to the public. ☞ Orest Deychakiwsky



ODIHR Director Reviews Activities, Challenges

Ambassador Audrey Glover, Director of the Warsaw-based OSCE Office for Democratic Institutions and Human Rights (ODIHR), briefed Commission staff, representatives of non-governmental organizations, and members of the Washington diplomatic corps on the human dimension activities of the OSCE in Washington on October 22. Her remarks illustrated the broad and still evolving nature of the ODIHR's relationship to human rights and democracy building. Ambassador Glover highlighted the following:

Bosnia: Although much of the OSCE's involvement in the recent Bosnian elections fell outside the mandate of the ODIHR (having instead been assigned to the special bodies specifically created to address this issue), the ODIHR has been involved in a number of projects in Bosnia, including 1) supporting the three Federation ombudsmen; 2) setting up a human rights NGO center; and 3) working with the Council of Europe to train trial judges.

Election Monitoring: In addition to the high-profile work of the OSCE in Bosnia, the ODIHR has been tasked with monitoring recent elections—dubbed a “growth industry” by Glover—in Albania, Armenia, and Lithuania, as well as upcoming elections in Bulgaria, Moldova, and Macedonia.

Human Rights Reporting: ODIHR has recently begun to prepare human rights reports on select issues, such as free media or Roma. These reports may serve as a basis for discussion with specific countries, with the Chair-in-Office, or with the OSCE Permanent Council. (In this context, Glover emphasized that the role of the ODIHR must be cooperative, not confrontational, in light of its mandate and the obvious considerations it faces as an inter-governmental body.)

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The logo for the Conference on Security and Co-operation in Europe (CSCE) is displayed in a large, black, serif font. The letters 'C', 'S', 'C', and 'E' are each contained within a separate orange square, while the 'S' is a single uppercase letter.

OSCE Bosnia Head-of-Mission Provides Candid Commission Briefing

In the latest of this year's series of Helsinki Commission activities focusing on the Bosnian elections and their facilitation by the OSCE, a public briefing was held on October 25 for an update and post-election assessment by Ambassador Robert Frowick, head of the OSCE Mission to Bosnia-Herzegovina and of that country's Provisional Election Commission.

Ambassador Frowick acknowledged the shortcomings of the election and the situation in Bosnia-Herzegovina generally, but stressed the incremental progress being made. The convening of the Republika Srpska National Assembly, with Bosniac and Croat members present, and the meetings of the collective Bosnian presidency were cited as examples. He concluded: “It's not easy. It's a process that's very tortuous, requires unlimited patience and sustained effort. But if one thinks of where we were when the Dayton Agreement was being negotiated less than a year ago, I think the progress has been rather remarkable, overall.” He explained the reasons for postponing the municipal elections scheduled for November and expressed hope they could take place in the first half of 1997.

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spread human rights violations are taking place not only in the southeast but everywhere in Turkey. On the pretext of guaranteeing state security, the Turkish state is failing to safeguard its citizens' own security," said Pierre Sané, Secretary General of Amnesty International.

"The Turkish government is ready to take all initiatives necessary to promote human rights in Turkey, to ensure that these rights meet the highest standards," said Mrs. Çiller. Turkey, an original signatory to the Helsinki Final Act, has been a member of the Council of Europe since 1950, and joined the North Atlantic Treaty Organization in 1951. Since the end of the Cold War, Ankara has begun to come under increasing pressure to adhere to Turkey's international human rights obligations and commitments. Turkey's human rights record came under scrutiny during the OSCE Review Conference in Vienna in early November.

Foreign Minister Çiller offered few details of concrete steps that can be expected from the current review which is being spearheaded by the Ministry of Foreign Affairs, a fact which might lead some to conclude that the latest exercise is primarily for foreign consumption. "The Ministry of Foreign Affairs is determined to lead the way in these human rights reforms and to bring these efforts to the final stage, in collaboration with the other ministries, in particular with the Ministry of Justice," she said. Given the current political climate in Turkey, it is not clear that crucial government bodies, such as the Interior Ministry and security apparatus, will cooperate with the reform effort or contribute to the consensus which Çiller acknowledged will be necessary to move the process forward.

