

# **Religious Liberty in the OSCE: Present and Future**



**September 27, 1995**

**Briefing of the  
Commission on Security and Cooperation in Europe**

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WASHINGTON : 1999

## **ABOUT THE ORGANIZATION (OSCE)**

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

## **ABOUT THE COMMISSION (CSCE)**

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

# **RELIGIOUS LIBERTY IN THE OSCE: PRESENT AND FUTURE**

**WEDNESDAY, SEPTEMBER 27, 1995**

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC.

The Commission held this briefing in Room 2325 of the Rayburn House Office Building. Samuel G. Wise, the Commission's Director for International Policy, moderated.

Mr. Wise. Good morning, everyone. I'd like to welcome you to a briefing of the Commission on Security and Cooperation in Europe. On behalf of the chairman and co-chairman, Congressman Christopher H. Smith of New Jersey and Senator Alfonse M. D'Amato of New York, we all welcome you here. I'm the international policy director; my name is Sam Wise.

We have three distinguished panelists this morning, and our subject is religious liberty in the OSCE, the new name for the CSCE. I would like to welcome you especially, because our panelists this morning are going to speak on "Religious Freedom in the OSCE: Present and Future," a subject we consider extremely important at this time in the history of the OSCE.

Since the historic signing of the Helsinki Accords some 20 years ago, the Commission on Security and Cooperation in Europe has been at the forefront of human rights and security issues in Western Europe and in the countries of the former Soviet Union. As the focus of the problems has shifted from the cold war to the present, the Commission continues to champion basic human rights as the newly independent countries begin to build their own democratic institutions and traditions.

Since the demise of communism in many countries of the OSCE, there have been significant improvements in religious liberty. Places of worship that had been closed for many years have been reopened, and religious groups now have more freedom to publish and distribute literature and maintain contacts with fellow believers in other nations.

Unfortunately, even with the flowering of religious practice, intolerance and discrimination against people of faith continues to occur in the member states of the OSCE. Some governments have passed laws favoring one religion over the others, and officials often turn a blind eye to harassment or discrimination at the local level. Minority faith traditions encounter bureaucratic roadblocks to practicing their faiths and often are the objects of harassment, which is very often unchecked by civil authorities.

The briefing today will focus on the present situation in the participating States of the OSCE and the future of religious liberty based on trends that we are seeing today. This briefing is intended to be a broad discussion of these issues with an eye toward future briefings on particular religious groups or countries within the OSCE. Today's discussion is very timely, as next week the OSCE member states will be meeting in Warsaw for the biennial Human Dimension Implementation Review. Among the topics to be discussed there is the status of religious liberty under the OSCE documents. The information gathered at this

briefing, we hope, will be a useful resource for the U.S. delegation at this meeting.

Now I would like to introduce our distinguished panel, after which they will each have some words to say. And following that, we'll have questions from the audience. At that time, since this is being recorded, I ask you to use the microphone up at the podium to ask the question. Raise your hand and I'll call on you. And I ask you also to introduce yourselves—your name and your organization—before your question.

Our panelists this morning: on my left is Dr. Paul Marshall, who is the Senior Fellow in Political Theory at the Institute for Christian Studies in Toronto, Canada, and the academic consultant for the Religious Liberty Commission of the World Evangelical Fellowship. Dr. Marshall is also a senior fellow at the Institute on Religion and Democracy, Visiting Professor at Catholic University, and visiting Fellow in Law and Religion at Emory University. Dr. Marshall is the author and editor of six books on the subject of faith and politics, human rights and toleration.

On his left, Dr. Khalid Duran is the senior fellow at the Institute for International Studies and editor of *TransState Islam*, a quarterly magazine analyzing Islam-related political and sociological developments in a global perspective. Dr. Duran is an expert on Islamic thought and politics, and has authored numerous books and articles on Islam and current affairs.

At the end of the table, Mr. Micah Naftalin is the National Director for the Union of Councils for Soviet Jews. An activist for many years on Soviet Jewry issues, Mr. Naftalin continues to provide leadership to the Jewish community on human rights issues. He has participated as a public member on the U.S. delegation to the OSCE 1993 Human Dimension Implementation Review in Warsaw, the one that precedes the one that will begin next week.

I might just say on a personal note—I don't know the other two panelists; we met this morning—but Mr. Naftalin and I have been associated with the CSCE for many years. We went through some of the stormy and exciting days of the cold war, and he has carried his work over into the new period and, I think, is doing very, very excellent work, he and his organization.

We have one panelist who is not able to come this morning, and that's Professor Lynn Buzzard, and we regret that. So, now I'll turn the floor over to Dr. Marshall, please.

Mr. Marshall. Thank you very much, Mr. Wise.

In my remarks I won't attempt to give any details about particular countries or situations, but concentrate on outlining some of the major factors affecting religious freedom in the area. There is also a longer written text which is available, which is more nuanced and gives a variety of examples of the things I will mention.

One thing we need to do is clarify what religious freedom is. This is not as simple as it might first appear, for religion is not a private corner of life. Indeed, it can often be the center of life and shape what people do in economics or education, in families or politics—one reason the U.S. Constitution begins its own protections with religious freedom. This means that religious liberty necessarily involves rights far beyond those that explicitly mention religion.

Freedom of speech and freedom of the press are vital, and freedom of association is also vital to any communal expression of faith. Furthermore, religion is intertwined with other concerns, notably, in the areas we're discussing, with ethno-cultural tensions. For example, are the conflicts in the former Yugoslavia ethnic ones or religious ones, or does the distinction make much sense? After all, ethnic cleansing there is also religious cleansing.

We cannot, and there is no need to, make precise criteria about the demarcation points. But we should be aware that there is a continuum and be sensitive to all of its dimensions. This also means that many religious freedom concerns are not so much additional challenges, but rather require us to continue ongoing work in general in human rights, with intensified attention to religious factors and actors.

But religion does introduce several new foci, and I'll just mention three.

Firstly, we need to have increased awareness of religious histories and tensions. Often this may simply involve becoming educated about the religious composition and dynamics of these societies. But, since much American secular higher education in the political sphere has for a long time assumed that religion was likely to go away as people become enlightened, this has tended to be a weakness in our political analysis. And as a consequence, some of our human rights work, while excellent in other areas, has sometimes not been well-equipped to deal with religious groups. We can easily miss the ongoing restriction and harassment of groups often considered marginal to the overall society, especially if those groups are uncongenial to many of us.

Secondly, we need to focus on rights which come to the fore in the religious sphere. These are, especially, freedom to worship; to maintain places of worship; to propagate one's faith; to change one's religion, which also means that religion should never be considered as if it were merely a matter of culture; to raise one's children in the faith; and to maintain an individual and communal life which manifests one's belief.

And, thirdly, we need to highlight discrimination which occurs on religious grounds in the protection of human rights and opportunities to be involved in social life.

In all of the countries, there are local and idiosyncratic factors, but here I will just focus on three broader factors which affect religious freedom. I make no claims that these are complete. The three factors I will mention are repressive strains within Orthodox Christianity; second, militant Islamist movements; and third, the legacy of communism, now often combined with nationalism. The real world, of course, does not present its problems to us in discrete categories, and these are usually very much intertwined.

On Orthodoxy, much of Eastern Europe has been molded by the view that government control of religion is simply the normal state of affairs. And communist domination schooled generations to believe that the state had to impose basic doctrines. But in many cases, communism built on long-established monopolistic traditions within Orthodoxy. Orthodox churches have seen themselves, in the most literal sense, as the continuation of the Holy Roman Empire and often continue to intertwine church and state, united in a joint mission.

