

**U.S. STATEMENTS FROM  
THE HUMAN DIMENSION IMPLEMENTATION MEETING  
WARSAW—OCTOBER 6-17, 2003**

**October 6, 2003**

Opening Plenary Statement—delivered by Ambassador Pamela Hyde Smith

Democratic Elections—delivered by Ambassador Stephan M. Minikes

**October 7, 2003**

Freedom of Movement—delivered by Ms. Roberta Cohen

Freedom of Expression—delivered by Mr. Ronald McNamara

Freedom of Thought—delivered by Ms. Janet Mayland

Freedom of Association—delivered by Ambassador Stephan M. Minikes

**October 8, 2003**

Prevention of Aggressive Nationalism, Chauvinism and Ethnic Cleansing—delivered by Mr. Ronald McNamara

Equality of Opportunity for Women and Men—delivered by Ambassador Pamela Hyde Smith

Roma and Sinti—delivered by Ms. Erika Schlager

**October 9, 2003**

Rule of Law: Policing—delivered by Ms. Ruth Wedgwood

Independence of the Judiciary, and the Right to a Fair Trial—delivered by Mr. Frank Gaffney

Right of Reply on the Death Penalty—delivered by Mr. Francis Gaffney

Prevention of Torture—Statement of Ms. Ruth Wedgwood

**October 10, 2003**

Trafficking in Human Beings—delivered by Ambassador Pamela Hyde Smith

International Humanitarian Law—delivered by Ms. Ruth Wedgwood

Migration, Refugees and Displaced Persons—delivered by Ms. Roberta Cohen

Turkmenistan and the Moscow Mechanism—delivered by Mr. Ronald McNamara

**October 13, 2003**

Prevention of Discrimination, Racism and Xenophobia—delivered by Representative Benjamin L. Cardin

Prevention of Anti-Semitism—delivered by Representative Christopher H. Smith

Prevention of Discrimination Conferences Conclusion—delivered by Rabbi Andrew Baker

**October 15, 2003**

National Minorities—delivered by Assistant Secretary Lorne W. Craner

**October 17, 2003**

Closing Plenary—delivered by Ambassador Pamela Hyde Smith



## **United States Mission to the OSCE**

### **OPENING PLENARY**

**Statement of Ambassador Pamela Hyde Smith  
U.S. Delegation to the OSCE Implementation Meeting  
October 6, 2003**

Thank you, Mr. Chairman.

The United States considers the OSCE, and this Human Dimension Meeting, to be essential resources in our core objective of promoting democratic development and respect for human rights throughout the vast OSCE region. This year marks the tenth anniversary of this forum, the single most important human dimension activity on the busy OSCE calendar. Over the past decade, we have pushed to strengthen this platform and highlight it as a vital link between the Organization and the NGO community. We consider the protection of human rights a fundamental responsibility of each of our States, one that ensures human dignity, security, and prosperity. We cannot attempt to address the threat to the stability of our region, if we do not deal with ensuring the fundamental human and democratic rights of our populations. The United States is committed to drawing attention to the work we do here and reinforcing these efforts in capitals.

The reason for this is simple.

The promotion of human rights is vital for security. It is a fight against the greed, aggression and abuses that foster conflicts. But the process of protecting human rights is continual.

Every generation learns for itself that it must enter the struggle if it is to protect human rights. All of us must stay alert as challenges change and new protections are needed. Outside the U.S. National Archives Building in Washington stands a monument that says, "Eternal Vigilance is the Price of Liberty." That vigilance is the heart of this meeting.

The beauty of the OSCE Human Dimension Meeting is that it lets us assess our progress and renew our commitments in a room with nations that hold common values. We all have signed the Helsinki Final Act that launched this process. As Andrei Sakharov aptly observed, "The whole point of the Helsinki Accords is mutual monitoring, not mutual evasion of difficult problems."

We all know where we stand. We can speak freely here. Because of this openness, we have the opportunity to look candidly at current issues and challenges, as well as encourage those who are struggling to solve problems that have long and difficult histories. By our collective efforts, we can give support to those governments trying to make changes that are sometimes difficult for their societies to accept.

It is the responsibility of every government to listen to these views, and to allow freedom of media and freedom of speech to give voice to these debates. It is also the responsibility of every government to ensure that victims of human rights violations have redress, through an independent judiciary system. Respect for human rights and the implementation of our common OSCE commitments are the responsibility of our governments. We can discuss over the next two weeks how the OSCE can assist States in implementing their commitments, but the will to do so must come from the States themselves.

Mr. Chairman, we are also confronted with the reality that some have simply stopped trying and reverted to authoritarianism and worse. I would like to raise one pressing example of this – namely, Turkmenistan – and I do so in hopes of sparking a discussion during this meeting that might result in ideas for ameliorating the situation there. There are also pressing concerns elsewhere, especially in the Republic of Belarus.

The new era of democracy boldly proclaimed in the Charter of Paris has yet to be realized throughout the OSCE region, notwithstanding the courage of individual men and women, the strength of the will of the people, and the power of the ideas of the Helsinki Final Act.

Mr. Chairman, I said the Human Dimension meeting was important, but I did not say it was painless. Every nation here has felt discomfort from time to time as the spotlight is turned on its problems. And often the pressures felt in Warsaw are just an extension of critical opinions voiced at home. The conversations that take place here usually reflect pressures that are brought to bear elsewhere. In the United States, for example, we have had animated public discussions during the past year across the spectrum of public policy issues, from the conduct of elections to the right to privacy, to the imposition of the death penalty and the detention of suspected terrorists. Those and many more human rights concerns are still very much in play among the critical American public.

The triumph of democracy is, of course, that these debates take place, not just occasionally in hushed rooms, but continuously, loudly and pervasively. And from this come the efforts to keep improving our records and inventing new solutions. That is the opportunity we all have here.

Mr. Chairman, our aim should be to inspire and promote directed action. At its best, this forum should be a catalyst for producing innovative approaches to the human dimension. It should give us new perspectives and a renewed commitment to the power of those ideas enshrined in the Helsinki Final Act. As President Bush has noted, “Freedom is the non-negotiable demand of human dignity.” May our work here in Warsaw respond to that demand.

In closing, I wish to note with respect that today is Yom Kippur, the most solemn day of Judaism, which takes on special importance given our venue and the goals of this meeting.

Thank you, Mr. Chairman.



# **United States Mission to the OSCE**

## **DEMOCRATIC ELECTIONS**

**Statement of Ambassador Stephan M. Minikes  
U.S. Delegation to the OSCE Implementation Meeting  
October 6, 2003**

Mr. Moderator, what I am about to say right now is not easy to say, but it needs to be said. Building democracy is proving to be more arduous than many expected a decade ago. While challenges remain, the Balkans have come a long way over the past two years, to become a region now dominated by reform-oriented governments that wish to join Euro-Atlantic institutions. In other parts of the OSCE region, however, our hopes were perhaps too high and we expected more and quicker progress from the end of communism than was realistically obtainable. However, we recognize that it is a process and continue to stand with our OSCE partners in making it a reality.

Among the recent successes that deserve mention are the October 2002, General Elections in Bosnia and Herzegovina. These were the first elections administered by the Bosnian authorities since the Dayton Peace Agreement. Given the complexities of the Bosnian legal and constitutional framework and the lingering lack of public trust stemming from the conflict a decade ago, Bosnian officials have made clear progress in meeting international standards for democratic elections. The ODIHR report contained some recommendations for further improvement, especially regarding the timeliness of decision-making, and these will hopefully be implemented in future elections.

Still, in other OSCE States, especially in some states in Central Asia, there is tragically less freedom today than there was in the late 1980s. At that time, even in Turkmenistan, political movements arose before being crushed, and in Uzbekistan, a credible challenger was allowed to run for president in 1991. Today, contrary to OSCE Copenhagen commitments to hold free elections at reasonable intervals, and President Niyazov is president-for-life and President Karimov, after a highly criticized referendum, will be in office until 2007. Tajikistan this year held a referendum that will allow President Rakhmonov to remain in office for years to come. The one ray of hope in the region is President Akaev's repeated assurances that democratic elections will be held to replace him when he steps down at the end of his term in 2005.

This raises an important and disturbing question about one of the key principal pillars of democracy, which is free, transparent elections. Certain pundits have called for de-emphasizing elections as a yardstick for measuring democratic development; others have advised putting them off until the building blocks of popular sovereignty have emerged. Whatever position one takes, one cannot but conclude that elections in a number of OSCE States are not democratic. We continue to believe in the OSCE Copenhagen commitment that free elections are, and I quote here from the document, "among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and unalienable rights of all human beings." No country can truly call itself a democracy, until the opportunity exists for rotation of power through democratic elections, which can clean out, like the cleansing tide of the ocean, corruption and entrenched interests.

Frequently over the past year, ODIHR has concluded that an election under observation “did not meet OSCE norms.” The host States, while seeking any acknowledgment of even nominal progress, conceded some shortcomings and pointed to the growing pains of democracy. Foreign capitals expressed regret at another lost opportunity, but pledged to continue working with governments headed by leaders returned to office by undemocratic elections. What we lack is earnest follow-up to address ODIHR’s often detailed recommendations to accelerate the progress and establish elections that would meet international standards and OSCE norms. In Belarus, we hope that the authorities will utilize for this purpose the recommendations resulting from the recent international workshop on International Standards for Democratic Elections and Election Law, sponsored by the OSCE Resident Mission in Minsk.

In other countries, while there has been some progress, elections continue to face serious problems. Twice this year, for example, Armenia held elections that did not meet OSCE standards, despite repeated assurances made to the OSCE and the Council of Europe. Next week, Azerbaijan will hold a presidential election, and OSCE and ODIHR representatives have already expressed concerns over the administrative preparations and the conduct of the electoral campaign to date, including the violent disruption of opposition rallies by the authorities. In Georgia, President Bush sent former Secretary of State James Baker to Tbilisi to help political forces reach agreement on a set of general guidelines to help govern the conduct of the elections and to resolve a stalemate over the composition of the Central Election Commission. Georgia has made significant progress on the commitments made in the “Baker Scorecard,” but still has much to accomplish before the November 2 elections. Concerns over campaign violence in the regions persist.

Despite the disappointments of the 1990s, many pinned their hopes on the next generation of post-communist leaders, assuming they would be better than their predecessors. But as the political elites in these countries consolidate themselves, it becomes more and more difficult to harbor expectations that the future will differ much from the past and present. That is a very discouraging thought. It is based in fact. Our hope is more optimistic, but one needs reasons on which to base such hopes...reasons to believe!

For this reason, it is essential that Azerbaijan’s presidential election meets OSCE norms, as officials in Baku have promised. Otherwise, both the international community and citizens throughout the former USSR will lose hope at the prospect of government by the people, for the people.

In closing, Mr. Chairman, we welcomed the ODIHR mission to observe balloting in Florida and the conclusion that officials in Florida responded to concerns expressed about the November 2000 elections and even the September 2002 primary elections in Florida, as well as substantial efforts made to improve the administration of elections by November 2002.

My delegation hopes the governments of other participating States will also prove responsive to public and international concerns regarding the quality of elections in their own countries, and act upon recommendations provided by ODIHR in their election reports.



## **United States Mission to the OSCE**

### **FREEDOM OF MOVEMENT**

**Statement by Ms. Roberta Cohen  
U.S. Delegation to the Human Dimension Implementation Meeting  
October 7, 2003**

Mr. Moderator, with a few exceptions, freedom of movement is not a major problem in OSCE States.

Nevertheless, the U.S. delegation is concerned about the re-imposition of exit visas in Turkmenistan which represents a serious regression to Soviet-era practices and violates OSCE commitments, including the Vienna commitment that everyone has a right to "leave any country, including his own, and to return to his country." Turkmen authorities have claimed that only criminals, individuals privy to state secrets and those with outstanding debts to the state are prevented from freely exiting the country. In fact, many individuals are unable to obtain exit visas for routine travel and there are credible reports that many have to pay bribes to obtain these documents. We trust and expect – as we have been assured by Turkmen authorities – that the re-imposition of exit visas is only a temporary measure and that citizens of Turkmenistan will soon be able once again to leave their country without prior permission from their government.

In Uzbekistan, the government also requires exit visas – sometimes issued selectively – and severely limits the right to change permanent residence in country. Permission from local authorities is required in order to resettle in a new city, and the authorities rarely grant permission to those who wish to move to Tashkent. Local observers report that a bribe of roughly \$100 (96,529 soum) is necessary to obtain the required registration documents. Again, this is contrary to Uzbekistan's Vienna commitment that everyone has the right to "freedom of movement and residence within the borders of each State."

In Belarus, the authorities delayed issuing "global" exit visas to some opposition activists. In June, the authorities refused to issue an exit visa to Andrei Klimov, a former deputy of the 13<sup>th</sup> Supreme Soviet who was jailed for 4 ½ years. The regime also delayed issuing passports to opposition politicians, sometimes for several months, in an effort to restrict their travel abroad for political activities.