Even if such a consensus were achieved—which is far from a given—there is no guarantee that the "reforms" would lead to actual human rights improvements.

For example, following the much trumpeted amendments to Article 8 of the Anti-Terror Law, prosecutors have increasingly applied Article 312 of the Criminal Code, which forbids "incitement to racial or ethnic enmity." Such a cynical approach gives the impression of smoke-and-mirrors policies designed to give the appearance of change.

The State Department's 1995 human rights report on Turkey concluded that while civilian authorities remain publicly committed to the establishment of a state of law and respect for human rights, torture, excessive use of force, and other serious human rights abuses by the security forces continued.

Foreign Minister Çiller promised modifications of current detention policies, which

permit those held under the Anti-Terror Law to be held up to 30 days in the ten provinces of southeastern Turkey which remain under a state of emergency, and up to 15 days in the rest of the country. "Today we announce that the government will decrease the period of detention for interrogation prior to the filing of criminal charges," Çiller said, without providing specific details. Under Article 5 §3 of the European Convention on Human Rights, the arrested or detained person shall be brought promptly before a judge or other officer authorized by law to exercise judicial power. The European Court of Human Rights has held that a detention period of four days and six hours (Brogan and others v. United Kingdom) constitutes a violation of Article 5§3.

According to a recent Amnesty International report on human rights in Turkey, "It is widely recognized that lengthy incommunicado detention in police custody, especially before a detainee is brought before the courts, provides a prime opportunity for torture and can create the circumstances in which 'disappearances' occur." Those charged under the Anti-Terror Law are not guaranteed access to an attorney. Amnesty has called for



Yasar Kemal and publisher Erdal Öz in court last March

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Albania's Local Elections Held Amidst Controversy

In the aftermath of May's controversial parliamentary elections, Albania held local elections on October 20 that showed some improvement in the administration of elections—but not enough to allay fully concerns about the country's commitment to democratic development.

Preparations for the elections and the actual voting on election day went smoothly, according to observer reports. There was a significant reduction in the antagonism between the ruling Democratic Party and opposition parties that caused several of the key opposition parties, particularly the Socialists, to pull out of the electoral process during the May balloting. The improved cooperation was at least partly the result of a conference held in August under the auspices of the American-based International Republican Institute, during which the Democratic Party agreed more fully to integrate opposition party members into the electoral system and to make that system more transparent.

Observers did note, however, occasional signs of the Democratic Party's control over the proceedings, particularly through the intimidation of representatives of opposition parties. On the other hand, many Socialist Party allegations of irregularities on election day could not be documented and were probably, at best, exaggerations of the real situation. Voters generally seemed free to make their own choice, although in at least one instance soldiers were observed being instructed on how to vote by the polling committee chairman. As in the May elections, more problems were observed during the counting process, including wrongful invalidations of ballots cast for opposition candidates and discrepancies in the number of ballots and signatures on the voters' list, than during the voting process. Similarly, these problems were more evident in some localities than in others.

The Democratic Party received over 50 percent of the votes cast for county council seats in proportional

elections, followed by the Socialist Party with just over 30 percent and the remaining parties all with less than 5 percent each. The Democratic Party did even better in the majority-based mayoral contests in cities or communes, winning in all but a handful of the races.

Detracting from the assessments of the elections was the Albanian Government's decision to limit the number

of international observers under the auspices of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR)—which caused the ODIHR and the OSCE Parliamentary Assembly to pull out of the observation exercise entirely—and the imposition of an age requirement of 25 years for domestic observers which kept many trained observers from participating. Both the ODIHR and the Society for Democratic Culture, an Albanian NGO fielding domestic observers, were the most critical of the May elections, indicating that retribution was a motivation for imposing both limitations. Commission Co-Chairs Rep. Christopher H. Smith (R-NJ) and Sen. Alfonse D'Amato (R-NY) called the action against the ODIHR observers "very regrettable."

Some attribute the challenges to democracy in Albania to the strong-arm approach of the Democratic Party toward governing, evidenced not only by electoral problems but meddling in the judicial system as well. Others will look more at the overly partisan nature of Albanian politics, in which few respect the integrity of the democratic process itself, and will point to the provocative and obstructionist actions of some opposition leaders as much as the excesses of those in power. Either way, the October 1996 local elections in Albania will probably be characterized as a small step forward in the context of a country still recovering from decades of harsh communist rule in a region rife with instability.