This union has conditioned many Orthodox, with notable exceptions, to accept and even welcome state-imposed practices. Also, due to the history of occupations in the area, Orthodoxy has often played a role of maintaining national identity—a very noble role. But this has the consequence that orthodoxy often identifies itself with the nation, and the nation with itself.

Other religious bodies, whether Catholic, Protestant, Islamic, Jewish, or other more-recently arrived forms, are treated as foreign interlopers. Such pressures are not confined to the old Warsaw Pact countries. In Greece, many Orthodox bishops back political discrimination, and Greece became the first European Economic Community (EEC) country to be condemned by the European Court of Human Rights for violations of religious freedom. Indeed, the U.N. special rapporteur on religious intolerance is presently in Greece.

In terms of militant Islamist movements, while there is as yet no Islamist government in the CSCE area, it is important to understand growing Islamic dynamics. And certainly, one of our panelists can say far more about this than I. But let me just comment that we certainly cannot understand many features of Islam if we treat it in terms more suitable to an understanding of a secularized Christendom such as we face here. For example, there is no church in Islam, so any attempt to treat religion as a matter of churches is doomed to failure.

And the common Western label for Islamist movements is often “fundamentalist,” a word dredged up from the American past and of dubious meaning even there. In modern Western usage, it seems merely to mean “religious maniac”—that is, people to be studied rather than listened to. I suggest the word be dropped.

Islam is a diverse religion. It covers many continents, has had many political forms, and at times has shown great toleration. Europeans often fled to the Islamic world to escape persecution. However, much of this toleration was comprised of a protected status. While in the past it was preferable to many of the available alternatives, if practiced now, it can create a distinct second-class status for non-Muslims. This form of toleration would be a clear violation of international human rights standards.

So far, while there have been local repressions in, I’ll say, the belt where there are large Muslim populations, there have not been any successful moves to form militant Islamic states in the CIS area. But as Iran and Turkey are continuing in their efforts to influence these areas, the future is uncertain, and in Turkey itself, while described as a secular state, non-Muslim groups are repeatedly harassed and suffer discrimination.

A third trend involves religion, nationalism, and authoritarian states. One legacy of communism is the assumption that the activities of civil society are under the direction of, and subject to control by, the state. And this legacy continues. Even in otherwise well-meaning governments, there is a mania for registration. Registered religious groups are frequently forbidden to operate, and there are many roadblocks to such registration.

This mania for control allies itself with nationalism, so that religion is treated as a type of state or national possession. Always these relations are complex. For example, in Chechnya, the major Christian and Muslim religious leaders made a noble joint declaration appealing for peace and declaring that the war there was not a religious war. But since religion is a powerful mobilizer, appeals to it are increasing, with results that may parallel the nightmares in the Balkans.

It has been said that the differences between Serbs, Croats and Muslims is, or maybe was, that the Serbs didn’t go to the Orthodox church, the Croats didn’t go to the Catholic church, and the Muslims didn’t go to the mosque. Religion was an external rallying cry, rather than an inner belief. But under the pressure of war, religious identities are becoming stronger, and widespread religious repression has been added to the other brutalities in the area.

At the root of this is more than traditional or even ethnic hatred. The principal figures involved in many of those conflicts operated as communist functionaries and showed no particular religious zeal at the time. The dynamic seems to be that communist functionaries have and are using nationalism to exploit religious divisions in order to consolidate their own power while expanding their political reach. But always we meet a complex of these relations.

I would also like to emphasize two particular rights: the right to propagate and the right to change one's religion. Even when they share the same confession, religious groups which come into countries at different times can receive very different treatment in situations where a country has become identified with a religion, especially in the Muslim world. We can distinguish between the treatment of indigenous religious minorities, foreign groups, and converts.

Long-standing religious minorities are often given freedom to operate, even if with a second class status. Recently arrived or incoming groups are, as noted above, often dismissed as foreign, and hence restricted. And someone who wishes to change religion can receive one of the worst fates, since they are pictured as apostates and betrayers. This also means that one of the major occasions of conflict is any attempt to propagate one's religion.

Indeed, many secular Westerners, though often highly supportive of other religious freedoms, tend to share the views of nationalists, that religion is simply a part of culture, and they see any attempt to propagate one's religion as a type of foreign imposition, or cultural intolerance, which is one reason why I think it needs emphasis here. We need to resist any temptation to equate religion with national or local culture or to treat it as a permanent geographical fixture.

Religion and religious adherence is often quite fluid. After all, the major religions we are discussing in this area originated outside of it, in the Middle East. Since the rights to propagate one's religion and to change one's religion are guaranteed in international human rights standards, and especially because they have few friends, the defense of these rights needs to be one of our priorities.

Some comments about the future. The geographical zone through the Balkans, the Caucasus, and Central Asia falls along one of the major boundaries of what Samuel Huntington called "the clash of civilizations." One does not need to accept all of Huntington's thesis in order to acknowledge that these zones are the meeting points of very different religious and cultural histories and have a history of tension and conflict. While none of us knows the future, and the future is itself determined by our own choices and actions, there is, as far as I can see, no reason internal to the area to think that this situation will change easily or soon.

In turn, our response to these problems should certainly involve calls for legal reform and individual rights. But the matter cannot be left there. Improvements in religious freedom in Eastern Europe have come about not so much by legislative changes, but by different attitudes on the parts of government functionaries. The laws already on the books gave paper guarantees of freedom in any case.

While we need to lobby on specific cases of injustice, we also need to be sensitive to these historical trends and to communal values, especially as they will not go away soon. It is important to call for and support and curry openness within religious movements and to encourage movements to internal reform. Religious freedom in Eastern Europe will be helped to the degree that Orthodox churches resist an identification with the state. This means openly facing a world where different religions will coexist in the same lands for the foreseeable future.

The possibilities of openness within Islam also need to be encouraged. The cause of religious freedom in the Islamic world will certainly be stronger, the more legitimacy it has in Muslim eyes. Authoritarian nationalism may be a more difficult phenomenon in some ways, since it often simply stands for the opposite of what I'm advocating here and does not

really have a standard. However, for these reasons, it may be more susceptible to outside pressures. In any case, there are more than enough problems, and therefore, more than enough work for this Commission.

Thank you.

Mr. Wise. Thank you very much, Dr. Marshall.

Now I'll turn to Dr. Duran, please.

Mr. Duran. Mr. Chairman, ladies and gentlemen. There is a common problem with all religious communities in the former Eastern Bloc, in the sense that many of the attitudes resemble an incubated disease. By that I mean that when communism took over in some places like the Soviet Union in 1917 and other places in 1945, religion in many ways had to go underground. For the rest of the time there was no intellectual exchange or fertilization of religious thought.

So what went underground was very often also resentment, old notions of antagonism, hatreds, prejudices. And over all that period, no work was done to come to terms with those prejudices and fears and hatreds. They were incubated. Now they have broken loose and, as happens very often when such a disease breaks out of its incubation, it happens with a vengeance, and you have a very terrible explosion. You can compare it to fermentation under a lid until it finally explodes.

Two years ago at the Conference of European Churches in Prague in Czechoslovakia, or Czech Republic now, Western Europeans were shocked by attitudes expressed by representatives of the Orthodox church. There were many newspaper comments saying that the period of grace that we gave the Orthodox church after coming out of this communist suppression is about to be over. It is time for them now to come up with a clear commitment to democracy and human rights, but they don't seem to be in any mood to do that. There seems to be no move even in this direction.

Much of this shocking experience that the representatives of Western European churches had in Prague had, of course, to do with the case of former Yugoslavia. Now, this may serve, in a sense, as an exemplary case, as a model case, in a very negative sense. Much of what happened there might happen in other places of the former Soviet Union. Hopefully not, but there is unfortunately quite a likelihood that this may be repeated.