In Russia, we note that some regional governments continue to restrict the right to freedom of internal movement through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. One of the most difficult situations is that faced by the Meskhetian Turks currently residing in southern Russia. Although many are entitled to citizenship and residence permission, they have been refused proper documentation by local authorities.

In the Russian Federation, Meskhetian Turks living in Krasnodar Kray, like other ethnic minorities, must register as "guests" every 45 days and may not legally register the purchase of a house or car. Their marriages and deaths are not officially recorded. Most are denied education above secondary school, as well. In 2002, authorities in the Krasnodar administration took measures, corresponding



with the expiration of the temporary registration held by most Krasnodar Meskhetian Turks, that reportedly cancelled leases on land or denied lease renewals for the 2002 crop season. In an apparent attempt to pressure Meskhetian Turks to leave, the Krasnodar regional legislature enacted a series of laws that banned residence registration for “stateless persons,” envisaged more intensive passport and residence checks, and required strict administrative control over the issue of papers certifying land possession. By not granting citizenship or providing permanent residency status, current Russian policy enables violations of the rights of Meskhetian Turks in Krasnodar Kray to continue.

The United States urges the Russian Federation to extend to Meskhetian Turks their rights according to the Russian Constitution, and to intervene to ensure that Krasnodar Kray officials desist in their discriminatory treatment of the Meskhetian Turks and normalize their status. We also urge other OSCE participating States to normalize the status of other stateless persons.

While recognizing the necessity to control sovereign borders and guard against security threats, the U.S. delegation urges OSCE States to conscientiously implement the relevant freedom of movement provisions of OSCE documents.

In closing, we may want to consider holding one of our Supplementary Human Dimension Meetings next year on the issue of Freedom of Movement.



## **United States Mission to the OSCE**

### **FREEDOM OF EXPRESSION, FREE MEDIA AND INFORMATION**

#### **Statement of Mr. Ronald McNamara U.S. Delegation to the OSCE Implementation Meeting October 7, 2003**

Mr. Moderator, the United States commends the meeting last December of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression and their subsequent Joint Declaration. The Declaration not only reaffirmed commitments to what many consider traditional forms of speech, but also stated clearly: "Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws."

The United States has long sought that such a standard be applied at least throughout the OSCE region, if not world wide. We appreciate their forthright statement of this principle.

In that connection, we welcome the government-proposed changes to the Romanian Penal Code that would abolish criminal defamation and insult laws, and we hope the parliament will quickly pass this proposal into law. As the Romanian Government has rightly recognized, civil codes can provide adequate protection against defamation. We join the OSCE Office in Yerevan in urging Armenia to follow the example being set by Romania and repeal its criminal defamation and insult laws. We also share the concerns raised by the OSCE Representative on Freedom of the Media regarding the one-year prison sentence imposed on Russian journalist German Galkin for libel and slander.

Unfortunately, despite some positive efforts and the vast resources and energy that have been spent to develop free media and protect journalists, we would have to agree with Mr. Duve's statement earlier this year that the situation of free media in the OSCE region has deteriorated in recent years. The following examples illustrate the reasons for our increasing concern.

The United States is dismayed that the Lukashenko regime in Belarus continues to strangle media freedoms. In the latest example of Belarus' assault on media freedoms, the Belarusian authorities denied an entry visa to Freimut Duve, OSCE Representative on Freedom of the Media. This builds on a pattern of growing harassment of and hostility toward the media by the Lukashenko regime. In July, the U.S.-based NGO, IREX, closed its Belarusian operations when the authorities refused to renew its accreditation on the grounds that IREX was funding opposition media. I would also note that, over the course of the last four months, there have been further restrictions imposed on the independent media, with the suspensions of independent newspapers *Belaruskaya Delovaya Gazeta*, its periodic attachment, *BDG--For Internal Use Only*, *Navinki*, *Ekho* and *Predprinimatelskaya Gazeta*. The offices of the trade union paper *Solidarnost* were also sealed by the authorities.



We are concerned about the current negative trends and restrictive practices with respect to media freedom in Ukraine, including the use of explicit directives or “temnyky,” sent from President Kuchma’s Presidential Administration to editors on what subjects to cover and in what manner. Lack of compliance with international human rights standards, including OSCE commitments, on freedom of expression undermines Ukraine’s attempts at Euro-Atlantic integration. Mr. Moderator, an independent media free from governmental pressure is an essential factor in ensuring a level playing field in the lead up to the 2004 presidential elections in Ukraine.

In her April 18, 2003 annual report to the Ukrainian parliament, Ombudsman Nina Karpachova asserted that journalism remains among the most dangerous professions in Ukraine, with 36 media employees having been killed over the past ten years, while beatings, intimidation of media employees, freezing of bank accounts of media outlets, and confiscation of entire print runs of newspapers and other publications have become commonplace.

We are concerned about the ongoing case of Turkish journalist Hasan Özgün. After serving a nine-year prison term, Özgün was released last April and was immediately charged with “insulting state institutions” under Article 159 of the Criminal Code. Conviction could carry a 12-year jail term.

We remain extremely concerned about the ongoing crackdown on freedom of expression and free media in Central Asia. Unfortunately, Turkmenistan has made no progress whatsoever toward a freer media or permitting the expression of any dissenting thought. The "Betrayers of the Motherland" decree makes it a crime to disagree with the policies of the president. There is no freedom of media at all; all media is tightly state controlled. Internet access is limited, and we have credible reports that Radio Liberty is jammed in parts of the country. Uzbekistan, despite the formal lifting of censorship, continues to maintain the tightest control of the media and attempts to pursue independent journalism remain dangerous. In Tashkent, on August 28, human rights activist Surat Ikramov, who hopes to establish an association of independent journalists, was abducted and badly beaten. Most recently, direct access to the Ozod Ovoz web site has reportedly been closed since September 2, 2003, and the authorities blocked access to the opposition Birlik and Erk web pages in May.

Even in those Central Asian states which tolerate any opposition or independent thought, electronic media remain largely in state hands or carefully apolitical, while print media labors under strict restrictions and ever present threat of intimidation. Especially risky are attempts to shine the spotlight on high-level corruption. In Kazakhstan, journalist Sergei Duvanov remains in jail after his conviction on charges that experts working under OSCE auspices have described as politically motivated. This view is shared by human rights organizations all over the world.

Independent and opposition media in Kyrgyzstan have been hobbled, and even put out of business, by a series of slander lawsuits brought by officials. We call on Kyrgyzstan to decriminalize libel, so that officials cannot use the courts to stifle investigations into corruption.

Freedom of the media is more highly developed in the Caucasus, but concerns remain. In Georgia, we have received reports about renewed official pressure on the independent Rustavi-2 TV station, against the backdrop of the upcoming November parliamentary election. Rustavi-2 is one of the most important achievements of Georgian democracy and progress towards an open society – any threat to its functioning is certain to rally its defenders inside Georgia, in Washington and in other OSCE capitals.

The OSCE Representative on Freedom of the Media has expressed concerns about the situation in Armenia and Azerbaijan. In Armenia, A1+ and Noyan Tapan remain off the air, after failed efforts to win tenders for broadcast licenses that were widely seen as politically driven. As for Azerbaijan, on September 10, 2003, the Secretary General of the Council of Europe and the OSCE Representative on Freedom of the Media jointly stated that "We are deeply concerned by the continuous reports regarding harassment of the media and intimidation of journalists in Azerbaijan." They noted specifically that the problems faced by the newspaper *Yeni Musavat*, which "has been sentenced to three fines amounting in total to 100,000 US Dollars and whose bank account has been frozen."

And lastly, we would like to thank Mr. Freimut Duve for his steadfast efforts over the past six years in developing the office of Representative on Freedom of the Media. While Mr. Duve started out with little in the way of resources, over time he built an office that should be able to work constructively to protect one of our most cherished freedoms.



## **United States Mission to the OSCE**

### **FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF**

#### **Statement of Ms. Janet Mayland U.S. Delegation to the OSCE Implementation Meeting October 7, 2003**

Introduction by Ambassador Pamela Hyde Smith:

*Mr. Moderator, the U.S. Government views the issue of international religious freedom as being so important that we have created a special office within the State Department's Bureau of Democracy, Human Rights and Labor responsible for this issue. John Hanford, Ambassador-at-Large for International Religious Freedom, heads that office and, although he was unable to attend this conference today, he has sent Ms. Janet Mayland as his representative. I would like to ask Ms. Mayland to make our next intervention.*

Ms. Janet Mayland:

Mr. Moderator, the United States first wants to thank the Chair-in-Office for holding the July Supplementary Human Dimension Meeting on Freedom of Religion. Problems in fully implementing our OSCE commitments in this regard affect OSCE participating States from all geographical regions. Limits on religious freedom often take the form of burdensome registration requirements that hinder, instead of facilitating, religious freedom. In addition, alleged state security concerns are often cited to justify disproportionate limitations on this right; some states even imprison and torture persons on account of their religious beliefs.

Contrary to our OSCE commitment to "favorably consider applications by religious communities of believers practicing or prepared to practice their faith...", impossible registration requirements, such as in Turkmenistan, deny persons the right to practice their religion. No registration requirement should prevent individuals from practicing their faith.

In Turkmenistan, religious communities face difficulty meeting the registration requirement of 500 members in each locale. Unregistered groups are denied permission to meet publicly and are forced to operate secretly under the threat of harsh reprisals, such as home raids, imprisonment, deportation, internal exile and house eviction. The two registered religious groups, the Russian Orthodox Church and the Sunni Muslim community, are under strict state control, and members are punished if they dare to speak out. Other Muslim groups and non-Orthodox Christians are unable to register. Even two religious organizations that meet the 500-person registration requirement have been unable to register. The decision to make the president's "spiritual guidebook" required reading for students is also of concern, because it allows the state to influence schoolchildren's religious beliefs. We regret that Turkmenistan falls far short of relevant OSCE commitments in this regard.

As we noted at last year's Human Dimension Implementation Meeting, the Uzbek Government continues to incarcerate up to 6,200 individuals for allegedly being extremists or members of the Hizb ut-Tahrir, a group that seeks to replace the Government of Uzbekistan (and other governments) with a worldwide Muslim Caliphate. Many observant Muslims who pray five times a day live in fear that they will be detained or arrested as suspected members of Hizb' ut-Tahrir. If arrested, they may be subject to physical abuse, including torture. Limitations on religious freedom also include banning proselytizing or unauthorized teaching of religion and burdensome registration requirements that prevent legitimate activity. On at least two separate occasions over the last year, Uzbek authorities jailed individuals belonging to non-Muslim groups for simply meeting together for worship. In another instance, seized religious literature was burned, contrary to Uzbekistan's Vienna commitment to allow religious faiths "to produce, import and disseminate religious publications and materials." The United States is very concerned about the lack of improvement in Uzbekistan's religious freedom record, despite repeated government promises to reform, and urges

authorities to bring government policy and practice into conformity with OSCE commitments and to implement the recommendations of the OSCE panel of experts regarding the law on religion.

Throughout Central Asia, government authorities act against Muslim groups allegedly involved in anti-state activities. This has a negative effect on religious freedom for Muslims simply wanting to peacefully practice their faith. Mosques and Islamic schools have been closed in Turkmenistan, Uzbekistan, Tajikistan and Kyrgyzstan. Non-Muslim groups, especially ethnic-indigenous Christians, have also been prosecuted or fined for legitimate religious activity in Tajikistan. Non-Muslim groups have encountered difficulties registering with the Kyrgyz government. Such persecution is waning in Kazakhstan, where the President has been active in the public promotion of religious tolerance.

The Caucasus region is also a concern. The Republic of Georgia is highly problematic, as vigilante violence against minority religious communities continues to occur without any serious government effort to arrest the perpetrators. During the summer a Baptist church was burned down, Pentecostal church services were blocked repeatedly by a mob, and local police prevented Jehovah's Witnesses in two cities from meeting. The government's inability or unwillingness to end the violent attacks and harassment is deeply troubling, despite repeated statements by President Shevardnadze condemning such action. Georgian authorities must do more to end the violence against minority religious communities and punish those responsible.

In Azerbaijan, 2003 saw a slight improvement in respect for religious freedom. Several religious groups have indicated that they have either received or expect to receive soon their registration, that they can import religious literature, and that they meet without Government interference. On the other hand, other religious groups experienced delays and denials of registration; "nontraditional" religious groups received local harassment; and some services were monitored and some literature was confiscated. Only half of the religious bodies registered under the old law have successfully reregistered under the new law. Both the State Committee for Religious Affairs and the Muslim Spiritual Directorate interfere with the ability of Muslim communities to name imams, and insist not only on verifying "qualifications" of clerics before granting approval, but also on monitoring Friday prayers. On March 9, the largest synagogue in the Caucasus opened in Baku in the presence of high Government officials, Muslim, Christian and Jewish leaders in Azerbaijan, and international envoys. The construction and opening of this synagogue is a landmark example of Government respect of religious freedom and inter-religious cooperation.