Bob Hand



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the elimination of incommunicado detention and guarantees that detainees be given access to a lawyer.

“There will no longer be any grounds for excluding Turkey from Europe because of alleged human rights shortcomings,” Çiller declared before issuing a terse warning that critics “should realize that from now on they should not single out Turkey in the field of human rights. If they persist in doing this, they will be sounding alarm bells for themselves for peace both in the region and the world as a whole.”

Despite these pronouncements, government agents continue to harass human rights monitors and others involved in documenting human rights violations.

In early October, an inquiry was opened against Erol Anar, deputy chairman of the Turkish Human Rights Association, for alleged “separatist propaganda.” Charges were recently brought against Erturul Kürkcü and Ayse Nur Zarakolu for translating and publishing a Human Rights Watch Arms Project report, Weapons Transfers and Violations of the Laws of War in Turkey. In late October, Sanar Yurdatapan, a spokesman for the “Freedom of Thought Platform” was arrested.

Meanwhile, the verdicts against Yasar Kemal and Erdal Öz for an article which appeared in the publication, Freedom of Thought, were ratified. The two were charged under Article 312. Kemal was sentenced to one year and eight months and a fine. Öz was fined.



Amnesty International

Special Operations on guard in Diyarbakir

Both sentences were suspended provided that neither commits the same act within five years.

Those who seek to assist the victims of torture are often themselves subject to harassment and intimidation. Treatment and rehabilitation centers, operated by the Human Rights Foundation of Turkey in Istanbul and Adana, are being prosecuted by the Turkish Government for refusing to comply with orders that they hand over the names of their clients and the health professionals treating them. The trial against the Istanbul center opened on November 1 and resulted in an acquittal. Proceedings against the Adana center, which were set to begin on November 8, have been postponed until January 17 next year.

On October 31, Turkey’s representative to the European Commission for Human Rights Bakir Caglar, resigned, stating, “Turkey always promises, but never fulfills... I thought, defending Turkey is impossible in the current conditions, and resigned.” A pro-

fessor of constitutional law, Caglar has represented Turkey before the Commission for five years, requiring him to defend Turkey’s human rights policies and practices. Caglar had resigned from the position on at least two previous occasions. Nearly half of the human rights cases under examination by the human rights body have been filed against Turkey for alleged violations of human rights, and the destruction of Kurdish populated villages in southeastern Turkey.

✉ Ron McNamara

Bulgarians Elect Democratic Opposition Candidate as President

On November 3, Bulgarian voters, fed up with Socialist mismanagement of the economy, elected Petar Stoyanov, candidate of the opposition Union of Democratic Forces (UDF), President of Bulgaria. Mr. Stoyanov bested his Bulgarian Socialist Party (BSP) opponent, Ivan Marazov, by a substantial 60 percent of the vote to 40 percent. While the office of the presidency in Bulgaria is relatively weak, the vote was clearly a referendum on the ruling ex-Communist BSP, whose Prime Minister, Zhan Videnov, is coming under severe criticism from within his own ranks and is expected to face attempts to unseat him at an upcoming December 21 special BSP congress. Adding to the turmoil within the Socialist ranks was last month's assassination of former Prime Minister Andrei Lukanov, one of the most influential BSP parliamentarians and a rival of Videnov. (Commissioners and staff had met with Lukanov in Bulgaria on several occasions beginning in the late 1980's, when he was regarded as the most liberal member of

the Bulgarian Politburo, and the Commission hosted a Capitol Hill luncheon for him in 1989).

The OSCE's International Observer Mission, while noting some imperfections in Bulgaria's electoral law regarding the registration of candidates and conduct of election campaigns, asserted that the election was conducted with "exemplary professionalism" and concluded that the election "assisted in the further development and entrenchment of democracy in Bulgaria."

Bulgaria's economy has deteriorated dramatically over the last year. Inflation is close to 20 percent per month, interest rates exceed 200 percent, many banks are insolvent, and foreign investment is the lowest in the region. There are fears of shortages of bread and fuel this winter. Videnov's Socialist government has failed to take the necessary steps towards reform, including privatization and closing loss-making enterprises, and has permitted—if not fostered—corruption.