For this reason, I would like to go into some basic facts that need to be understood. Unfortunately and strangely enough, these facts have not come up for discussion over the last 3 years, despite the almost daily and lengthy reporting about Bosnia and former Yugoslavia. The basic issue to be understood here is that there is a kind of an assimilation of the ethnic and the religious factor. There, the big misunderstanding begins.

Even an advisor to President Clinton the other day in a conversation said, as if it were the most natural thing, that Muslims of Bosnia are Serbs and Croats who turned Muslim in the time of the Turks. Now, this is totally wrong, totally wrong because the Bosnians are a separate people. Among the nations, the Slavic nations that emerged in the Balkans, the Bosnians were the first, followed by the Croats, and then by the Serbs, and many Bosnians had been Muslims centuries before the Ottoman Turks arrived.

As a matter of fact, Bosnians have been Muslims before the first Turk ever converted to Islam. I happen to come from a different part of the world, from southern Spain originally. We share a lot with the Bosnians. First of all we share the same type of Christianity. Before joining Islam, both Andalusia and Bosnia belonged to the Arian church of Christianity. And



it's for this reason that in these two regions you later on had these mass conversions to Islam, because among all versions of Christianity, Arian Christianity, named after Bishop Arius of Alexandria, is the closest to Islam, or, you may say that Islam is a Christian heresy, related to Arian Christianity.

It's not a matter of chance that particularly these two regions of Europe should have become Muslim majority areas. Apart from that, in Andalusia we had Bosnians, and the Bosnian Muslims, in the 9th and 10th Centuries—the guards of the Caliph of Cordoba always used to be Bosnians—and Bosnians in large numbers migrated from Bosnia to Andalusia. They became leading figures in intellectual life. We had poetic competitions, where Bosnians wrote better Arabic poetry than the Arabs and boasted of that.

Andalusian Spanish history is perhaps the major source for Bosnian history. What happened with the arrival of the Ottoman Turks was that numbers of Serbs and Croats embraced Islam. Even then, there were some Croats and some Serbs who were Muslims before the arrival of the Ottoman Turks. But, when the Turks arrived, it was particularly Serb aristocracy that embraced Islam, and from there starts the problem. Serb mythology, which says that in the time of need, in the time of affliction, when we were conquered by the infidels, our leaders, our aristocracy, betrayed us. They deserted us. They joined the enemy and became renegades. And, had it not been for our church, then the Serb people would have been lost. They would not have been able to withstand this pressure. They would have joined Islam and become subject to eternal damnation.

About 10 percent of the Serb population converted to Islam. Since, in the Ottoman Empire, Muslims were one community, so those Serbs merged with the Bosnians. It is difficult to say today who among the Bosnians is an original Bosnian and who is descendant of a Serb Muslim who merged with them. This became an issue. Now, the ideology that was developed from there was that each and every Bosnian Muslim might have a drop of blood of those traitors, and therefore he has to be exterminated, because he is satanic.

This is the belief system behind all these atrocities that we are seeing there at the moment. Now, of course, for the large majority of Bosnians, there's no drop of Serb renegade blood, but because of the likelihood or the probability that there may be a drop of such blood, they have to be killed. Unfortunately, this is done with Christian symbolism and with the support of large sectors of the Serb Orthodox church.

Since 1992, there have been all kinds of attempts at bringing about inter-religious dialog with Cardinal Franjo Kujaric of Zagreb, Cardinal—Patriarch Pavle of Belgrade, and then the late mufti of Sarajevo, who was blown to pieces. Pavle made ambiguous statements over this period that created the impression amongst some sectors in Europe that he was opposed to those atrocities and would, in a Christian spirit, opt for reconciliation and peace. I knew from insider information that was not the case. Quite the contrary, he was actually behind that war, fully supporting it and encouraging it. But since it was based on insider information, it was difficult to say it or to prove it.

Now it is all in the open. Now Patriarch Pavle has come out with statements very clearly showing his real attitude. After 3 years of vain attempts at getting him involved in a peace movement, everybody in the Catholic church and Protestant churches and Muslim groups knows that there is no hope in Patriarch Pavle. Unfortunately we do not know of any leader of the Serb Orthodox church who has a different attitude. Many of them have blessed the conquest in Bosnia. I have myself been a witness to a huge victory parade by the Serb com-

munity in Berlin, Germany, that ended with a blessing of the war effort and a blessing of the arms. And it was all televised for hours, on German TV. No protest was raised by anyone.

We would wish that it were different, and the search of course continues for members of the Orthodox church. There are also attempts at doing it via representatives of the Orthodox church in neighboring countries. For example, in Bulgaria, the attitude is totally different. There are sectors within the Bulgarian Orthodox church that fully support reconciliation with Muslims and who are totally opposed to the kind of war that is taking place in Serb-occupied Bosnia. But the problem is that there is not much unity between the Orthodox church of Bulgaria and that of Serbia.

There are national questions, political issues, and historical facts which influence the situation. The problem here is that one may characterize this whole thing as a question of land-grabbing, which basically it is. And it is a way of explaining it to Muslims, and also pointing out to them that not only mosques have been demolished, but also Catholic churches. However, it's difficult in a situation where the atrocities take place under Christian symbolism.

Many, many times the Orthodox cross has been cut into the flesh of Bosnian corpses and also into the flesh of living prisoners. We have now quite a number of Bosnian Muslims who are true Christians, in the sense that they carry the cross; they have a huge Orthodox cross cut in their flesh. Quite a number of them survived, and it's there now, as a scar, as a mark, usually on their back, sometimes the belly, and so on. So they carry the cross.

But, of course, all that has generated an enormous backlash all over the Muslim world. For our fundamentalists—who I also do not call fundamentalists, but Islamists—this has been just the right thing, because they have all along been preaching the majority of Muslims who are not fundamentalists, who are not Islamists, “Never trust them; there you see, this is what we have always told you; they have nothing in mind but to eliminate Islam, to kill Muslims.”

After this experience of Bosnia, it is very difficult for secularist Muslims to stand up and say, “Oh, you are talking nonsense. This has nothing to do with religion.” The problem is exacerbated even more in this case, because of the mixture of religion and ethnicity and history. The fact is that cultural Muslims, and by that I mean non-believing Muslims, have been victimized just as much as religious Muslims. Certainly religious Muslims have been the first victims, and no imam has survived any of these prison camps, but non-practicing Muslims have also been targeted. One of the last reported cases happened in Srebrenica when a bus full of refugees leaving Srebrenica was stopped, and an old man was taken out and was hacked to pieces there, right in front of all the others in the bus. The only reason for the attack was that he was an imam of a mosque. He was an old man; he was not a combatant.

That's one aspect, but it hits, or has hit, just as much the many others who never opted for being Muslim, because in former Yugoslavia you had a choice. This whole question of whether or not 44 percent of the population is Muslim or Musliman is based on a decision of the people. In elections people were able to opt for various nationalities—either Musliman, which was not a religious classification, but national, nationality, or Croat or Serb or Yugoslav. The ideal was that they should all be Yugoslavs and forget about being from individual ethnic or religious groups.