Over the past year, Turkey has taken steps to bring its legal system regarding religious freedom into conformity with OSCE commitments. While we applaud this effort, we are concerned that Turkey's system of regulating religious groups remains problematic. The Government's strict control of Islamic teaching and practice, its ban on head scarfs in public institutions, its continued closure of the Halki Seminary, and its efforts to seize church land under the pretext of maintaining cultural sites all contravene Turkey's OSCE commitments. In addition, while reforms now allow non-Muslim religious groups to build churches and buy property, groups unable to afford such an undertaking cannot meet in other locations, such as private homes. Court cases against non-Muslim groups merely wishing to worship together in private apartments continue to move forward. We urge the Government of Turkey to address these issues and to continue the process of instituting needed reforms.

In Belarus, the passing of a restrictive new religion law, the enactment of an accord between the government and the Russian Orthodox Church, and the new law on rallies and demonstrations have led to a serious deterioration in religious freedom. The new law on religion raises nearly insurmountable barriers to the entry of new faiths and the right of adherents to such faiths to express their religious beliefs. Since the new law came into force, police have reportedly raided religious meetings and issued warnings and fines. Some groups have experienced violence from the authorities. It is feared the accord with the Orthodox Church will result in greater discrimination and harassment of other religions, as it increases the Orthodox Church's influence over numerous areas of public life.

While many Russians enjoy religious freedom, reports continue to arise of local authorities harassing or prosecuting minority religious groups in Moscow and elsewhere in Russia. In some cities, Muslims and other minority religious communities have reportedly been barred from building places of worship and from even holding services in rented facilities. On August 29, 2003, police in the town of Liski, Voronezh region broke up an anti-drug event organized by local Evangelical Christians and beat some of the participants.

Furthermore, there have been more than 30 reported cases reported so far this year of foreign religious workers, including Catholics and Protestants, having their visas summarily denied or canceled. Also of concern is the steady increase of formal and informal agreements between the Russian Orthodox Church and various state organs, which give privileges to that community not enjoyed by other groups.

While freedom of religion and belief are respected in the Czech Republic, Austria and the Slovak Republic, we are concerned that their registration policies, if used as a modeled by OSCE participating States that do not have long-standing democratic practices, could lead to the development of laws that are implemented in a restrictive and discriminating manner toward minority religions..

A new religion law in Bulgaria requires all religious groups to register with the exemption of one of the two existing Orthodox Churches. All other churches are to register with the Sofia Municipal Court before practicing their beliefs in public. There is no provision for recognition of the second “break-away” Orthodox Church in the legislation. The new religion law dealing with the process of registration neither specifies the criteria for granting registration, nor the grounds for denying it. The religion law does not address the consequences of failure to register as a religious community and gives no recourse if registration is attempted and denied. We hope that the Bulgarian Government will move swiftly to address these shortcomings in its new law.

Finally, it should be mentioned that some democratic states in Western Europe continue to implement policies that have resulted in the stigmatization of minority religions, usually as a consequence of their having been indiscriminately – and often inaccurately – identified with dangerous “sects” or “cults.” These policies are particularly troubling given that other nations struggling through democracy, as well as certain non-democratic states, are adopting similar “anti-cult” laws and policies and pointing to the practices in Western Europe as justification.

In closing, the United States would look favorably upon a new OSCE commitment addressing the problem of discriminatory registration policies, and would like to see a review of OSCE commitments to address this gap. ODIHR can play a crucial role in helping States meet their OSCE religious freedom commitments. In this regard, we urge ODIHR to increase its monitoring and reporting on violations of OSCE commitments of thought, conscience, religion or belief. We also urge OSCE participating States to react promptly and in a manner consistent with the rule of law to violations of OSCE freedom of religion commitments, and to take measures to prevent violations.



## **United States Mission to the OSCE**

### **FREEDOM OF ASSOCIATION THE RIGHT OF PEACEFUL ASSEMBLY**

**Statement by Ambassador Stephan M. Minikes  
U.S. Delegation to the Human Dimension Implementation Meeting  
October 7, 2003**

Mr. Moderator, the rights to freedom of peaceful assembly and association are integral to democratic development. Without them, civil society – including political parties and non-governmental organizations – simply cannot function in any meaningful way.

More than a decade after the fall of communism, citizens in much of the OSCE region enjoy these elementary rights. In some participating states, however, they are unable to join non-governmental organizations, or to assemble without fear of retribution. Of particular concern are the actions of some States that directly contravene their Copenhagen 1990 commitments to “ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups.”

In Belarus, for example, the rights of citizens to association and assembly have come under increasing assault over the last few months. The U.S. Agency for International Development (USAID) implementing partner, IREX, has been forced to leave Belarus after the authorities refused to renew its license. Since the beginning of July, three Belarusian NGOs – Ratusha, Varuta and Kontur – have been liquidated. The Human Rights Center “Viasna,” the public association “Legal Assistance to the Public,” the Belarusian Helsinki Committee, the Lew Sapeha Foundation and Narodnaya Gromada have been pressured and threatened. The highly regarded independent National Humanities Lyceum, which featured instruction free of state indoctrination, has been closed by the authorities.

In August, President Lukashenko signed into law a bill on demonstrations passed by the National Assembly that allows authorities to ban political parties, trade unions and other organizations if they are found guilty of even the smallest breach of the law during rallies. This is entirely contrary to Belarus’ OSCE commitment to respect and guarantee the right of individuals or groups to “establish, in full freedom, their own political parties and to form and...freely to join a trade union.” It also contravenes the commitment that everyone will have the right to “demonstrate.” We call on the Government of Belarus to abolish this law or to amend it to ensure compliance with OSCE commitments.

In Central Asia, the rights of assembly and association are flouted by the authorities and often are simply denied outright. The Government of Turkmenistan, for instance, does not even acknowledge either of these rights. It does not permit citizens to form any political parties, other than the official government party, nor does it allow any public demonstrations, meetings or assemblies, other than those the government itself organizes.



Uzbekistan has since 1993 refused to permit any political opposition or demonstrations. Of particular interest, therefore, are the recent organizational meetings of the opposition party Birlik, which – in preparation for re-registration – was able to hold a congress in June 2003. We hope this signals a more liberal approach to opposition sentiment and activity, and that political parties will be registered and permitted to take part in political life again. As for freedom of assembly, some recent demonstrations have been tolerated, but others have been harshly dispersed. A planned protest meeting outside the Uzbek parliament on August 29 failed when police preemptively removed would-be protesters from the scene and warned them against further attempts to stage protests. During that incident, human rights activist Elena Urlaeva, whom the government has sent on several occasions to psychiatric institutions for treatment of the “antisocial tendencies” she has exhibited – a horrific throwback to Communist-era penal practices – was beaten while in police detention for several hours at the local government office of the city’s Mirzo-Ulugbek district.

In Kazakhstan, the passage of a law raising dramatically the membership threshold required for political parties to register has imposed an unnecessary barrier to the right of citizens to exercise freedom of association. In Kyrgyzstan, constitutional amendments passed in February 2003 require that all public meetings, demonstrations, hunger strikes, and other forms of assembly be announced in advance, but the government has so far failed to clarify the procedures for such advance notification.

During the Armenian presidential elections in February-March this year, the authorities reacted to large demonstrations organized by the political opposition by arresting over 150 demonstrators and jailing many of them on administrative charges. These arrests raised serious concerns.

In Azerbaijan, rallies organized by the opposition have often been dispersed by the authorities, sometimes harshly. The most egregious example is the violent disruption of rallies on September 20-21 in Lenkoran, Massali, and Baku, when police beat attendees. In fairness, other public rallies have been permitted and gone off peacefully. As the October 15 presidential election approaches, it is critically important for Azerbaijan that voters be able to meet with candidates and that all political parties be allowed to organize peaceful rallies, as is their constitutional right. It is also imperative that Georgia’s elections meet the standards set by the OSCE and the commitments made to former Secretary of State James A. Baker III.

In conclusion, we suggest that participating States consider Freedom of Assembly as a topic for one of next year’s Supplementary Human Dimension Meetings. We have not held an SHDM on this topic in the past five years. Such a meeting could review the degree to which laws on Freedom of Assembly throughout the OSCE area are consistent with OSCE commitments and other international standards, and examine what more participating States can do to better implement our commitments in this regard. Thank you!



## **United States Mission to the OSCE**

### **PREVENTION OF AGGRESSIVE NATIONALISM, CHAUVINISM AND ETHNIC CLEANSING**

**Statement of Mr. Ronald McNamara  
U.S. Delegation to the OSCE Implementation Meeting  
October 8, 2003**

When we hear the words “aggressive nationalism” and “ethnic cleansing,” our minds are typically drawn back to those dark days in the 1990s when the Milosevic regime touched off a series of wars in the Balkans that subjected millions to forced displacement, mass execution, systematic rape and torture.

Those days are gone, thanks to democratic governments throughout the region and sustained international attention. Much work remains to be done, however, including the replacement of aggressive nationalism with democracy and human rights, and the safe return of all displaced persons.

What can be done to speed the region’s recovery and perhaps set some examples allowing OSCE States to respond more effectively to aggressive nationalism and ethnic cleansing elsewhere?

First, war criminals must face their due, and their acts must be completely disavowed and condemned. In particular, the United States calls for the apprehension and transfer to the International Criminal Tribunal for the former Yugoslavia all persons indicted by that tribunal, particularly Radovan Karadzic and Ratko Mladic. This step would not only remove an impediment to reform and bring to justice the perpetrators of criminal activity in the region, but it would also dissolve one more obstacle to integration in other European and Euro-Atlantic institutions. The authorities in Serbia and Montenegro and in the Republika Srpska entity of Bosnia and Herzegovina therefore have both a responsibility and an interest to resolve this longstanding issue completely. Some progress has been made in increasing cooperation with the ICTY and we commend authorities in Serbia and Bosnia for building up their capacity to hold domestic war crimes trials. These efforts are a clear step in the right direction.

Second, to redress the tragedy of ethnic cleansing, the right of return must be ensured for those who desire to return to their former homes. Rates of return have increased dramatically in Bosnia and Herzegovina in recent years, and we hope the efforts of the OSCE Mission there, with its focus on education reform, will help returning minority populations better integrate into their original towns and villages. We urge local officials to support these initiatives and other efforts to restore multi-ethnic society. We hope that progress on the legislative and administrative framework for return to Croatia will be matched by increased practical implementation.

As we will note on Friday during the session on migration, the situation in Kosovo is of concern, as extremists attempt to thwart the return of those who remain displaced. The numbers of returns to Kosovo continue to increase each year, but the job is not done, and needs continued attention. We have joined others in the international community in condemning the violent incidents directed

against ethnic Serbs in Kosovo in August and early September. Violence and hatred cannot be tolerated. Such actions further demonstrate the pursuit by some of an ethnically pure region, exactly the ideology that led to the flight of Kosovar Albanians in the first place.

Finally, the international community must learn from its mistakes. When aggressive nationalism surfaced in southeastern Europe, many felt it could be checked by reasoned arguments, rather than credible warnings. When aggressive nationalism turned to ethnic cleansing, excuses were found not to act swiftly and decisively. Early warnings, like those provided by the High Commissioner for National Minorities, were not sufficiently heeded. More damage was done as a result, and the task of recovery was made more difficult.

In closing, Mr. Chairman, my government notes with concern recent, destabilizing acts of violence in Macedonia and southern Serbia. We view these acts as the work of small, isolated groups scheming to maintain a good environment for their criminal activity. We hope the region's elected leaders will do the right thing and respond appropriately. Having witnessed so much violence inspired by aggressive nationalism already, no country in the region should want to see widespread violence resume.



## **United States Mission to the OSCE**

### **EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN**

**Statement Delivered by Ambassador Pamela Hyde Smith  
U.S. Delegation to the Human Dimension Implementation Meeting  
October 8, 2003**

Mr. Moderator, in May this body gathered here in Warsaw for a Supplementary Human Dimension seminar on Women's Participation in Public and Economic Life, as was noted. The U.S. delegation appreciates that discussion and hopes that some of the themes raised at that time will be raised here as well. In particular, equality of opportunity for women and men cannot be separated from the development of democratic institutions, free and fair elections, the rule of law, and respect for fundamental freedoms. Equality depends on the existence of a vibrant democracy in which all citizens can demand their rights; in fact, vibrant democracy cannot exist without the full participation of all its citizens, including women. Increased political participation of women is an important component of strengthening democracy and essential in meeting OSCE commitments with regard to equal opportunity. At Moscow we committed ourselves to "encourage and promote equal opportunity for free participation by women in all aspects of political and public life, in decision-making processes, and in international co-operation in general."