☞ Orest Deychakiwsky



Russian Foreign Ministry Upset by Congressional Call for Russia's Withdrawal From Moldova

The Russian Foreign Ministry has called "biased and unfriendly" H.Con. Res. 145 and two other House concurrent resolutions that call upon the Russian Federation to remove its military forces from the Transdniestria region of Moldova. The Foreign Ministry called "unacceptable" these alleged attempts to "interfere with our relations with neighboring states." The resolution was introduced in the House by Commission Chairman Christopher H. Smith (R-NJ), Commissioners Steny H. Hoyer (D-MD) and Frank R. Wolf (R-VA), Gerald Solomon (R-NY), Richard Durbin (D-IL), and eighteen additional co-sponsors.

The U.S. congressional resolution calls upon the Russian Government to remove the last of its military forces from Moldova as agreed to between Prime Ministers Sangeli of Moldova and Chernomyrdin of Russia in an accord signed in October 1994, which accord called for Russian troops to be withdrawn in three years. As noted in a previous edition of the Digest, when the

Russian Federation was admitted into the Council of Europe in February of this year, one of the stipulations agreed to by Moscow was that Russia, upon accession to the COE, would ratify the troop withdrawal accord within six months.

The claim that H.Con.Res. 145 is an attempt to interfere in Russia's relations with a neighboring state is reminiscent of Soviet charges during the Cold War that human rights concerns expressed by the West were interference in the internal affairs of the Soviet Union. As early as November 1993, the OSCE mission in Moldova recommended that Russia "speed up" the withdrawal of its forces in Transdniestria. The Parliamentary Assembly of the OSCE has also called for the "... unconditional and full withdrawal" of Russian forces from Moldova.

Also criticized in the Russian MFA statement were House resolutions dealing with Baltic stability and the independence of Ukraine.

☞ John Finerty

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Roma and Sinti Issues: Acting on its Budapest 1994 mandate, the ODIHR has acted as a “contact point for Roma and Sinti issues” (CPRSI). In implementing this mandate in a way that would reflect a reasonable division of labor with other international bodies concerned with this issue (such as the Council of Europe and UNHCR), the ODIHR has focused, in particular, on instances of discrimination and violence. The ODIHR plans to convene a training session in Budapest later this year for lawyers interested in addressing Romani concerns.

Rule of Law Programs: The ODIHR conducts a range of rule of law programs, including seminars; practical or technical assistance programs (such as bringing Georgian prison officials to meet with their Polish counterparts this year);

judicial training programs (such as the annual program in Poland for jurists from former Soviet republics); and a civil society training program for NGOs.

Mission Support: The ODIHR is also tasked with supporting the human dimension aspects of OSCE missions; this varies from mission to mission.

Information Distribution: The ODIHR has sought to make OSCE materials, particularly a compilation of OSCE human dimension commitments, available in languages used in OSCE states other than the six official OSCE languages. The ODIHR also publishes its bulletin in Russian as well as in English, a newsletter on Roma issues in English and Romani, and a bench book of international human rights conventions in English and in Russian.  Erika B. Schlager



Ambassador Audrey Glover and CSCE Director for International Policy Samuel G. Wise

newsletter on Roma issues in English and Romani, and a bench book of international human rights conventions in English and in Russian.  Erika B. Schlager



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In answering questions from the audience, the Ambassador indicated that abuses of refugee voting rights which led to the earlier postponement of the municipal elections would not be tolerated, even if it meant restricting those rights as they applied to municipalities where the refugee had never lived. On the large-scale return of refugees to their original homes, he called the international community’s performance in economic reconstruction “disgraceful.” He also stated that a two-year international commitment for



Ambassador Robert Frowick, right, and CSCE Staff Member Bob Hand

both the military and civilian dimensions was needed in the post-election period, although he declined to describe what a post-IFOR peacekeeping force might look like other than that NATO would continue to play a major role and would have substantial strength.