In Bosnia you had the highest number of all these former Yugoslav republics who voted

for Yugoslav, and almost all of them were born Muslims. Very often at least, they had one Muslim parent. Quite a few voted, or opted, to be Croat or Serb, partly out of fear, anticipating what was to come. It has been estimated there is a figure of about 11 percent Muslims, born Muslims, who did not opt for Musliman. If you add these to the 44 percent, you arrive at a figure of Muslims of 55 percent, a clear majority in Bosnia. Those are people whom this Serb campaign of extermination against Muslims has forced back into Islam. Many of them are atheists, agnostics, and people of mixed marriages. They are just as Catholic as they are Muslim. They have no choice. For instance, the famous Bosnian film producer, Emir Kusturica, has a Jewish grandparent; he wants to be a Muslim and otherwise culturally feels very much a Serb. But he is on the extermination list like everybody else, because of his predominantly Muslim background.

This kind of policy is much closer to the Nazi extermination of Jews than to ethnic cleansing. The situation in Bosnia has shaken secularist Muslims all over the world. You see, ethnic cleansing, the principle as it was devised in Croatia in 1941, meant you kill one third of the enemy population, another third of the enemy population you make flee, and the remaining one third you force to convert. In this way, the Croats forced many Serbs to convert to Catholicism. This has not been done in Bosnia.

I know of just one case, definitely where two guys were presented to journalists. One said my name is now Dushan; the other said my name is Zoran. These are Serb Orthodox names. They were Bosnian Muslims who said, "Oh, you know, we have converted." It later turned out that they were actually prisoners.

But these are isolated incidences. Bosnians were not given a choice to become Orthodox. No, it was a question of exterminating, extermination which even affected the graveyards. You see, what has happened here is not just a genocide, but a cultural genocide. Graves are often more important even than human beings.

I was struck the other day in Berlin when I passed by a huge Jewish cemetery. I was amazed. It was in former East Berlin, and I had not been there before. It was a large compound, and it was old, decayed, neglected, but intact and untouched. I couldn't believe my eyes at first. How did the Nazis leave this Jewish graveyard here? Later on, I understood why I was so surprised. In actual fact, from a Nazi point of view, the large Jewish cemetery was a great thing, because they wanted the Jews to be dead.

But we are now used to news from Bosnia that graveyards are a favorite target of the eliminators. Wherever it was possible for the Serb occupation forces, Bosnian Muslim and pre-Muslim graveyards have been totally destroyed, to destroy not only the Muslim past of Bosnians, but also the pre-Muslim Arian Christian and Bosnian Christian past—every historical monument, every trace. That's why the National Archives were bombarded and burned out of the state library of Sarajevo. The cultural memory of a nation has been destroyed. That's why we have to rely now on our Spanish Andalusian sources on the Bosnians.

All of this is being carried out in the name of a type of Christianity. In these circumstances, it is extremely difficult, or next to impossible, to plead with Muslims for an understanding on the basis of the argument: "Oh, this has all got nothing to do with religion. Of course, Christianity as a religion is against all that. Christianity is a religion of love you must see that this is a kind of barbarism that has got nothing to do with Christianity." This is very, very difficult for Muslims to understand.

That's why we see a new wave of terror over the Muslim world, as in Cairo where a

young man burst into a cafe house and shot at a number of foreigners, killing several of them. People thought he belonged to one of those extremist groups. It turned out it's the opposite. He was actually a young artist who lived together with his Algerian girlfriend, both of them singers, a big sin in traditional Muslim society. So he was the type of person whom our fundamentalist Islamists would rather execute for his sinfulness, what you might call a modern emancipated young couple. But he was infuriated over the Bosnian situation.

There in Bosnia people like him—cultural Muslims—were being exterminated just because they had Muslim parents. There have been all kinds of speculations as to why the gentlemen killed two CIA officers in Virginia. Nobody wants to accept what he said. He said it was a protest against U.S. policy in Bosnia. And he, too, was not a pious or believing Muslim.

This is an enormous issue that we are facing, and I am afraid that, particularly in the former Soviet Union in places like Tatarstan, Daghestan and Bashkirstan and other Muslim-inhabited areas, we may have similar outbursts. This is particularly true since there are several thousand young Russians fighting already in Serb-held Bosnia on the Serb side. The irony here is that the Bosnian leadership fortunately until this day is profoundly secular and committed to the Bosnian state. The Bosnians have even abolished the name Musliman and replaced it with Bosniak, which is a designation for Bosnians of Catholic, of Orthodox and of Islamic religion.

The last point. There is a blessing in disguise. In this terrible fire there are some green sprouts. Something very unexpected has happened. In this terrible experience of Bosnia, Muslims have found help and understanding from what might have been considered the most unexpected side—from Jews all over the world, particularly in the United States, and even in the state of Israel. The strongest support Bosnian Muslims have received has not been even from their own brethren of faith in Arabia or elsewhere. The strongest support they have received has been from Jews all over the world, individually and collectively as communities, and as organizations. This is a revolutionary development that will bear fruit; I am sure about this. It may not as yet have had much effect on the Middle East peace process, but in the long run this is bound to extraordinarily improve relations between Jews and Muslims.

Thank you very much.

Mr. Wise. Thank you very much, Dr. Duran.

Mr. Naftalin, please?

Mr. Naftalin. I've prepared a formal statement which runs three or four times the length of the 5 minutes that was allotted to me, plus some appended attachments, and I hope that these can be included in the official record of these proceedings, and I'm going to try to race through my presentation so we can get into some questions. So fasten our safety belts.

I'll skip over some of my introductory remarks about our just incredible appreciation of the work of the Helsinki Commission, which in its continuing vigilance is working on what is really required to assure continued progress in the former Soviet Union. And I'll skip over the background of my organization, which has been working on the ground in the former Soviet Union for 25 years, both with respect to Jewish issues and with respect to human rights and democracy issues.

I want to begin by stressing that inherent in a discussion of Jewish religious practice in the former Soviet Union, which is my assigned topic, is the problem of anti-Semitism. Ex-

pressions of hatred against Jews, whether by governments or grass-roots political and nationalistic non-governmental organizations or the general public, obviously have a severe chilling effect on the right of Jews to practice their religion. I made a point of the issue of anti-Semitism in my presentation 2 years ago in Warsaw, which I've appended here, that talks about anti-Semitism as one of the bellwethers for assessing progress in human rights and democracy as well as religious freedom. And I think many of those points that I made there are worth taking another look at today.

While I pretend no special expertise concerning Eastern Europe outside the former Soviet Union, I think the following points which are focused on the FSU are generally applicable, more or less depending on the size of the Jewish population, in Eastern Europe as well. While Jewish religious practice in these countries is now legally permitted, these Jewish communities which were decimated by the Holocaust, by Soviet oppression amounting to cultural genocide, and more recently by immigration, all continue to face anti-Semitism on numerous fronts. The primary areas where problems for Jews continue are in the rise of extreme nationalist and chauvinist anti-political movements and media, uncontrolled grass-roots violence and vandalism that target Jews, and in Holocaust denial and the rehabilitation of Nazis and other fascist leaders from the World War II period, which is a phenomenon that not only inhibits inter-ethnic reconciliation but promotes the scapegoating of Jews. These problems have greater impact, of course, in major areas of the FSU where there are much larger Jewish populations than other parts of Eastern Europe.

I want to highlight certain key themes. First, it's important to say, as Sam suggested at the beginning of his introductory remarks, there have been significant improvements for all of the religious denominations and for liberty of religious expression since the collapse of the Soviet Union. Jews, too, as co-religionists, can practice their religion without significant fear of prosecution and imprisonment for religious expression, for public celebration of holidays, and the teaching of Hebrew. We are also witnessing a significant increase in the number of synagogues, as well as Jewish schools, summer camps, Hebrew language classes for children and adults. The institution of Refuseniks is largely behind us now, although there are still some. And importantly, Western organizations, religious organizations from Israel, from the West, are allowed to come into the FSU and help these emerging Jewish communities.