Women and men have an identical set of political rights and are entitled to have equal opportunities to participate in the political process. Laws or regulations that discriminate against women and prevent them from participating in the political process violate women's inalienable rights and should be eliminated. Holding governments responsible for protecting against such violations is an important function of any society governed by the rule of law. This is at the core of building a civil, law-abiding society, a prerequisite for true democracies. A society that excludes women from full political participation stifles its own development. Ensuring women's political participation not only strengthens democracy, but also bolsters prosperity, enhances stability, and encourages tolerance.

Role models for the next generation of women leaders serve as an important stimulus to greater political access for NGOs and other women in civil society. Every OSCE participating State could benefit from increased political participation by women. Except for the Nordic states, in no region of the world does female representation in parliaments exceed 14%.

The United States seeks to broaden women's political participation in many ways. Our policy supports the right of all people to take part in the government of his or her country, directly or through freely chosen representatives, and seeks to ensure that women and men actively participate in voting, advocacy and governance in their local and national arenas. Both domestically and abroad, U.S.-funded programs provide civic and legal education to raise awareness of citizens' rights, and train women to run for office and lead non-governmental organizations. Throughout the world, U.S. initiatives help remove institutional legal barriers to political participation by women, increase women's access to resources, and expand women's political skills.

The United States is deeply committed to advancing equality for women and men. We will sponsor a resolution on “Women and Political Participation” at the fall 2003 UN General Assembly. Political participation involves not only voting, but also advocating, governing, serving in elected and appointed positions, and being involved in decision-making processes, including conflict prevention and resolution processes. The U.S. resolution calls on states to eliminate laws and regulations that discriminate against women and prevent them from participating in the political process and to promote equal access to education, information technology, and economic opportunities that enable women to take part fully in the decision-making process.

The OSCE is in a unique position to promote equality of access to political process and help to increase women’s participation. We encourage the OSCE to assist in voter raising-awareness campaigns to reach out both to women and men. We encourage the OSCE to conduct leadership training seminars and to reach out to women to participate actively in other OSCE training, such as judicial, legislative and human rights training. OSCE participating States can and must immediately take action to eliminate barriers that prevent full access to the political process and to ensure equal participation of women in all aspects of the democratic process. It is vitally important that OSCE participating States build strong civil societies, enforce respect for human rights, ensure the rule of law, and provide opportunities for everyone to participate fully in the political process and in civil society.



## **United States Mission to the OSCE**

### **ROMA AND SINTI**

**Statement of Ms. Erika Schlager  
U.S. Delegation to the OSCE Implementation Meeting  
October 8, 2003**

Mr. Moderator, the Supplementary Human Dimension Meeting on Roma issues was the first of our supplementary meetings this year. It was well organized, well attended, and provided considerable food for thought.

While the principal focus of that meeting was the draft Action Plan, those who were present at the meeting will recall two other issues that loomed large during the discussions.

First, there was considerable discussion of the reports that some Romani women in Slovakia were sterilized without the proper informed consent required by law – an issue raised in subsequent UN and Council of Europe meetings. The United States remains deeply troubled by these reports. We appreciate the Slovak Government's proposed legal changes that are intended to ensure that such practices do not occur. At the same time, we are concerned that the government's investigation fails to demonstrate the kind of high-level commitment necessary to generate public confidence in whatever final conclusions the investigation may produce.

The situation of Roma in and from Kosovo also sparked intense discussions – as it has at other recent human dimension meetings. This is not surprising: Kosovo once had a Romani population estimated very roughly at 130,000. Today, as a result of the Balkan wars, which forced the displacement of approximately 4 million people throughout the region, only some 30,000 remain in Kosovo, while an estimated 100,000 Kosovo Roma are either internally displaced, seeking asylum, or living in a legal gray zone. Approximately 8300 ethnic minorities have returned to Kosovo, to date including at least 2000 Roma/Ashkalia/Egyptians (RAE). As is the case for most refugees and IDPs, many displaced Kosovo Roma have been granted temporary status. Thus, the future remains uncertain for the many who have not returned. Ensuring that people enjoy the right to return home has been an important priority of the U.S. Government, and we have worked hard to protect the rights of minorities in Kosovo and throughout the region. While there has been progress, there is still much work to be done. The international community, including the OSCE participating States, must continue to expand its efforts to make Kosovo safe for Roma and other minorities.

With respect to the Action Plan currently under negotiation, the United States starts from the mantra of the High Commissioner on National Minorities: "There should be no doubt that primary responsibility to respect and ensure the rights of Roma falls to the governments of OSCE participating States." For example, it is up to the individual OSCE participating States to adopt and implement anti-discrimination legislation, and it is national public and political leaders who can most effectively condemn manifestations of racism and ensure that acts of violence and discrimination are appropriately investigated and prosecuted.



That said, there is an important role for the OSCE in assisting the participating States to fulfill both their commitments and aspirations in this field. This has already been demonstrated by the constructive and timely engagement of the ODIHR's Contact Point for Roma and Sinti Issues in a number of acute situations, some of which were marked by a pronounced escalation of tension.

There are two other areas, in particular, in which the United States believes the OSCE could play a useful role. First, for diverse and complex reasons, there are many countries where Romani individuals or communities may lack proper legal status. The consequences of this can be enormous, with implications for access to housing, education, social services, health care and even civic rights. We believe the OSCE can facilitate efforts by participating States to address this problem. Second, the OSCE is uniquely equipped to assist with voter education and get-out-the-vote campaigns in Romani communities.

Finally, with a view to the upcoming Chairmanship of Bulgaria – a country with a significant Romani minority – we urge the Bulgarian Government to lead by example. We are heartened by Bulgaria's adoption of a comprehensive anti-discrimination law, a step that we hope other governments will emulate. We hope the Bulgarian Government will intensify efforts to investigate and prosecute racially motivated acts of violence against Roma; increase efforts to foster Romani political participation; develop the successful de-segregation initiatives begun by Romani non-governmental organizations; and consider ways to address the legal status of Romani communities or "mahalas."



## **United States Mission to the OSCE**

### **RULE OF LAW: POLICING**

**Statement of Ms. Ruth Wedgwood  
U.S. Delegation to the OSCE Implementation Meeting  
October 9, 2003**

The behavior and performance of police in our societies are key to implementing and upholding many OSCE commitments, including protecting human rights, preventing trafficking and organized crime, and promoting the rule of law and security. How the police behave and perform can often determine a country's OSCE human rights record.

As a result, the OSCE increasingly is taking a lead role in civilian police matters, mostly in Southeastern Europe, but now also in Central Asia. Within the Secretariat of the OSCE, a Strategic Police Matters Unit coordinates these efforts. The United States has been an enthusiastic supporter of these activities and contributor of needed personnel. The Kosovo Police Service School, as well as the police training programs in Serbia and Montenegro, and Macedonia have all yielded impressive results and offer concrete and positive examples of what the OSCE is capable of doing in the field. Through these programs, numerous police officers have been trained in basic police techniques and human rights issues.

Other organizations, including the European Union Police Mission in Bosnia and Herzegovina, which succeeded the UN International Police Task Force in January 2003, and the United Nations in Kosovo, are working hard to improve local police conduct consistent with international human rights and democratic standards. Regardless of institutional affiliation, OSCE participating States should continue to seek to provide the highest quality individuals to these missions in order to set a standard that local police officers will be expected to follow. We regret that there have been incidents involving personnel of international police missions and trafficked women. For our part, the U.S. has worked hard to ensure the police officers we provide to these missions have the requisite training on this issue and has adopted a zero-tolerance policy for this conduct. We urge others to do the same.

Moving past the Balkans, international efforts to foster police reform also need to ensure that training and assistance are not abused by host government leaders -- who control the police and may use them to maintain their own political power. This is certainly a concern for Central Asia, and we urge the Kyrgyz Government to implement fully all elements of its comprehensive police assistance program agreement with the OSCE, with genuine police reform in Kyrgyzstan leading to concrete -- and much needed -- improvements in human rights and democratic development. We also look for similar progress regarding the Memorandum of Understanding more recently reached on a similar police assistance program in Armenia.

In some Central Asian States, the situation remains bleak. Police are known to routinely and arbitrarily detain citizens to extort bribes, and engage in unprofessional conduct, such as planting evidence and invading privacy. Regrettably, many corrupt police manage to escape accountability for these egregious acts. In Tajikistan, police often beat and force confessions from detainees. In

Uzbekistan, the use of torture is systematic. These and other deplorable activities are undertaken by security forces in Turkmenistan to quell dissent. We do wish to recognize the efforts of Kazakhstan to address historical shortcomings with its own security forces. Ongoing prison reform and the recent appointment of a reform-minded civilian to head the Interior Ministry are notable, good examples.

One of the structural factors that fosters and sustains the use of torture is the set of rules and practices of legal systems. Under Uzbekistan's legal system, for example, the procurator is supposed to look after the rights of the defendant **and** prosecute the case. This presents the age-old problem of trying to serve two masters. And, since promotions are based upon convictions, confessions – even if extracted by torture – seem to be expedient. Similarly, in some systems, judicial officials are paid by the number of cases they try, creating another incentive to bring a case to the quickest and most expedient conclusion.

Hence, Mr. Moderator, I would like to suggest a few concrete measures to mitigate some of the factors that can contribute to torture and other illegal practices:

- The job of defending the accused should be separated from that of prosecuting the case.
- Compensation and promotions must be uncoupled from case load and convictions. Convictions, per se, should not be the goal of a judicial system. Judicial systems must strive to get to the truth, and to administer justice correctly and impartially, with full respect for the constitution and for human rights.

While not necessarily part of a systematic attempt to maintain political power, police abuse is reported in many other OSCE States. Often, underpaid police officers are vulnerable to corruption in the face of widespread organized crime. In other situations, police in far-off regions of a country face little accountability for violating the human rights and legal protections of local citizens. Police in Albania, for example, reportedly arbitrarily arrest and detain persons, and beat suspects, detainees and prisoners. In some parts of Russia, beatings and torture are reported to be used in investigative proceedings.

This is not to say that other countries, including the United States, are without problems. My delegation views it as critical, however, that governments at the highest levels commit to ensuring satisfactory protection from police abuse and guarantee the rights of citizens in their homes or in detention. When police abuse does occur, governments must be held responsible for police actions.

I do not wish, Mr. Moderator, to have the many instances of police abuse in OSCE States in any way imply that police are inherently at odds with human rights or a threat to society. Indeed, the opposite is the case. People need the police. Perhaps best reflective of this idea is the collective reference to the police in Kosovo as a service, not a force. By and large, the police in my country and in most OSCE States are dedicated to protecting the public. Most would risk their own lives to save the lives of innocent people. They understand the rule of law, obey it, and uphold it. While they recognize there is, at times, a fine line between balancing freedom, and law and order, they do not approach their work by looking for people who are different in behavior, opinion or appearance to harass as threats to the state, but, rather, protect them from others in society who are intolerant.

This is a fundamental concept in Community Policing, on which we had a Supplementary Human Dimension Meeting last November. Community Policing seeks to bring in the local population as a partner with the local police to solve and prevent crimes. The police can learn much from civil society, and vice versa. We hope that the OSCE will continue to integrate the concepts of Community Policing into training programs for OSCE participating States.

In some cases, problems which occur are most likely the result of democratic transition filtering down too slowly from the offices of elected leaders to the local police stations. If there is a political will to engage in genuine police reform, the OSCE and its participating States should be willing to help with that reform. In closing, I would just mention that, in addition to its active support for the multilateral activities of the OSCE, which we anticipate expanding in the near future with support for an OSCE prison service training program in Uzbekistan, the United States also engages in numerous other activities, including a broad range of bilateral law enforcement assistance programs and the International Law Enforcement Academies in Budapest and elsewhere, to help provide training, expertise and contacts for law enforcement officials. Such efforts not only help promote proper behavior, but provide tools of vital importance in combating crime. To underline U.S. support for proper treatment of detainees and prisoners, the United States is also beginning a new bilateral program with Uzbekistan to support the adoption by its prosecutors and judges of new standards and practices intended to end the use of torture in investigations and detentions. The United States hopes that these efforts will serve as models and make a difference.



## **United States Mission to the OSCE**

### **RULE OF LAW, INDEPENDENCE OF THE JUDICIARY, AND THE RIGHT TO A FAIR TRIAL**

**Statement of Mr. Frank Gaffney  
U.S. Delegation to the OSCE Implementation Meeting  
October 9, 2003**

Mr. Moderator, citizens should be able to expect that their grievances against the state or other individuals or against organizations will be addressed impartially in a professionally competent judicial system. This is a bedrock principle of democracy. In the absence of rule of law and an independent judiciary, democracy cannot take root or flourish. All the guarantees of a constitution are set aside when citizens cannot be assured of the right to a fair and impartial trial.

Since the breakup of the USSR, some progress has been made in reforming and developing judicial systems. Judicial independence is a crucial part of this reform process. Georgia's Constitutional Court demonstrated just such independence in August when it resisted high-level government pressure to influence its ruling on lowering electricity prices.