Ambassador Frowick also reiterated his earlier calls for actions to be taken against those persons indicted for war crimes, including Radovan Karadzic but also others, including on the Croat side, for “terrible crimes against the people during the war.”  Bob Hand



Uzzell of Keston Institute Briefs Commission on Religion Law in Russia

Mr. Larry Uzzell, Moscow representative for the Keston Institute, briefed Commission staff on September 5 regarding the new law on religion in Russia. The controversial proposed law, which would supersede the more liberal 1990 law on religious organizations, has undergone a first reading in the Russian Duma. A second reading is scheduled for late November, with a final vote by the Russian Duma planned for December. The new law has the potential for being more restrictive on religious communities, particularly communities that are considered “foreign.” Concerns have been expressed by Catholics, Mormons, and other religious communities who, because their leadership is located outside Russia, fear their groups may be considered “foreign” under the new law.

Uzzell reported that while the Russian Orthodox Church has been pushing for more restrictions on non-Russia religious groups, there appears to be a split opin-

ion within the Church on the issue of foreign religious groups. Patriarch Aleksii of Moscow presented separate amendments to the law from those proposed by Metropolitan Kirill, the head of the Patriarchate’s influential Department of External Church Relations.

The most significant legislative restrictions on religious minorities are being issued from Russia’s regional governments. These local authorities are taking advantage of the political autonomy granted by the Russian federal system and an overall weakened central authority in Moscow. Uzzell maintained that legislative restrictions are not always uniformly enforced from local jurisdiction to local jurisdiction.

Mr. Uzzell writes for the Keston News Service and in Moscow represents the Keston Institute, a British-based organization that tracks religious liberty issues within Western and Eastern Europe.

✉ Karen Lord

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better grade for the September 1996 presidential election. In the final state released findings calling the election “flawed.” International media coverage of the election was generally negative, emphasizing charges of fraud.

worked with Armenia’s Central Election Commission since the Helsinki Commission staff, it is difficult to know whether the irregularities—which undeniably took place—were

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sufficiently numerous and serious to affect the election's outcome, as the opposition claims and the government denies. At the least, there is reason to doubt the officially announced results, especially since the margin of victory was so narrow. Unless the authorities can demonstrate convincingly, in a fair, transparent process of investigation, that the opposition's claims are baseless, these doubts will remain.

Until September 10, it was widely believed that Ter-Petrosyan, in office since October 1991, would win easily. But then three opposition candidates withdrew in favor of Manukyan. The unexpected emergence of a uni-



fied opposition candidacy rattled Ter-Petrosyan while emboldening the opposition and average voters increasingly disenchanted with the incumbent. To judge by many conversations in Yerevan, the main causes of discontent are economic misery, widespread official corruption and arrogance, and Ter-Petrosyan's aloofness.

On October 24, the opposition presented evidence of alleged vote-tampering to the Constitutional Court, appealing for an annulment of the election and a repeat vote. Technically, therefore, even though the CEC declared Ter-Petrosyan president on September 29 and he was inaugurated on November 11, there is still a legal challenge to his victory. With the opposition warning that prospects for democracy hinge on the Court's fair treatment of the petition, Ter-Petrosyan has pledged to abide by any decision by the Court, which is chaired by his former vice-president. The Court, together with the Procuracy, is looking into the opposition's charges and must deliver a verdict by November 24.

Democratization: After years of presenting itself as a democratic island amid unstable, repressive states, the image of Armenia and its president have suffered a serious blow. The opposition's allegations of falsification, the OSCE assessment and the violence on September 25-26 have compounded the negative publicity of the July 1995 election and cast a shadow on the country's

prospects for democratization. In a post-election interview, Ter-Petrosyan said, "Nowhere in the world can democracy be established in a way they [America] understand it in six years... I have never said that Armenia is a democratic country... Several decades shall pass until we can speak about democracy in Armenia..."

Levon Ter-Petrosyan: The controversy has also damaged Levon Ter-Petrosyan's claim to be a democratic, legitimate leader. He has maintained that he won a fair election, and, calling the opposition "fascist," warns of tragedy for Armenia if the Constitutional Court rules against him. For his supporters and those who saw the opposition as a greater evil, Ter-Petrosyan's reelection is cause for celebration, despite the cloud

over his victory. It is unclear, however, how he can regain his legitimacy among those who did not vote for him: even according to official figures, about half the population. Moving to address popular discontent, he has pledged more attention to social needs in his second term, and his newly appointed prime minister has shaken up the cabinet.