However, there are a number of threats to Jewish religious practice in the FSU, and briefly these include the following:

First is—and many of these points have been raised before—I must say I would like to associate myself with the points raised by my predecessors; I've found now nothing with which I could disagree—discrimination in favor of established churches. Jews feel this, of course. Religious freedom activists such as Father Gleb Yakunin and Valery Senderov have noted to us the preferential treatment of the Orthodox church. They note the introduction by Zhirinovsky and his people in the Duma of a bill that would ban the appointment of non-Orthodox Russians to positions of high government power. That hasn't passed yet. Throughout the FSU one finds official obstacles placed in the way of registration by synagogues and non-Orthodox churches, and these prevent them from owning property, from renting office or classroom space, receiving public services—the major problem. In many localities, Jewish communities are having difficulties winning the return of previously confiscated synagogue buildings and cemeteries.

The second issue is extremist politics and publishing. In Russia, for instance, extremist

politics and propaganda, both from the right and the left, are characterized by anti-Jewish rhetoric, whether it be in the Duma itself or on the streets and in the media. Similar effects can be seen in other of the former Soviet states. In Russia alone there are more than 100 anti-Semitic and fascist publications. "Mein Kampf" and the "Protocols of the Elders of Zion" are distributed widely throughout the FSU, as are tracts even in Uzbekistan resurrecting the infamous "blood libel," which accuses Jews of killing non-Jewish children to use their blood in religious observances.

There's the problem of targeting Jews for vandalism, robbery and kidnapping. Jews assembling their property for emigration are often targeted and often with the complicity of local authorities in league with criminal elements. We have many examples of the destruction of synagogues, the desecration of cemeteries, and attacks on Jews who are identifiable by their activity or their speech or their dress. It's not uncommon to have Jews attacked on their way to synagogue or in their homes during a Bar Mitzvah celebration, things of that sort. And these cases tend to be treated by authorities as hooliganism, which is a lesser crime than under Article 74 of the Criminal Code, which makes it a major crime to stimulate ethnic hatred.

Another area of concern is Holocaust denial and rehabilitation of former Nazi supporters. This is going on in many of the republics, including the Baltics. These phenomena, often accompanied by official statements, have the obvious chilling effect on Jews' sense of religious security and create a general climate of threat.

Finally, perhaps most worrisome is anti-Semitism by the police and the prosecutors. Perhaps most of this is the failure to investigate and prosecute anti-Jewish hate crimes or, conversely, the selection of innocent Jews as defendants to clear crimes. Such official practices send a message to anti-Semitic perpetrators that there will be no legal consequences for their acts.

I refer to many examples of this in my formal statement, but none at present is of greater concern to us than the case in Uzbekistan that's going on now of Dmitri Fattakhov, a young Jew falsely accused, 22 or 23 years old, without question innocent, falsely accused of the murder of an Uzbek former criminal who happened to walk into his place of work, a young Jew who has been tortured and beaten senseless while in police custody and now is undergoing a trial for which he is so badly beaten into senselessness that he's incapable of even understanding the nature of the charges. The trial started last Thursday. Efforts to get it postponed while he gets medical attention have failed so far. Efforts to get the case dropped, as we were finally able to do in the Koenov case earlier in the year, which is similar, in Tashkent so far have failed. So, like the Koenov case, we've launched a grass-roots action alert to save the life of this young man. A copy of that is in your materials, and we urge the Helsinki Commission, which is helping, and all members of Congress and other groups to get involved in urging the Uzbeks to take responsibility and stop this case.

Other things in the materials you find are an extract from our regular publication "Monitor" that has descriptions of some of the nationalist patriotic organizations in Russia who have anti-Semitism as part of their main position, and a very thoughtful letter by a former non-Jewish political prisoner in Western Ukraine who has written recently a letter to the editor for one of the local papers complaining about the anti-Semitic slant of their newspaper.

I think that concludes my very quick summary, except to say, Sam, that I hope, person-

ally now, based on my experience 2 years ago, I would hope that these kinds of concerns at the Warsaw review meeting—I would hope that there would be more attention by our delegation to specific cases and to specific interventions, working with—raising issues with individual countries and maybe a little less emphasis on generalization, which I felt was needed last time, and I'm concerned again, and my colleagues have said as well, these issues have—it's the detailed issues that tend to be valuable ways of effective monitoring in our judgment, and general statements of hopes for the future we think are not all that valuable for the OSCE.

Thank you.

Mr. Wise. Thank you.

Certainly that is the approach that the Commission has always taken in these review meetings in OSCE.

Mr. Naftalin. Certainly is.

Mr. Wise. Be specific, name names and specific violations———

Mr. Naftalin. Right.

Mr. Wise [continuing]. And avoid the generalities. And this would be our intention again.

Mr. Naftalin. I hope our State Department will get in tune.

Mr. Wise. Well, I think we'll get along quite well with the State Department. We have in the past. Our Commission staff will be prominently in evidence at the meeting and will be actually in charge of one group which is focused on the implementation record itself. And Staff Director Dorothy Taft will be out there. I'll be out there. There'll be other members of the staff as well. So we intend to play, we hope, a significant role.

Mr. Naftalin. For those in the audience who may—probably there's nobody that doesn't know it, but just in case there is anybody that doesn't know it, the work of the Helsinki Commission over the decades has just been of monumental value to the human rights community and the NGOs. They were the ones that fought for the involvement of the NGOs in the activity of the CSCE. They've expressed what has always been our greatest strength, and that's the commitment of the Congress, which after all is also a grass-roots organization. They've been the voice of the conscience of the Congress to our national policy with respect to promoting human rights, and it would be just impossible to overestimate the value over the last 15 or 20 years of the Helsinki Commission and its staff. And we really thank you, Sam.

Mr. Wise. Thank you very much on behalf of all of us.

Before turning the floor open to questions from the audience, I would ask any of the panel members if they would like to make a brief comment on the other presentations. Or can we go directly to questions? Any one of you who would like to make any comment? No? Well, we'll go to the questions.

All right. I'm going to exercise the prerogative of the chair and ask one question myself, which seems to be certainly prominent in the presentations that, well, certainly that two of you gave in particular. One is the very important question in my mind of the tolerance of religions for other religions. I've heard it said, for instance, that in these conflicts in Bosnia and other places that religion is seen increasingly as part of the problem, rather than the solution. My question is: Isn't it the case that all religions have some interest in the good name of religion itself? And are there efforts by religious leaders to try to combat this intolerance and to promote tolerance in the good name of religion?

Who would like to comment?

Mr. Marshall. It may be the case that people have an interest in the good name of religion generally, but there are often other things they value more. It can have such a low priority that it doesn't mean much. So what you do get is, in nearly all of the religious bodies we're discussing, is internal conflicts. You have groups whose identification with their own view and the desire to have that imposed is so strong, and you have others who are more open. So the disputes accrue within religious bodies. In the context we're talking about—mainly in the Orthodox churches and to some degree developing in Central Asia within Islamic groups—these are something that we need to focus on.

One point I made in my closing remarks, apart from direct pressure in these areas, there needs to be the possibility of discussion and contact and, to whatever degree we can, encouraging cooperation and openness and discussion amongst religious leaders. If that doesn't happen, what we'll face is a sort of continuing struggle of trying to put out fires which will continue to arise. The structural dynamics are there, and they will keep on throwing up problems, unless there is change within the religious bodies themselves. Now, as a governmental commission, there are difficulties with Helsinki dealing with that, but it's something which must be addressed in one form or another.

Mr. Wise. Dr. Duran?