In the extreme, when the rule of law is violated, murderers can act with impunity. In Ukraine, the murder of prominent investigative journalist Heorhiy Gongadze - who disappeared in September 2000 - remains unsolved. Recordings of conversation, if authentic, appear to suggest that President Kutchma and some associates may have been involved in this disappearance. A credible and transparent investigation of this case by Ukrainian authorities is long overdue and the perpetrators - no matter who they may be - need to be brought to justice. Most recently, a figure involved in the case, Ihor Honcharov, died under suspicious circumstances in August while in police custody.

In too many OSCE States, courts remain vulnerable to influence from the executive branch. This can result in limiting the power of the political opposition, as well as public cynicism. There are many examples of such structural shortcomings and the abuses they generate. One of the most glaring cases is that of Felix Kulov, leader of the Ar-Namys party in Kyrgyzstan, and one of the country's most prominent opposition leaders. His case appears to have been politically motivated and has been characterized by apparent procedural violations from the beginning. Despite his acquittal in August 2000 on charges of abuse of power and forgery when he served as Minister of National Security, he was tried again in January 2001, this time by a closed military court, and found guilty. In May 2002, a district court in Bishkek added another ten years to Kulov's sentence, after convicting him of embezzlement during the period of 1993-97, when he was the governor of Chui Province. On August 15, 2003, Kyrgyzstan's Supreme Court rejected an appeal to release Kulov. Many human rights organizations consider him a political prisoner. Though Kulov plans an appeal to the Kyrgyz Constitutional Court, he has little apparent reason to hope for a fair outcome. We urge Kyrgyz officials to ensure that he receives a fair trial.

In Kazakhstan, journalist and human rights activist Sergei Duvanov - who, shortly before attending this meeting last year, was beaten by assailants for writing articles critical of government officials - was convicted in January of allegedly raping a minor. Dutch experts working under OSCE auspices

have concluded that, in addition to serious procedural problems in his trial, there is good reason to suspect a political motive behind the case. Mr. Duvanov's appeals to higher judicial authorities have been turned down, and he remains in prison.

Related to rule of law concerns is the practice in too many OSCE participating States of withholding information about prisoners from family members. Turkmenistan has blocked access to many political prisoners, making it impossible for relatives to know anything of the welfare and whereabouts of their loved ones. In Uzbekistan, where information regarding the carrying out of death sentences is deemed a "state secret," relatives are not even told about prisoners' deaths, to say nothing of receiving the body for burial. We call on the Uzbek government to notify families of all prison deaths.

Another source of serious concern is the refusal by Georgian authorities to try and seek conviction of Basil Mkalavishvili, a defrocked priest, who since 1999 has been leading violent mobs that beat or intimidate members of non-traditional faiths, especially Jehovah's Witnesses. Despite an overwhelming body of evidence, including televised broadcasts of his participation in assaults, his trial has never been concluded, having been interrupted continuously. Even after a warrant for his arrest was issued, he remained at large, although the media appeared to find him easily.

In closing, Mr. Moderator, the U.S. appreciates the work ODIHR and our OSCE field missions are doing to help OSCE participating States make needed changes to their judicial systems and to ensure respect for the rule of law. We urge participating States to see OSCE's expertise as beneficial and encourage them to take full advantage of the assistance available.





## **United States Mission to the OSCE**

### **Right of Reply on the Death Penalty**

**Statement Delivered by Mr. Francis Gaffney  
U.S. Delegation to the Human Dimension Implementation Meeting  
October 9, 2003**

Thank you, Mr. Chairman.

We take note of the statements by the EU and a number of other speakers concerning the death penalty in the United States. Dr. Wedgwood spoke on behalf of the United States in some detail at this morning's session regarding the extensive due process protections in place in the event of the use of military commissions at Guantanamo, so I will not revisit that issue here.

As we have frequently noted in OSCE fora, the use of the death penalty in the United States is a decision left to democratically elected governments at the federal and individual state levels. As speakers here have recognized, while international law requires limiting capital punishment to the most serious crimes and requires certain safeguards, most notably due process, it does not prohibit capital punishment. Within these bounds, we believe that, in a democratic society, the criminal justice system, including the punishments prescribed for the most serious crimes, should reflect the will of the people, freely expressed and appropriately implemented. In the United States, the Supreme Court has strictly limited the application of the death penalty in a manner that conforms to the international obligations we have accepted.

I want to move on here to address the specific issues speakers have raised today about the imposition of the death penalty in the United States. With respect to the mentally retarded, the U.S. Supreme Court in June 2002 banned the execution of mentally retarded criminals as constituting "cruel and unusual" punishment prohibited by the 8<sup>th</sup> Amendment to the U.S. Constitution. On the mentally ill, in 1986 the U.S. Supreme Court prohibited the execution of the mentally insane and required an adversarial process for determining mental competency. This is an area of continuing debate, however, as legal definitions and concepts of insanity and competency do not always coincide with medical opinion.

Regarding crimes committed by juveniles: U.S. laws on the execution of juveniles are consistent with international obligations of the United States. When the United States ratified the United Nations International Covenant on Civil and Political Rights (ICCPR), it expressly reserved the right to continue to impose the death penalty for crimes committed by those under the age of 18. The U.S. Supreme Court has drawn a line at age 16, holding that the imposition of the death penalty on offenders beneath that age violates the 8<sup>th</sup> Amendment of the U.S. Constitution. I would note here that no international consensus has emerged to a sufficient point where application of this standard would be considered a violation of customary international law.

However, I must emphasize here that, as on the world stage, U.S. law on the imposition of the death penalty is in constant ferment. The EU noted today the example of the decision by the Governor of the State of Illinois to commute the death sentences of all prisoners on death row. I have already

mentioned last year's U.S. Supreme Court decision prohibiting the execution of mentally retarded criminals. In August of this year, the Supreme Court of the State of Missouri, citing the U.S. Supreme Court's reasoning in that case, concluded that execution of persons for crimes committed when they were under 18 years of age violates "evolving standards of decency" and is prohibited by the 8<sup>th</sup> Amendment of the U.S. Constitution. Since the U.S. Supreme Court is the ultimate arbiter on this issue, I imagine this will not be the last word.

But all of the foregoing serves to reinforce something that Ambassador Smith, the head of our delegation, noted in her statement to the opening plenary: Issues such as the imposition of the death penalty continue to be the subject of vigorous and open discussion among the American public. This is the genius of democracy. And, Mr. Moderator, as that debate proceeds, the United States will continue to be mindful of its obligations under international law.



## **United States Mission to the OSCE**

### **PREVENTION OF TORTURE**

**Statement of Dr. Ruth Wedgwood  
U.S. Delegation to the OSCE Implementation Meeting  
October 9, 2003**

Mr. Moderator, every country represented in this room today has freely adopted and is bound by a commitment prohibiting torture. Freedom from torture is an inalienable right, and the prohibition against torture, cruel, inhuman or degrading treatment or punishment is universal and allows no exception – even during times of war or states of emergency.

Unfortunately, this universal commitment is not consistently implemented. How can we improve and ensure that implementation? Solving the problem of torture is linked to our earlier subject of police reform. We need to maintain professional standards in recruiting and training police. We need to show police forces that there are far more reliable and humane ways to solve crimes. We need to convince the police that nothing is ever “off the record” in life.

As a concrete recommendation for the OSCE, the United States would welcome the reinvigoration of the ODIHR Experts Panel on Prevention of Torture. This is a useful tool to assist participating States in meeting their obligations in this critical area.

Political leaders and courts play a central role in communicating to the general public and to the law enforcement community that torture will not be tolerated and that its perpetrators will be brought to justice. Let me describe the American commitment on this subject. The United States Constitution prohibits cruel and unusual punishment. This limits methods of police investigation, formal sentences, and actual conditions in jail. The so-called “exclusionary rule” means that statements obtained under torture will not be admitted into evidence in a prosecution. Allegations of police violence are investigated and wherever possible, they are prosecuted. These safeguards apply both to federal, state, and local criminal justice systems.

At a national level, we have made our commitments clear. On June 26, 2003, the United Nations Day in Support of Victims of Torture, President George W. Bush restated the U.S. commitment against torture and the infliction of severe physical or mental pain or suffering on any persons within its custody or control.

The General Counsel of the U.S. Department of Defense, William J. Haynes, made a parallel statement on June 25, 2003. As Mr. Haynes stated unequivocally,

It is the policy of the United States to comply with all of its legal obligations prohibiting torture. Its obligations include conducting interrogations in a manner that is consistent with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”), as ratified by the United States in 1994. And it includes compliance with the Federal Anti-Torture statute, 18 U.S.C. secs. 2340-2340A, which Congress enacted to fulfill its obligations under the CAT. The United States does not permit, tolerate or condone any such torture by its employees under any circumstances.

Let me address two other situations touched on earlier in this session. We note that the government of Uzbekistan publicly acknowledged the problem of serious abuses in its prisons and detention facilities soon after the UN Special Rapporteur on Torture made his February 2003 report. We appreciate this frank acceptance of the need to confront the problem, and Uzbekistan’s subsequent dialogue on the issue with foreign ambassadors and UN officials. Unfortunately, the underlying problem persists. People continue to die in the custody of Uzbek authorities. There have been four such deaths in the past year, each likely the result of torture. We urge President Karimov to state clearly that torture in Uzbekistan’s prisons is unacceptable and that it must stop.

The United States appreciates the process underway in Uzbekistan in crafting an action plan to combat torture. To be meaningful, of course, a plan must lead to concrete action on the ground. We recommend that the Government of Uzbekistan’s actions include the following:

- Officials at the highest levels of government should issue and widely publicize a clear, unequivocal condemnation of torture and other cruel, inhuman or degrading treatment or punishment.
- Measures providing for the right of habeas corpus should be enacted and implemented within months, not years.
- Testimony as a result of torture should be prohibited in criminal courts as evidence, both in law and practice.
- Uzbek authorities must investigate and prosecute instances of torture.
- Consistent with the OSCE commitment adopted at the Istanbul Summit, the government of Uzbekistan should assist victims of torture, and cooperate with international and non-governmental organizations in identifying torture victims and ensuring treatment for them.

In addition, the OSCE should ensure that its training programs - including police and judicial training programs – incorporate information on preventing and punishing acts of torture.

Ultimately, however, combating torture requires the political will and leadership of individual participating States, including Uzbekistan.

Finally, allow me to mention the situation of grave concern in Turkmenistan. Following reports of a November 25 attack on President Niyazov's motorcade, there have also been multiple, credible reports of the torture and deaths of persons in custody in Turkmenistan. Several persons detained in connection with the November 25 incident have reported seeing others who were tortured during their arrest. Others have reported hearing family members being tortured in the next room, an ultimately cruel means to extract information from them. Shockingly, the persons reportedly tortured include a former Turkmenistan Ambassador to the OSCE, Batyr Berdiev, as well as Boris Shikmuradov, Yklim Yklimov, Yazgeldy Gundogdiyev, Timur Jumayev and Akmurad Kabulov. In addition, Gurbanmurad Niyazov and Khait Kakayev have died in the custody of Turkmen officials – apparently of malnutrition and a lack of medical care.

These reports obviously require vigorous investigation and remedy, and should not be swept under the rug by Turkmenistan.



## **United States Mission to the OSCE**

### **Trafficking in Human Beings**

**Statement Delivered by Ambassador Pamela Hyde Smith  
U.S. Delegation to the OSCE Implementation Meeting  
October 10, 2003**

Madam Moderator,

The United States estimates that 800,000 to 900,000 people annually are trafficked across international borders each year. Human trafficking is rivaling arms and drug trafficking as one of the most lucrative illicit businesses in the world. Human traffickers target the most vulnerable people, usually rural or economically disadvantaged women and children, who are desperate to escape poverty.

I echo the words of President Bush at the United Nations General Assembly on September 23<sup>rd</sup>:

There is a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of the sex trade see little of life before they see the very worst of life – an underworld of brutality and lonely fear. Those who create these victims, and profit from their suffering, must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery.

The United States believes that the primary responsibility for combating trafficking in persons in the OSCE region rests with the OSCE participating States. We urge all OSCE States that have not done so to strengthen their capabilities at the national level by adopting and implementing legislation to criminalize trafficking in human beings, including appropriate penalties, with a view to ensuring effective law enforcement response and prosecution, and providing appropriate and quality assistance to the victims of this crime. At the same time, because of its transnational nature, trafficking in humans is a crime that requires coordination and complementary efforts in all countries, and these countries often have varying law enforcement and victim protection capabilities. It is important that neighboring countries work closely with one another, as well as with source or destination countries, in order to combat trafficking, improve prosecution of traffickers, and better protect trafficking victims.