Government-Opposition Relations: For the opposition, after last year's parliamentary election and this presidential election, there are few outlets for political participation and little stake in the political process. Ter-Petrosyan would have to make far-reaching gestures to achieve conciliation, but given the level of polarization in Armenia, he seems unwilling to do so, and the opposition might well reject any proffered hand. No disturbances or confrontations took place during the November 10 local elections—which the opposition boycotted—or at Ter-Petrosyan's inauguration, which only the communist opposition attended. If, as expected, the Constitutional Court turns down the opposition's appeal of the election results, opposition leaders face some tough choices: to continue participation in a political process they consider stacked against them; to abandon politics (and possibly join the hundreds of thousands who have already left Armenia altogether); or, in the worst

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case scenario, to resort to extraordinary methods of political struggle. Several of them face charges of treason after the September 25-26 clashes and may be involved in long, drawn out trials.

Neighbors' Reaction: The governments of neighboring states—which wanted Ter-Petrosyan to win, seeing his rivals as more nationalist and less inclined to compromise—expressed concern about events in Armenia. Officials in Georgia, where demands for autonomy from some of the 300,000-strong Armenian community have found no support from Ter-Petrosyan, worried about possible continuing instability in Armenia. Azerbaijani officials, for their part, took some comfort in Armenia's public relations debacle. But they had been hoping that a reelected Ter-Petrosyan would have a strong enough mandate to acknowledge Azerbaijan's territorial integrity, thus keeping Nagorno-Karabakh de jure within Azerbaijan, and then beginning negotiations about the specifics of autonomy. Baku now fears that Ter-Petrosyan will be unable to take such steps.

Nagorno-Karabakh: Indeed, Ter-Petrosyan's controversial victory does complicate the OSCE talks about Nagorno-Karabakh. Having been politically weakened, and under attack by his rivals for being too "soft" on Nagorno-Karabakh, he is hardly in a position to moderate Armenia's negotiating stance, which he has publicly advocated in the past. Ter-Petrosyan's senior advisor has warned Azerbaijan not to try to exploit the situation, and Yerevan refuses to acknowledge Azerbaijan's territorial integrity without first having ensured the security of Nagorno-Karabakh. The leader of Nagorno-Karabakh—who himself will be running for reelection as president of the disputed territory on November 24—foresees the status quo "dragging on for years." Negotiations on a Declaration of Principles about resolving the conflict are continuing, but the prospects for reaching agree-



ment by the December OSCE Summit in Lisbon are dubious.

U.S.-Armenian Relations: In the United States, the influential Armenian-American community is deeply divided about Levon Ter-Petrosyan. Despite political differences among these organizations, they are united in support for U.S. aid to Armenia, which received \$95

million in earmarked assistance in the FY 97 foreign aid bill signed into law in September 1996. When the next foreign aid bill comes up for debate, Armenian-American groups will probably urge more aid, targeted to democracy building, but Ter-Petrosyan's detractors may urge that assistance be delivered through NGOs, not through

Armenia's Government.

§ 907 of the 1992 Freedom Support Act bars direct government-to-government assistance from the United States to Azerbaijan, until Azerbaijan "ceases all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh." The FY 97 foreign aid bill, however, broadened possibilities for NGOs to use Azerbaijani government facilities in distributing humanitarian aid. Armenia's election-related public relations problems may encourage some efforts in Congress to try to dilute the sanctions on Azerbaijan further.

In its initial reaction to the election, the U.S. State Department strongly criticized the opposition for storming the parliament, and noted that the preliminary OSCE assessment had tentatively concluded that the irregularities had "not materially affected the outcome." However, after the second OSCE assessment and the final OSCE report, the State Department issued a carefully balanced statement. It pointedly did not congratulate Ter-Petrosyan, called for reconciliation between the government and the opposition, and urged both sides to act in accordance with the law while the Constitutional Court considers the opposition's appeal.

A full Commission report on the Armenian elections is forthcoming.

☞ Michael Ochs

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