Mr. Duran. Religious communities in different countries find themselves in different mental states, so to say. If there's a special problem of Bosnia, it's that there for once we have a very, very open-minded, tolerant Muslim leadership. I say "for once" because elsewhere this is not the case. The Bosnian Islamic leadership is one of the most ideal you can have anywhere in the world, or at least it was like that until recently. I hope it still is, but I cannot be sure.

The problem is that on the other side probably you have nowhere in the Christian world a Christian leadership as un-Christian as the Orthodox church at present—the Serb Orthodox church. As always, of course, as we know as historians, these are temporary phases. It may be very different tomorrow, and it may have been different earlier. There may have been times when the Serb Orthodox Christians had the most saintly Christian leadership and Muslims in the same area the opposite. Anyhow, at the moment, this is how it is.

Now, that doesn't fit together. That's why you have this problem. You had the get-togethers of Cardinal Franjo Kuharic of Croatia, who's a Catholic, and Jakub Selimoski, one of the leaders of Islam in Bosnia. That went extremely well, and many such meetings on a lower level, but unfortunately not between Bosnian Muslims and the Serb Orthodox church. And in that case it is definitely—in this case the problem lies definitely—with the Serb Orthodox church.

In parts of the former Soviet Union it looks different. There you have a much stronger Muslim militancy and less preparedness on the part of Muslims to come to such understandings, which has got to do with the fact that these are colonial people who have recently become independent. I mean, the Kazakh, the Kyrgyz, Turkmen, Tajik and so on—all those Asian nations that had been colonized by the Russians—they felt that they, therefore, themselves were exposed to "Russification" and resisted that and assaults on Islam, which were part of the general Soviet assault on religion, but for them—or in their eyes—any assault on Islam was more than that; it was an assault on their national identity.

Now the Soviet Union is gone. Communism is gone. There's a very strong inclination on the part of many of those Muslim people over there, collectively and individually again, to



now take it out on the Russians, which, you know, means Muslim militancy against Christians. Christianity, the Orthodox church, is seen as the religion of the enemy, of those who have tortured us and now let us pay it back to them. And this has led to this enormous exodus of Russians from those areas, I think altogether several hundred thousand. I mean, they were going back from Kazakhstan, from Kyrgyzstan, Tajikistan and so on back to Russia, which I personally regret. I think it's a very sad thing always when people have lived somewhere for a long time, who have become part of a country and if they go back to where their parents came from. On the other hand, this exodus probably helped prevent worse things from happening. Had there not been such an exodus of Russians, had all of them stayed, I'm afraid there would have been all very bloody clashes and conflicts.

Mr. Wise. Thank you.

Micah, would you like to say a word?

Mr. Naftalin. Yes. It's a great question, because it lets us talk about how difficult it is to relate our normal experiences to what's happened over there. I think we have to remember that there really was a cultural and religious genocide over the past 70 years. The state was at war with religion, and the state took over the religions. I mean, after all, the KGB and the Communist Party took over what there was. The chief rabbi still—the chief rabbi in Moscow was KGB. Most of the bishops in the Orthodox church were KGB. They dominated.

So what happens is that the trick is to find the few isolated, honest people in these religions, because most, by and large, these hierarchical, particularly the hierarchical, bureaucratic religions—it's like everywhere else in the society. The same old people are still in charge. Now they say they're democrats, but it's the same old people running the country. Whether it's the economy or whether it's the government or whether it's the religions, it's the same people with the same attitude.

So there is no authentic, independent, thoughtful religious leadership in general—there are obviously individuals—to take responsibility for your question of do the religions—who is it we would be asking the religions to take responsibility for religion?

For instance, I was intrigued by your comment about this being an incubated disease. Well, it's an incubated disease in many ways. To a great extent, with respect to the Jewish community, the vast majority of thoughtful, religious-minded Jews left once they were allowed to leave. The vast majority of knowledgeable religious leaders left. They went to Israel mostly, or some came here. There are not many left. So part of the job for us is to help rebuild, renew a Jewish community that doesn't really know who they are and doesn't know what their roots are all about.

I'm sure that's true for other confessionals in many respects. It can't be any different. But when you talk about the incubation, there's a point I'd like to add to this problem, and that is the Diaspora, the role of the Diaspora, because in the diasporas, whether it's the orthodox—Russian Orthodox or the Jews or the Islamic, whatever it is, the religious influence to a great extent is affected by the values of the people outside the country who have been thinking about all these problems and observing them and not living inside the Soviet Union. And that can be for good or for ill, and I must say in some respects the people in the Diaspora got frozen with those old attitudes, and they don't now live there where they have to work out reconciliation.

So they continue their attitudes, and I think one of the most difficult groups is one of the Russian Orthodox Abroad organizations, which has been very unhelpful with respect to the

church inside Russia dealing with questions of interfaith reconciliation or in developing a non-nationalistic, non-rationalistic religious ethic in returning it to what it was supposed to be.

Well, I don't know if that helps the point———

Mr. Wise. Well, I thank you all for comments on my question.

Questions from the floor? Yes, would you please go up to the microphone and identify yourself and tell us to whom the question is addressed if it's to a particular person?

Questioner. Well, this can be addressed to anyone here. I'm from the Voice of America, the Ukrainian Service, and I was wondering what the situation, religious situation, is in Ukraine right now?

Mr. Naftalin. I think from the point of view of the Jews the situation is mixed like everywhere. There is great evidence of religious rebirth, particularly in the Kiev area. There are synagogues being established. There are summer camps. There are—one of the problems throughout is there are very few rabbis. There are very few rabbis home-grown. There are a few rabbis, mostly orthodox, who have been coming into the country and living there for 2, 3, 4 years, bringing their family and actually functioning. But it's a very small number compared to the needs.

The situation with respect to anti-Semitism is strongest in the Russian-dominated areas and is of special concern in certain parts of Ukraine such as the western Ukraine, L'vov area, where there is a strong kind of, you know, fascist or old fascist element there. And, like everywhere else, there are difficulties in the agenda of the authorities to work on this issue, just as there are difficulties in the CSCE. I mean, it's just not the highest priority. But I must say with respect to Ukraine, even though there's not a whole lot of great emphasis on action, but compared to Russia or most of the other republics, the national leadership in Ukraine, with respect to statements in opposition of anti-Semitism, for instance, have been the clearest and the strongest.

So it's a mixed bag like everywhere.

Mr. Wise. Do you have a comment?

Mr. Marshall. Yes, one thing you get is tension between many church bodies, Catholics in the West and a variety of Orthodox elsewhere. So there's a continuing struggle there. And one question which comes up in many of these countries is the return of properties which had been seized under communism, and particularly if these properties have then passed through the hands of other churches. So there are ongoing fights on this type of matter.

The problem of registration for many churches continues. The Ukrainian Autocephalous Orthodox church has great difficulties in trying to register as a more dissident Orthodox-type group. And then any foreign groups, which used to include groups who are not Orthodox and not Catholic, usually have problems registering, which then makes it very difficult for them to carry out any other functions. So you're getting not a repression, but I'll call it bureaucratic harassment. That continues.

I should also mention I noticed quite a few people in this room who could probably give you better answers to that question than this panel.

Mr. Wise. Next question? Yes, sir?

Questioner. My name is Sam Ericsson, president of Advocates International, an international group committed to religious liberty, justice and reconciliation for all faith traditions. Picking up on the incubated disease point, I'm not here to propose a cure for cancer, the

cancer of anti-Semitism, the cancer of the atrocities that you shared in Bosnia. Perhaps we could start with the common cold, and this comes from comments that were made about the inability of Jews to get access to facilities to build synagogues, even to go into an auditorium to have a meeting. A few months ago I was in Bulgaria, where I've been a dozen times, meeting with the Orthodox leadership regarding the fact that 36 out of 40 Protestant groups were de-registered in the last year and a half and are not allowed to meet.