Government officials have much to learn from NGOs; developing close working relationships with community leaders is imperative. NGOs are often well placed to provide the kind of long-term personal assistance that victims need to recover physically and emotionally. Some governments have increased their efforts to combat trafficking in human beings by providing in-kind assistance to NGOs or international organizations. Direct care by NGOs, as well as psychological, legal, and physical protection of the victims, is particularly helpful since many victims are distrustful of police and other government officials – especially if they are in the country illegally. NGOs are particularly effective in reinforcing the notion that these people are not to be treated as criminals, but as victims.



We welcome the OSCE Action Plan to Combat Trafficking in Human Beings, which is an excellent compendium of best practices for participating States as well as the organization as a whole. Similarly, the language on combating trafficking included in the OSCE Parliamentary Assembly Rotterdam Declaration in July is a noteworthy example of the commitment that OSCE parliamentarians have made to fighting this form of modern day slavery. The task ahead is to turn these recommendations into concrete actions that show clear results. The United States strongly believes that the creation of a new Anti-Trafficking Mechanism would make the OSCE more effective at combating trafficking. Such a mechanism could raise the political profile of the issue, establish a framework for the OSCE to work across the whole OSCE region, coordinate OSCE across all three dimensions, and serve as a public face in working with other International Organizations to combat trafficking.

The United States has underscored its support for these anti-trafficking initiatives by taking several significant steps ourselves to make our own anti-trafficking policies more robust. President Bush has determined that the fight against human trafficking is a “transnational threat” and has called for a zero-tolerance policy for U.S. Government employees and contractors abroad regarding human trafficking. In addition, under the Trafficking Victims Protection Act of 2000, or TVPA, countries can face sanctions on the basis of their governments’ efforts to fight trafficking in persons.

We are convinced that this kind of effort can be a catalyst for progress in the fight against human trafficking. Since the advent of the State Department’s Trafficking in Persons Report, called for under the TVPA, more OSCE States have passed laws, trained police, built shelters for victims, established hot lines, or taken other steps to halt the progress of the traffickers. This year those countries not showing significant efforts in this fight faced possible sanctions, principally termination of non-humanitarian, non-trade-related assistance. At the time of the report’s publication in June, the State Department concluded that six OSCE participating States – Bosnia and Herzegovina, Georgia, Greece, Kazakhstan, Turkey and Uzbekistan – were not making significant efforts to bring themselves into compliance with the TVPA’s minimum standards to combat trafficking. In September, the President announced that, since June, all six countries had dramatically increased their anti-trafficking efforts. While these countries thus successfully avoided sanctions, vigilance is required to ensure implementation of their new laws and vigorous prosecution of traffickers. In addition to those six countries, the State Department found that 19 other OSCE States do not yet comply with the TVPA’s minimum standards, though they are making significant efforts to do so. The United States is prepared to help countries that demonstrate a determined commitment to strengthen their domestic capacities for combating trafficking.

In addition to individual nations, it is important that international organizations, including the UN and NATO, take this issue seriously and begin to institutionalize comprehensive programs aimed at combating trafficking in persons. Steps should also be taken to ensure that international military and police force personnel do not contribute to or participate in trafficking of persons.

The countries of the Balkans have come a long way over the past few years, and, despite significant resource constraints, have demonstrated great progress in increasing their effectiveness in combating trafficking in persons. Challenges remain, however, and we continue to work closely with authorities in the region through bilateral and multilateral fora to strengthen weak rule-of-law structures, fight organized crime and corruption, and ensure adequate victim protection mechanisms are in place.

Traffickers and their networks threaten even the most stable environments in richer countries, where they have established their organized criminal activities. Richer countries must continue their efforts to both stop the demand for exploitation as well as provide longer-term assistance and protection to victims who cannot return to their homelands, where they face physical danger as well as enormous psychological shame at home and in their communities. Specifically, longer-term residency and permission to work must be made available to victims to rebuild their lives, achieve economic independence and overall achieve the self-confidence they need to prevent becoming victims once again.

Madame Moderator, the United States is fully aware of the complexity and difficulty of the fight against human trafficking. While our efforts must be largely directed at our own shores, no individual country has the power to eradicate trafficking alone. We must work together, and with assistance from OSCE institutions, to fight the trade in human beings. We call on all participating States to use their governmental powers, resources and ingenuity to end this slavery.



## **United States Mission to the OSCE**

### **INTERNATIONAL HUMANITARIAN LAW**

**Statement by Dr. Ruth Wedgwood  
U.S. Delegation to the Human Dimension Implementation Meeting  
October 10, 2003**

Mr. Moderator,

Our subject is Chechnya. The conflict there and the human rights abuses associated with it pose one of the greatest challenges in the human dimension today in the entire OSCE region. Reports and allegations of these abuses – which include disappearances, torture, and extrajudicial killings – committed by Russian federal forces, by forces of the Kadyrov administration, by Chechen separatist forces, and by terrorists – are matters of grave concern to the U.S. and to all of us.

Reports of night raids allegedly carried out by Russian forces or paramilitary groups associated with the local pro-Moscow administration persist, even as large-scale sweeps of entire villages appear to be declining in frequency. These reports indicate that Chechens picked up in these raids disappear, most often permanently; in some cases, corpses are found. Detainees who return to their families commonly report the use of torture in interrogations and other mistreatment. While reliable numbers are impossible to obtain, credible reports estimate that these disappearances continue on virtually a daily basis.

While we recognize the need for Russia to address these concerns, the U.S. Government has no illusions about certain elements among the Chechen separatists. They have reportedly murdered hostages, kidnapped civilians for ransom and used civilians as shields during combat operations, and embarked on a campaign of inexcusable assassination and – what is always forbidden -- suicide bombings against civilian targets. The United States condemns these acts with equal vigor. The U.S. Government and the United Nations have formally designated three Chechen groups as terrorist organizations for good reason.

The United States calls upon all parties involved in the Chechen conflict to curb abuses and violations of international humanitarian law by their forces.

Mr. Moderator, as the Russian Government grapples with the challenges of developing a political solution to the conflict in Chechnya, we cannot ignore the violations of human rights that continue to take place. The U.S. continues to be the leading foreign provider of humanitarian support for Chechnya and displaced Chechens. At the same time, we urge all parties to the conflict to uphold international humanitarian law and ensure accountability for those responsible for violations. These are not technical violations – they implicate the principles of humanity that underlie all of international law.



## **United States Mission to the OSCE**

### **MIGRATION, REFUGEES AND DISPLACED PERSONS**

**Statement of Dr. Roberta Cohen  
U.S. Delegation to the OSCE Implementation Meeting  
October 10, 2003**

The United States repeatedly has urged the OSCE to address the issue of refugees and internally displaced persons (IDPs). OSCE commitments have been slow to develop with regard to IDPs. In many countries, IDPs exist in refugee-like situations, having fled violence en masse and relocated to camps or temporary shelters within their countries, unable to return. Not having crossed an international border, IDPs are afforded no protection by the UN Refugee Convention, despite having similar needs to those of refugees. The UN Guiding Principles on Internal Displacement, while not a binding document, are a useful framework for the protection of IDPs. The United States therefore supports an OSCE Ministerial Commitment that welcomes the UN Guiding Principles as a useful framework for guiding increased OSCE work, and OSCE participating States' actions in dealing with internal displacement. We look forward to further discussion of such a possibility, including at the informal briefing of the Permanent Council later this month.

Last year, Mr. Moderator, we highlighted the need to improve the lives of refugees and IDPs. Southeast Europe continues to move forward after a decade of conflict, but the forced displacement of approximately 4 million people has been a challenge. Approximately 2 ½ million have found a durable solution, and we are working hard to ensure that the remaining numbers have the right to return home – an important priority of the U.S. Government. Because we believe that providing real opportunities for returns, and other sustainable solutions for vulnerable returnee populations, is important for long-term stability and integration into Europe, we continue to work hard to encourage progress on this issue. We believe that unresolved refugee/IDP issues will constitute a long-term irritant between these countries, undermining their ability to integrate with Euro-Atlantic institutions. While there has been progress, there is still much work to be done, and the international community, including the OSCE participating States, should continue to expand efforts to assist all refugees and displaced persons.

In Bosnia, the total number of minority returns has reached approximately 420,000 (out of one million total displacements) since the Dayton Peace Agreement. Minority returns reached record numbers last year when over 100,000 refugees returned to their pre-war homes, but the pace of returns has declined this year, in part a result of several incidents of violence and intimidation.

This year is proving to be a turning point for returns in Kosovo, as we have seen the first significant increases since the end of hostilities in 1999. We welcomed the July statement of 11 Kosovo political leaders encouraging the return of non-ethnic Albanians. Last year, for the first time since the conflict, minority returns to Kosovo exceeded minority departures. As of the end of August, overall minority returns have increased 22 percent over figures for the same time period last year. While several incidents of violence in Kosovo this summer may deter further returns this year, overall ethnic violence in Kosovo is not epidemic – and overall returns continue at a steady pace.

We urge Kosovar political leaders to actively encourage Kosovars to respect the rights of IDPs and refugees who wish to return home.

As the most recent joint assessment of the OSCE and UNHCR in Kosovo reported in March of this year: “security, freedom of movement, property, essential services, participation in civil and political structures, and inter-ethnic dialogue” are the essential factors that need to be addressed to encourage returns. The assessment concluded, however, that the changes that have taken place “are not yet fundamental enough to conclude that conditions would exist for large-scale return of ethnic minorities in the near future....” We must continue to work together to ensure that regional political will continues to develop so that minority communities are included within Kosovo’s economic, social and political life.

Croatia’s progress on returns over the past two years has been disappointing. While we applauded the government’s approval in June of measures to recognize and compensate refugee “tenancy rights” (rights to socialized housing under the old Yugoslav system), and PM Racan’s public call for all refugees to return, the government has not begun implementation and is unlikely to achieve its property return and reconstruction deadlines, for the second time. Given dwindling international resources to support refugee returns, we urge the OSCE to continue to monitor the situation and hold the Croatian government to its commitments on this issue.

Notably, the North Caucasus region of the Russian Federation, Georgia, Azerbaijan, Armenia and Turkey represent another significant concentration of IDPs fleeing conflicts in the OSCE region. We applaud Russia and Turkey for most recently allowing the Representative of the UN Secretary General on Internally Displaced Persons Francis Deng to visit their countries.

Turkey represents the greatest potential for large-scale returns in the near future. Now that the internal conflict with the PKK organization is largely concluded after the capture of its commander in 1999, the time is ripe for the government to give all Kurdish villagers who desire to do so the opportunity to return. Allowing IDPs to return to southeastern Turkey would further normalize the area. A program to demobilize and disarm the village guard and re-train its members for tasks appropriate to a “post war” environment is also a critical step for large-scale returns. The United States would welcome an international conference sponsored by the Turkish Government to discuss plans for a new return program and for the effective integration of those IDPs who do not wish to return.

In the Russian Federation, however, reports continue of authorities’ pressure on IDPs to return to war-torn Chechnya, despite continuous violence there. The government often restricts access to camps by humanitarian aid workers, limiting their ability to provide assistance. According to recent UNHCR figures, there are 77,000 IDPs from Chechnya living in the neighboring republic of Ingushetia. Threatened camp closures place thousands in a precarious position. Principles of voluntary return should be respected and humanitarian access be provided.

Azerbaijan’s IDP population is an unfortunate by-product of the 10-year struggle over the Nagorno-Karabakh region. Considering that IDPs constitute close to 10 percent of Azerbaijan’s population, the government policy of limiting resettlement and integration of IDPs is surprising. The tens of thousands of Azeri IDPs who are not allowed to relocate outside of camps are held hostage as political pawns in the stalemate over Nagorno-Karabakh. The Government of Azerbaijan should permit the free movement of IDPs, thereby allowing integration into local communities of those

who wish to leave the camps and begin to build a new life. It should also lend support to the many IDPs outside of camps who live in inadequate shelters. Such steps would not signify a resignation to the status of Nagorno-Karabakh, but rather, an investment in the future of the country's people.

The more than 264,000 IDPs in the Republic of Georgia, victims of the unresolved conflicts over the regions of Abkhazia and South Ossetia, are similarly pawns of the political process. UN-sponsored negotiations have failed to bring the contending parties to agreement in either of these cases. We therefore urge the Government of Georgia to increase its aid to IDPs on its territory and promote their self-reliance. We also encourage the concerned parties to work towards immediate goals of returning IDPs to Gali and promoting their safety and security.

The OSCE, ODIHR and OSCE field Missions should also be aware of other rights often not enjoyed by IDPs. As part of its election monitoring activities, the OSCE and its institutions should urge governments to ensure that IDPs enjoy the right to vote. In its technical assistance programs, the OSCE should also promote national institutions protecting IDPs and work with governments to improve the legal situation of IDPs. The OSCE and its institutions should urge governments to ensure that IDPs have the right to vote as a part of its election monitoring activities, promote national institutions protecting IDPs within its technical assistance programs, and work with governments to improve the legal situation of IDPs with the assistance of OSCE/ODIHR projects. A Supplementary Human Dimension Meeting next year on IDPs would offer an opportunity to further explore these issues. We also call on the OSCE High Commissioner on National Minorities to focus on IDPs belonging to marginalized national minority groups within the framework of his mandate.

In closing, Mr. Moderator, hundreds of thousands of people in Europe are internally displaced and suffering. More must be done to find just, realistic and durable solutions. We must address this problem now.





## **United States Mission to the OSCE**

### **Turkmenistan and the Moscow Mechanism**

Statement by Mr. Ronald McNamara  
U.S. Delegation to the OSCE Implementation Meeting  
October 10, 2003

Mr. Moderator,

This year, for the first time in ten years, OSCE participating States found a human rights situation alarming enough to invoke the Moscow Mechanism. In the wake of the November 25, 2002 events in Turkmenistan, numerous people were arrested and tortured; some have been convicted following show trials. The decision to invoke the Mechanism was not taken lightly, but was warranted by the imposition of a widespread human rights crackdown by Turkmenistan authorities.

Unfortunately, Turkmenistan did not fulfill its commitments under the Moscow Document. We regret that Turkmenistan did not appoint a rapporteur, as is required by the Moscow Document, and did not allow Rapporteur Emmanuel Decaux to visit Turkmenistan. Nevertheless, Professor Decaux was able to gather significant information and to issue a substantive and illuminating report.

Unfortunately, Turkmenistan has chosen not to address the recommendations of this report or otherwise ameliorate the situation. Instead, human rights violations continue unabated.

We continue to be gravely concerned about the egregious human rights violations taking place in Turkmenistan, particularly reports of torture and deaths in custody. During a visit to Turkmenistan last month, the United States Ambassador to the OSCE, Stephan M. Minikes, specifically asked to visit a former OSCE colleague, Batyr Berdiev, in order to disprove rumors that Mr. Berdiev has died in prison. Ambassador Minikes was denied this access, and Turkmen authorities refused to offer reassurances that Mr. Berdiev is still alive. Instead, Foreign Minister Meredov chided the United States for insulting Turkmenistan by implying that there could be anything wrong. Clearly, when Turkmenistan refuses to abide by even its most basic international commitments, something is wrong.

We are also profoundly troubled by many of Turkmenistan's new policies, often put in place solely through the decree of President Niyazov. For example, the "Betrayers of the Motherland" decree permits sentences of up to life in prison for a broad range of vaguely defined offenses – in effect, punishing people for acting on the very human rights that Principle VII of the Helsinki Final Act obligates Turkmenistan to respect. Numerous other developments mark the opening of a grim chapter of Turkmenistan's post-Soviet history: the re-introduction of an exit-visa regime; new, onerous registration requirements for religious groups; reports that ethnic minorities are being forcibly resettled against their will; and the radical restructuring the education system to exclude those disfavored because of their real or perceived political loyalties or their ethnicity.

Recalling that President Niyazov personally signed the Helsinki Final Act on July 8, 1992, we urge Ashgabat to implement fully Turkmenistan's OSCE commitments. On an urgent basis, Turkmenistan should allow access by family members, lawyers, and the International Committee of the Red Cross to all prisoners, regardless of the charges on which they are held. We again ask for information on and access to our former OSCE colleague, Batyr Berdiev, as well as others who were arrested in connection with the events of November 25.

It is also critical that the OSCE community remain focused on the concerns raised in the Moscow Mechanism report issued by Professor Decaux. The current state of affairs in Turkmenistan is not business as usual, and should not be treated as such. Indeed, sustained OSCE engagement on these matters is necessary to counter Turkmenistan's increasing self-isolation. We welcome the U.N. Human Rights Commission's resolution on Turkmenistan adopted in April and commend the Chairman-in-Office for his recent meeting with Turkmenistan Foreign Minister Meredov in New York on the margins of the U.N. General Assembly. We urge ODIHR to step up efforts to engage Turkmen authorities in working to implement recommendations contained in the Moscow Mechanism Rapporteur's report, and believe a visit by ODIHR Director Strohal to Turkmenistan could be a useful catalyst to move forward. Finally, we urge OSCE delegations to meet with Turkmenistan NGOs here and in other capitals where that opportunity may arise.



## **United States Mission to the OSCE**

### **Prevention of Discrimination, Racism and Xenophobia**

Statement of Representative Benjamin Cardin  
U.S. Delegation to the OSCE Implementation Meeting  
October 14, 2003

The United States found great utility in the Conference on Racism, Xenophobia and Discrimination, as demonstrated by our distinguished delegation, by President Bush's and Secretary of State Powell's remarks and the commitment and strong interest of the U.S. Congress. The history of the United States is far from perfect, as our country supported the most horrific form of discrimination in the treatment of Native Americans and through slavery. It was just 40 years ago that Martin Luther King, Jr. gave his "I have a dream" speech on the steps of the Lincoln Memorial in Washington, as he and thousands others marched to protest segregation and discrimination in so much of my country. Therefore, we were pleased by the valuable discussion and hope that the conference will serve as a platform for further activities in the fight against racial, ethnic, and religious prejudice.

In addition to effective law enforcement, national leadership is vital in the fight against racism, discrimination and xenophobia. For example, less than one week after September 11, President Bush visited the National Mosque in Washington, a signal event emphasizing the President's strong belief that racism, xenophobia and discrimination are un-American, just as terrorism does not represent the tenets of Islam. The President emphasized in his remarks that millions of loyal Americans practice the Muslim faith, noting: "They lead lives of honesty and justice and compassion."

The focus of this day on the Human Dimension Implementation Meeting should be to discuss which of the recommendations made at the September Conference we want to move forward, specifically with a view to preparing the Ministerial documents.

Accordingly, we fully endorse the recommendation that all participating States, their governments, elected leaders should speak out against racism and to ensure that laws are adequate to prosecute the perpetrators of these hateful acts. Vigilant police response and vigorous prosecutions will make it clear that acts of hate will not go unnoticed or unpunished. At the September Conference, former congressman J.C. Watts, who headed the U.S. delegation, proposed that the OSCE play a lead role in aggregating crime statistics for incidents involving all types of hate crimes. This is consistent with commitments made by the participating States at the 1991 Meeting of Experts on National Minorities in Geneva and several subsequent summits. It is time to take more deliberate action to fulfill these commitments. As my colleague, Congressman Christopher Smith, will discuss further this afternoon, it is time for participating States to collect, share and respond to statistics on hate crimes as a central part of the OSCE's efforts to address this problem.

We also support recommendations urging efforts to focus on education as a means of promoting respect for others. Hand-in-hand with comprehensive anti-discrimination legislation, active law enforcement engagement and public denunciations, we all must promote the creation of educational efforts to counter intolerant stereotypes and attitudes among young people. We must be leaders in this effort, and we would call on the OSCE to help participating States to facilitate, as part of a National Action Plan, the establishment of national standards in the classroom. The OSCE should task the Office for Democratic Institutions and Human Rights and/or the High Commissioner on National Minorities (HCNM) with keeping records of anti-discrimination educational policies implemented by OSCE participating States.

In addition, the ability for all groups to participate in their countries' political and economic systems is critical for the creation of inclusive societies. We would also like to forward to the Ministerial the recommendation that participating States form structured civil and human rights commissions and agencies at the national level, as part of government structure, and urge local authorities to do likewise.

We would hope participating States will also act on the recommendation to develop community-based assessments of civil rights, which can be conducted in a voluntary, non-judgmental way for a community to evaluate its own conditions, according to its own terms and perspectives.

A last specific recommendation that came out of this conference, which we believe should be forwarded, is the idea that the OSCE can encourage the media to create a voluntary code of conduct, or self-policing mechanism for dealing with acts of racism and discrimination. We look forward to the side-event today hosted by the French Delegation and the International Network Against Cyber Hate to further discuss this idea.

In closing, there has been much discussion about how to ensure that this conference is the beginning and not the end to the OSCE effort to fight racism, xenophobia and discrimination. The United States therefore would welcome a follow-up conference on these issues. I know we are joined by other Delegations in this request. Issues of racism are of such importance that a second meeting to discuss how to increase OSCE activities on this in our day-to-day work is warranted.

We would therefore encourage language at the Maastricht Ministerial welcoming a separate OSCE follow-up conference on racism, xenophobia and discrimination.

We look forward to seriously addressing these distinct and longstanding human rights issues in concrete and practical ways. We urge all participating OSCE States to seriously address these issues so that we can see an end to these hateful acts.



## **United States Mission to the OSCE**

### **Prevention of Anti-Semitism**

**Statement of Representative Christopher H. Smith  
U.S. Delegation to the OSCE Implementation Meeting  
October 14, 2003**

The United States, along with our German colleagues, has been very active through the OSCE and the OSCE Parliamentary Assembly, in urging participating States, through their governments and elected leaders to speak out against anti-Semitism and to ensure that their laws are robustly equipped to prosecute perpetrators of the hateful acts that flow from it. Around this table, we have found many like-minded allies in our effort to combat and denounce the recurring threat of anti-Semitism. I especially wish to commend the work of Weisskirchen and member of the German delegation, Claudia Roth for her extraordinary, historic statement. We should heed these important words.

While it appears the wave of violence that swelled in parts of the OSCE region during early 2002 has receded, anti-Semitic incidents and other manifestations continue to occur. Government-sponsored anti-Semitism is almost unheard of in OSCE participating States, but inaction and silence by officials and elected leaders can create an environment in which it is considered acceptable. Desecrations of cemeteries and other Jewish sites and anti-Semitic tirades in the media are still common in many OSCE member States. Arson attacks against a synagogue in Belarus, the defacing of a Holocaust memorial in Greece, populist appeals to anti-Semitic hatred in Romania, the propagation of Jewish conspiracy theories in Western Europe and anti-Semitism on college campuses in the United States are only a few of the many examples that can be cited. No nation represented here is immune.

At the same time, I am happy to say, a growing number of nations and their political leaders are beginning to take action. Increased security and more vigorous prosecution have begun to reduce the number of violent anti-Semitic crimes. More vigilant monitoring of neo-Nazi and skinhead activities has prevented new outbreaks. Pressure from political leaders has reversed efforts to rehabilitate fascist-era figures.

In the OSCE context, we fully supported the Porto Ministerial document on combating anti-Semitism and related follow-up. The United States was very pleased by the June Conference on Anti-Semitism, as the level of representation from most participating States was high and a large number of NGOs attended both days. The Vienna Conference was an important step in encouraging participating States to seriously address this distinct and longstanding human rights issue in concrete and practical ways.

The focus of this day at the Human Dimension Implementation Meeting should be to discuss which of the recommendations made at the June Conference we want to move forward, specifically with a view to preparing Ministerial documents.

The United States fully supports and strongly embraces the offer by Germany to host in Berlin in 2004 a follow-up OSCE conference on anti-Semitism, a proposal that should be supported today by delegations and formally endorsed by the Maastricht Ministerial. We join the Chairman-in-Office, Jaap De Hoop Scheffer, in “supporting” and “welcoming” Germany’s offer. It is essential that we maintain our efforts to raise awareness and build upon the Vienna Conference and seek to use the Berlin Conference to seek ways to bring actions to combat anti-Semitism into the existing OSCE processes and to its day-to-day activities.

The other recommendation we would like to see forwarded and endorsed in a Ministerial document is the idea that it is time to take more deliberate action to fulfill commitments made during the 1991 Meeting of Experts on National Minorities in Geneva and several subsequent summits to improve enforcement of hate-related crimes by collecting, publishing and making available to the public data about such crimes. To this end, the Ministerial Council should call for all OSCE participating States to inform ODIHR of what legislation they have in place to penalize and punish the perpetrators of anti-Semitic violence and other hate crimes. The ODIHR should assist participating States with drafting legislation on hate crimes and the collection of hate-crime statistics. OSCE participating States should commit to amending, with a view toward strengthening, their hate-crime statutes, as necessary. Where statistics are available, participating States should share that information with ODIHR and other participating States. OSCE participating States should use appropriate OSCE meetings to discuss these statistics. Participating states should also use these statistics to develop appropriate, targeted OSCE programs and projects. These commitments would be necessary first steps to understand what the States must do in order to fight against this anti-Semitism cancer.

The United States also calls for Ministerial language urging all elected leaders and government authorities to denounce acts of anti-Semitism when they occur -- don't sit silent, speak out and act on them -- as well as seek vigorous investigations and prosecutions of acts leading to hate crimes. While strong law enforcement is needed, education of youth -- this is very, very important. The Maastricht Ministerial should therefore urge all participating States to ensure their education systems accurately teach about the Holocaust and work to counter anti-Semitic stereotypes and attitudes. Lastly, the Ministerial should additionally urge those participating States that have not already done so to join the Task Force for International Co-operation on Holocaust Education, Remembrance and Research, and to implement the provisions of the Declaration of the Stockholm International Forum on the Holocaust.