I went from Bulgaria over to Istanbul and met with His All Holiness Bartholomew to talk about how he could help Protestants that are sort of viewed as anathema in Bulgaria, to find out that the Orthodox in Turkey for 25 years have been denied the right to have a seminary in Istanbul. So I went to Ankara to meet with the Turks to see if perhaps they would allow the Orthodox to have their meeting in Istanbul and their seminary, and I'm told by the Turkish officials that, when the Greeks allow the Muslims to meet in Greece, perhaps then we could allow something to happen in Turkey.

This is a common cold. It's what I refer to as an equal access issue. I spent 10 years of my life in this country on one issue, which is to open public facilities and allow students, for instance, in public universities and public high schools to meet for a simple thing like to talk about Peter, Paul and Mary—the original Peter, Paul and Mary, not the musical group—without any kind of prohibition. It took 10 years. It took 10,000 hours of staff time, 15 lawsuits, and an act of Congress. I would propose for the common cold here one issue that I think can be done.

«MD30»

This is—how do you eat an elephant? A steak at a time. We cannot cure the cancer right now in Bosnia. I'm helpless to even propose how to resolve that. It goes back centuries. We can't cure the cancer of anti-Semitism, but perhaps a simple thing like drafting—and this is proposed in my paper—some form of equal access act that would, regardless of political, philosophical or religious speech. That's the way we drafted the Equal Access Act that passed Congress by 90 percent in 1984. Political, philosophical and religious speech; that takes care of the secularists who usually argue that religion is, for them—well, this is talking about political, religious and philosophical speech—that all religious groups should have access to meet. It took us 10 years in the United States in the '80's, 200 years after we passed the Bill of Rights, to nail that right down. So I don't feel bad that what's going on over there is so strange, but let's focus on the common cold, the right to meet, and I would encourage maybe a response by each of the groups here.

By the way, the tolerance issue, Mr. Wise, that you mentioned, the first question asked by man in the Book, the Book that all three faith traditions represented here embrace—Jewish, Islam and Christianity—was “Am I my brother's keeper?” which was asked in the context of one brother having murdered the other over the issue of religious intolerance. And I think that's the lesson, We've got to prevent the mark of Cain. We've got to prevent the act of Cain from being repeated. And I think as Muslims, as Jews, as Christians, we can at least let them meet, let them worship, let them do their thing in a facility without hindrance by the state.

Mr. Wise. Comments?

Mr. Duran. Just a brief one to reiterate a point I made before which your comments, Sam, raise again, that one of the better avenues to change here is contact with the religious leaders. This has had some effect in Albania, in Bulgaria, and now, Greece and Turkey.

Because they're shaping many of the attitudes and responses regardless of what laws are in the books. And because there is conflict and tension and a difference in most of these communities, I think changes can be made. None of them are, you know, monolithic blocs which are totally repressive or totally open. So I think this is a major avenue which needs to be developed.

Mr. Wise. Care to comment?

Mr. Naftalin. Well, I agree with what you said, except to remind you that many of the constitutions that have passed through the Soviet Union have been wonderful. The words are great. Even now, by and large, I think there's more or less adequate legislative authority to promote equality of access and certainly to promote religious freedom and a lot of the other human rights issues. In fact, by and large, the Russian Duma and even the Supreme Soviet I think, but certainly the Duma—and I think in most other republics—have, by and large, adopted the whole package of the Helsinki human rights documents.

What's missing is implementation to create a culture in which the average person on the street, public, NGOs, whatever, feel they have a right and a duty to hold their government accountable for enforcement of these laws. I think, when it gets right down to it, we're talking about problems of—you know, the signals that come from failure to prosecute, from failure to enforce, failure to live up to the laws that they've written. I mean, that's what it's about. And I think in the long run it's going to be a generation of educating the public to understand what their rights are and to start learning how to advocate those rights as public citizens of their governments and their legislature.

Questioner. I agree. We also have a First Amendment for 200 years that the U.S. Supreme Court twice now in the last 15 years has said protects student speech like that. It still took an act of Congress and 10 years to nail it down. So what I'm saying, this is the common cold issue. Here is a specific thing, not the generalities of freedom to worship and that's all nice and good and freedom of the press, freedom of association. Here's a specific one: freedom of access to a facility. It's small. It's common cold. But it'll start.

Mr. Wise. Yes, in the front row there?

Questioner. Good morning. My name is Alec French. I work for Federal Legislative Associates. First, I want to thank you all for a very enlightening discussion.

Most of the discussion has focused on Eastern Europe and issues in Eastern Europe. And, although obviously most of the worst problems are there, you know—I mean, Bosnia and the Soviet Union have the problems—I just think it's important that the OSCE also address problems in Western Europe. I mean, certainly the banning of veils in France, the Bavarian cross case, discrimination against Scientologists in Germany, these are all issues that are real, and I think it's difficult for the OSCE to address problems in Eastern Europe credibly when they're not addressing problems in Western Europe as well for the Western European countries to say, "Well, look what you're doing," and then the Eastern European countries are going to say, "Well, you're doing it in your back door as well." And if Western European countries don't confront that, admit that, and deal with those issues at the Warsaw meeting, I don't think that what they're trying to address in Eastern Europe is going to be very credible.

So my question is, basically, don't you think it's also important that that is raised at the Warsaw conference, the Western European problem?

Mr. Wise. Let me begin an initial answer as someone who's been involved in some of

these meetings, that all of the specific issues you raise have been raised in previous OSCE meetings, and we and others who will be participating in the meeting will be going over these issues and seeing whether they should be raised again, what the current status is. I've personally been involved in all of those issues. I don't know if there are any other comments.

Mr. Marshall. A quick one. I agree with that and probably spend more of my time with those types of issues. They do need to be raised. One problem to avoid, in dealing with these, is to avoid the danger of treating these as if they were more or less equivalent. This is always a danger, particularly in political negotiations: "Well, we do this, but you do that." And the situations we're talking about in the Balkans or in the Caucasus are not just a little worse than things which France is doing, but are, you know, much more crucial and bloody and deadly. So that the difference in scale of what is going on always needs to be emphasized.

Mr. Wise. Yes?

Questioner. My name is Lauren Homer, and I'm the president of Law and Liberty Trust, and I particularly focus on working with religious organizations in former Soviet republics. I've submitted some testimony on the problems of registration in Russia, Belarus and Ukraine, and I just congratulate the panelists and join with them in noting that the biggest problem right now is the enforcement of existing laws and the absence of the rule of law. And that is an overarching issue which I know that the Helsinki Commission needs to address in every area of life in these republics. And it's part of the reason why people experience so much discrimination and harassment. It's becoming more and more difficult for any religious organization to be registered or to comply with local laws, and this is something that really needs a lot of attention.

I've been to several conferences in the last year, particularly in Ukraine and Russia, and when you get representatives of all faiths in a room, they all agree that that is the main problem, is enforcing the rights under existing laws. And very few of them are arguing for preferential legislation.

I think the greater problem that the OSCE is going to have to deal with is not so much the governments, which in my experience are just scared to death of all these religious tensions, but, if you will, the noncombatants. How are you going to get the leaders of the religious organizations to a bargaining table and bring them under control without at the same time undermining the commitments to freedom of religious expression and speech that we hold so dear? Because the problems that I see that are breaking out all over are these extremely intolerant statements, these acts of hatred which can be seen, as Mr. Duran said, in Kazakhstan directed against Christians and certainly in Russia directed against Muslims and against Jews.