In closing, the United States appreciates the involvement of the Dutch Chairman-in-Office on this issue and looks forward to Bulgaria’s leadership as Chairman next year, as we continue to move forward together to fight anti-Semitism throughout the OSCE.





## **United States Mission to the OSCE**

### **Prevention of Discrimination Conferences Conclusion**

**Statement of Rabbi Andrew Baker  
U.S. Delegation to the OSCE Implementation Meeting  
October 14, 2003**

It is the view of the United States that both the Conference on Anti-Semitism and the Conference on Racism, Xenophobia and Discrimination helped raise awareness of these critical, yet distinct, human rights issues. We thank the Chair-in-Office for organizing the two conferences, each designed to address the relevant problems and challenges that we confront today. However, we cannot claim success from the mere fact that they were held. Rather, the true measure of their worth will lie in what tangible results emerge from them. In short, we hope that both conferences will serve as catalysts to help focus and strengthen OSCE efforts in these important areas.

Participating States and OSCE institutions have an essential commitment to combat and speak out against human rights abuses, regardless of the victim's race, creed or nationality. In recent years the OSCE has come to recognize the value of also addressing problems of intolerance in a singular and targeted fashion. We all recognized the merits in organizing the April Supplementary Human Dimension Meeting on Roma and Sinti and the July Supplementary Human Dimension Meeting on Freedom of Religion and Belief. This flexibility to move from topic to topic, as the need arises, is one of the OSCE's greatest assets.

Considering the unique history and recent manifestations of anti-Semitism and related violence in the OSCE region, it is incumbent that this Organization maintain a distinct focus on this problem. Therefore, we have offered several recommendations that are specific to combating anti-Semitism. These include the comprehensive collection of data and its analysis, and the development of Holocaust education programs and participation in the Task Force for International Cooperation on Holocaust Education. In particular, we commend the German Government for its commitment to host an OSCE follow-up meeting in Berlin in June 2004 devoted specifically to anti-Semitism. This would provide the necessary forum to evaluate the various national and intergovernmental efforts and programs that are intended to combat the problem. It is our hope that all participating States will also voice support for the German initiative, as a tangible expression of the OSCE's continuing focus on anti-Semitism. We thank those nations that have already done so. The United States would like to see a decision at the Maastricht Ministerial meetings in December endorsing a 2004 Berlin follow-up conference as an official OSCE event on anti-Semitism, as well as supporting our other recommendations.

Our recommendations specific to combating Racism and Xenophobia include: calling on the OSCE to instruct the Office for Democratic Institutions and Human Rights and/or the High Commissioner on National Minorities to collect data on anti-discrimination educational policies, including those that govern access to education, that have been implemented by OSCE participating States. We also hope our recommendation for the establishment of civil and human rights commissions at local and national levels will be accepted. The United States also recommends that a follow-up

conference, hosted by another OSCE participating State, be held next year to discuss the progress made in combating racism, xenophobia and discrimination and that a decision to this effect also be taken in Maastricht.

It is, of course, evident that some strategies for dealing with these two distinct problems are similar and lend themselves to common recommendations. Surely, the process of collecting statistics on hate crimes is itself a single operation, provided that anti-Semitic incidents are duly noted. At the 1991 Meeting of Experts on National Minorities in Geneva the OSCE participating States agreed to improve the enforcement of laws against hate-related crimes by collecting, publishing and making available to the public data about crimes that are based on prejudice as to race, ethnic identity or religion, including the guidelines used for the collection of such data. Several subsequent summits have built on these commitments. It is time we take more deliberate action to fulfill these agreements. To this end, the Ministerial Council should also call for all OSCE participating States to inform the ODIHR of what legislation they have in place to penalize and punish the perpetrators of anti-Semitic violence and other hate crimes. The ODIHR should assist participating States with drafting legislation and on the collection of hate-crime statistics. Where statistics are already available, participating States should share that information with ODIHR and other States. OSCE participating States should use appropriate OSCE meetings to discuss these statistics. Participating States should also use these statistics to develop, as appropriate, targeted OSCE programs and projects.

In closing, the U.S. would again like to thank the Dutch Chair for the leadership that has been brought to addressing these issues. The problems of anti-Semitism, of racism, xenophobia and discrimination have been with us since the dawn of time. Despite the progress that humankind has made in so many areas, we are often in danger of despair that these problems will never be solved. Therefore, the OSCE should take pride in the positive contributions that have been made during this past year and that, we trust, will continue.

We look forward to working closely with the incoming Bulgarian Chair-in-Office to encourage the participating States to maintain the sharp focus on the issues considered at the Vienna Conferences with the aim of implementing all relevant commitments. In the darkest period of the last century, Bulgaria stood nearly alone in preventing the terrible crimes of that era from occurring within its borders. Mindful of this special chapter in its history, Bulgaria is well-suited to lead in this ongoing struggle.



## **United States Mission to the OSCE**

### **National Minorities**

**Statement by Assistant Secretary Lorne W. Craner  
U.S. Delegation to the Human Dimension Implementation Meeting  
October 15, 2003**

The annotated agenda of this meeting begins with the following: "It has become more apparent in the OSCE region in the last few years that seeking the solution of problems relating to specific needs of national minorities is not just in the interest of the minorities themselves, but just as much in the interest of the States in which they live, and of the OSCE region as a whole." My delegation subscribes to this point. Not only should this issue be highlighted, it should also be expanded.

All participating States should have an interest in the situation of minorities throughout the OSCE area, rather than focusing solely on minorities of common ethnicity in neighboring countries. We note the High Commissioner on National Minorities' concern that some participating States have passed laws extending special economic privileges, parliamentary representation and even the possibility of citizenship to certain ethnic groups in neighboring States, and welcome his continued active engagement on this issue.

Overall, there has been improvement in the implementation of commitments to ensure the rights of persons belonging to national minorities have been protected, but much work remains to be done.

In Southeast Europe, we have worked closely with authorities in the regional and the international community to help the countries of the region move beyond the problems of the past. Ethnic reconciliation and the protection of minority rights are important for long-term stability and integration into Europe, and we continue to work hard to encourage progress on this issue. Last year, for the first time since the conflict, minority returns to Kosovo exceeded minority departures. The number of minority returns so far this year is 22 percent higher than the number of returns by the same time last year. We welcomed the July statement of 11 Kosovo political leaders encouraging the return of non-ethnic Albanians.

Challenges remain, however. Recent incidences of violence, including the fatal shooting of two youths in Kosovo on August 13, raise concerns. A recent OSCE/UNHCR report concluded that positive changes in Kosovo "are not yet fundamental enough to conclude that conditions would exist for the large-scale return of ethnic minorities in the near future, underscoring the continuing need for international protection for members of ethnic communities, in particular Kosovo Serbs, Roma, Ashkaelia and Egyptians."

Freedom of movement for ethnic minorities, together with aggressive investigation of suspected hate crimes (including the destruction of religious patrimony sites) are important elements of efforts to create a democratic, multi-ethnic Kosovo in which minority rights are fully respected and minorities are integrated into all aspects of Kosovo society.

Last year, the U.S. Delegation to the Human Dimension Implementation Meeting raised its concerns regarding Croatia, encouraging that country to pass legislation facilitating the protection and integration of the Serb and other minority populations in that country. Croatia did pass a Constitutional Law on the Rights of National Minorities in December 2002. We welcome the passage of this law and encourage Croatian authorities to work toward the further implementation of its provisions. However, the government has not begun to implement a tenancy rights program it announced in June 2003 and it is unlikely to achieve its own property return and reconstruction deadlines, for the second time. Given dwindling international resources to support refugee returns, continued OSCE monitoring and pressure on the government is critical for further action.

We are interested in hearing from our colleagues and NGO partners what ideas they may have on how the OSCE could strengthen its commitments and actions to protect national minorities. We must all remember that national minorities are not only citizens in need of protection, but also citizens who can actively contribute to the building of democratic societies and free-market economies. We must welcome them as full partners in our collective future.



## **United States Mission to the OSCE**

### **CLOSING PLENARY**

**Statement of Ambassador Pamela Hyde Smith  
U.S. Delegation to the OSCE Implementation Meeting  
October 17, 2003**

Over the past two weeks, we have participated in more than 100 hours of debate on topics relating to nearly every aspect of human rights. The conversations have taken place openly, among officials, international organizations, activists, journalists and private citizens, some of whom are starkly critical of the policies they see. This right to debate, to hold governments accountable and criticize without fear of reprisal is one of the hallmarks of free nations. The commitment of OSCE members to submit themselves to this kind of meeting is one of the reasons the organization has such credibility and endurance.

This conference had a number of noteworthy moments. We were disappointed to have no representatives present from Turkmenistan, particularly at this critical moment in that nation's development. Despite the absence of official Turkmen, we believe this meeting greatly benefited from the presence of Professor Decaux and Turkmen opposition parties. It was clear that there is widespread support for Mr. Decaux's fine report and follow-up recommendations. We strongly urge all participating States to turn those suggestions into concrete actions. The U.S. concurs with the preliminary OSCE ODIHR assessment of the October 15<sup>th</sup> presidential election in Azerbaijan. As in the past, we call on Azerbaijan's government to follow through on its OSCE commitments and fulfill its duties for the safety of its citizens and the safeguarding of their rights. We also call on the opposition parties to act peacefully and within the law.

The United States is gravely concerned about the ongoing reports and allegations of human rights abuses in Chechnya. When the constitutional referendum was held in March, the United States hoped that it and the October 5 elections could be useful steps toward a political settlement. Unfortunately, the political process that led up to the elections fell short of its potential for producing a positive, democratic outcome. Nevertheless, we continue to hope that the people of Chechnya and their leaders at all levels will find ways to end terrorism and human rights abuses, resolve the conflict, and establish the rule of law and democratic institutions. Finally, the United States also remains greatly concerned that two human rights activists from Kazakhstan, Amirzahan Kosanov and Ermurai Bapi, were not allowed to come to this meeting, despite repeated calls for them to attend.

I hope it was clear how important the United States believes the Human Dimension Implementation Meeting is. Assistant Secretary Craner, Congressmen Smith, Cardin, Pitts and Davis, Ambassador Minikes and I valued our conversations here. We were also heartened by the growing commitment to follow-up conferences on racism and xenophobia and on anti-Semitism. Yesterday's inflammatory and offensive comments by Malaysian Prime Minister Mahatir to the Organization of the Islamic Conference confirms that anti-Semitism continues to demand our urgent attention. We expect that these important OSCE conferences will not only highlight the problems but direct our efforts to mitigate intolerance. We would very much like to see the OSCE Ministerial endorse the German offer to host a follow-up OSCE conference in Berlin next year on anti-Semitism and a

separate follow-up conference in Berlin next year on anti-Semitism and a separate follow-up conference on Racism, Xenophobia and Discrimination, as well as the collection of anti-Semitism and hate-crime statistics.

We applaud the work already done for the Ministerial on the Action Plan to Combat Trafficking and are committed to developing an appropriate mechanism to help States translate these recommendations into action. We will, likewise, work with other OSCE participating States to develop the Roma/Sinti Action Plan for the Ministerial. We hope the Ministerial will also strengthen our commitments on religious freedom, address registration concerns and increase ODIHR monitoring of problems. Finally, we additionally would like the Ministerial to commit the OSCE to increasing its activities in the protection of the human rights of Internally Displaced Persons, specifically welcoming the UN Guiding Principles on IDPs.

The U.S. has also made a number of suggestions for topics for next year's Supplementary Human Dimension Meetings and ODIHR Seminar, including on the issue of IDPs, the Right to Peaceful Assembly, Freedom of Movement, and Access to Government Information.

Mr. Chairman, this meeting has again pointed to the need to implement our OSCE commitments, the visionary basis of the OSCE. Twenty-seven years ago the delegates in Helsinki hit upon a fundamental truth when they saw that idealism and pragmatism go hand in hand. For the first time they firmly linked our security to the promotion of what President Bush has called the "non-negotiable demands of human dignity." The record has shown that nations reduce conflict and flourish when they guarantee fundamental freedoms, rule of law and opportunity to all their peoples.

We know well that living up to our values is a difficult, ongoing process, both for individuals and collectively. In the United States, our own history has been a long struggle to act according to our ideals. We felt this anew during the past summer when we celebrated the fortieth anniversary of Martin Luther King's "I Have a Dream" speech. That speech still challenges us, because the great dream of Dr. King has not yet been fully realized, despite how far we have come since 1963.

It is no coincidence that what we have been experiencing in this room for the last two weeks is called the Helsinki "process." What we do here, and in Vienna, and in follow-up in our own capitals, is part of an essential continuum. The ball that was put in motion in 1975 must remain in motion with each generation in order for us to achieve success in the field of human rights.

Mr. Chairman, we benefit greatly from the opportunity to be here. We thank you and the staff at ODIHR for your leadership and organization of this meeting, and all others in the room for their insights. We look forward to continuing to participate in this valuable process.