And I think that this is going to be one of the things that the OSCE can do—that is, to develop some sort of mechanisms for trying to figure out how to stop the most flagrant examples of hate speech that are going on, how to bring people together really around the issue of just self-survival, which is at the heart of this. Look at what's happened in Bosnia and Yugoslavia. It's hard to believe that any group, religious or not, would want to bring this upon themselves, and this is going to be a matter of education. It may take media campaigns. It's certainly going to take lots of persuasion. And I think this is going to be the great challenge of the next 10 years. Because if things continue to spiral downward as rapidly as they have been going, we're going to be in lots of trouble.

Thanks.

Mr. Wise. Do you all agree with that statement? Did you want to comment?

Mr. Duran. I just wanted to say a word about what was said a moment ago. It connects with this one here. I've worked for some 9 years at an institute in Germany and was very much involved in interreligious dialog and the question of Muslim communities in Western Europe, so I'm only too familiar with those problems and those concerns as to be mindful for such a long period. I mean, the question of mosque construction, for example, which is a very important one because there is a new Muslim diaspora—I mean, people came in the '60's, '70's, and now in the '90's they have collected some money, and in the last 3 years they have started to build mosques everywhere. Now they have kids that have been born there and have grown up and so on, and they've got their money together.

And suddenly there was a big problem, and the problem very often looked like one between Christians and Muslims, but it turned out to be mainly a battle between the two alternatives that you have also in Christian society, namely praying or parking. Everywhere there are objections to the construction of mosques because people want—people see a problem for parking there, and they want to have a parking lot or they feel that they will not be able to park their car anymore when these Muslims start coming to their mosque so on—the same thing that you have here in Washington, DC, with some church construction.

What we have over there is fortunately enough, already kind of an established mechanism of interreligious understanding. People come together. They meet sometimes in churches. Quite often actually. Quite beautiful. Muslims and Christians, and they discuss, and sometimes they hurl all kinds of things at each other, but it's very useful. The steam gets off, and then they realize that things after all—they have so much in common, and things are not that difficult. They can always solve matters amicably. Sometimes it looks as if actually these problems are quite useful in bringing people together and making them see their similarities and so on and common concerns.

Now, this is exactly what I think is needed now in Eastern Europe. There, of course, we are so terribly far away from that. For many people—I think of Serbia, Bulgaria and such places, Russia—this is unheard of that you invite a big crowd of Muslims into a church and even allow them to pray there or that Jews have a synagogue somewhere but not enough worshipers to let the Muslims have it as a mosque. This happened many times in Western Europe, in England and so on. Where do you have that in Eastern Europe? It's unthinkable so to say. There's an enormous chasm here separating the societies.

Mr. Wise. The gentleman in the back there had his hand up.

Questioner. Hello. I'm Kenny Byrd from the Baptist News Service, the news service of the Baptist Joint Committee, and I have just two or three quick questions to kind of run through and let you do most all the talking.

To Mr. Marshall, you mentioned that a lot of the improvements made in Eastern Europe came about not by legislative changes but by different attitudes on the part of the government. I would like you to elaborate on that a bit as far as exactly what were those changes and how, you know, exactly the church-state, I guess I'm looking for, involvement. What role does the state need to play? Can you implement changes in attitude? Exactly how has the government changed attitudes? And what's the role of legislative action in the area?

Mr. Wise. Why don't we answer that first?

Questioner. OK.

Mr. Wise. I don't like particularly the two or three questions approach, because then we

can't——

Questioner. Well, we'll leave it at that. I'll get the rest of it——

Mr. Wise [continuing]. Take care of others. OK.

Mr. Marshall. What I have in mind is the general point that in many of these countries the laws have not changed. What has happened is that certain freedoms in the law now have been respected, or more commonly certain possible ways in which the law can be restrictive have not been applied. It has been at more a personal level than a legal level, and often it depends on the particular bureaucrat who you have sitting across the desk or the local bishop who tends to be in one's area.

So to take Greece as an example, the situation of evangelicals varies according to what the local Orthodox bishop tends to be like. In Crete, there's a very repressive situation. In areas around Thessalonika and northern areas, it tends to be much more open. In Belarus—I worked in Belarus last year—the attitude of the metropolitan there, who is a relatively open man, has provided much more possibility for dialog and openness between different groups. But still people run into registration problems, and then it's a question of can you find a government minister or somebody within the Orthodox church who would be fairly open and talk about it.

These are the particular things I have in mind, dealing much more at a local and regional level and looking at which particular ministers of the government are in position. We could talk about particular detailed cases, but it's not so much a trend in a country as these local variations. And in day-to-day life they often make much more difference to the lives of groups than larger legislative or political changes.

Mr. Wise. Thank you. I'll get back to you if there's time at the end.

The gentleman over here. And then you'll be next, so get ready to come up.

Questioner. Jerry Powers, U.S. Catholics Bishops Conference. I wonder if you, especially Paul Marshall, could comment on the role of church groups in the West, the United States in particular in working in that part of that world. And this would be a follow-up to Mr. Wise's question on the role that religion plays on intolerance.

My impression is that there isn't the same kind of tradition as people have pointed out of religious tolerance and pluralism in that part of the world. But my sense is that the majority of churches in many of these countries—their tendency to not be tolerant is exacerbated by a feeling of weakness coming out of 50 or 70 years of communism, and I think some of the practices—not all, but some of the practices—of church groups from the West might exacerbate their sense of weakness and their sense of siege and the like and thereby be counterproductive in the sense that it encourages the sort of intolerance that might already exist.

I wonder if you could comment on that.

Mr. Marshall. OK. One example of the type of thing you mention is the influx of a variety of groups, often from the West, of organizations, many of whom, and I should emphasize very strongly certainly not all of whom and not most of whom, but many of whom have sought to operate, say, in Russia with so very little regard for Russian history and culture, and often ignoring the religious bodies who were present—the Russian Orthodox church, but also Baptist groups, Pentecostal groups. And so you have that phenomenon. Second, amongst many of the Orthodox they feel that these groups are—they usually tie them to the United States, though many of them are not tied to the United States—are very wealthy, well-equipped, and have all sorts of resources so that the Russian Orthodox church is put under

unfair competition by well-funded American foreigners poaching in rivers and streams.

So I have sympathy for that. You also have—the name escapes me—the Japanese group who have been accused of the nerve gas attacks on the Tokyo subway has already begun to operate in Russia, in fact has done so for quite a few years. So one could see why someone would have legitimate fears about influx of groups of this type. So, firstly, we need to have some sympathy, but secondly, the response to that is usually an extremely broad one and one which would cut out the activity of almost any non-Orthodox group or groups which have foreign ties. And then we find we're taking a shotgun to not quite a mosquito, but maybe a mouse.

So that I think two things are needed. One is to encourage groups in the Soviet Union to—and as those who are American-based, that's something which particularly Christian groups need to do here—to encourage them to be aware of that history and simply not try to treat the Orthodox church as this sort of great monolith which should be ignored and/or dismissed. But to offer a start to operate within a Russian context and with Russian sensitivity and in coordination with Russians. That's an important function here, while at the same time resisting any state repression which would try to clear out anything regarded as coming from overseas.

Another important function for churches over here is, as has gone on for many years, to develop further contacts with religious leaders in these areas and particularly those who are reform-minded. International church groups, such as the World Council of Churches and the National Council of Churches, in their previous history together with Orthodox groups, as was mentioned earlier. But many of the leaders who were involved as Orthodox bishops in these movements were KGB functionaries so that the many Western churches were certainly not as critical as they could have been, in many cases were not critical at all, of repression in the former Soviet Union.

So there is a sad history here which still needs to be overcome by means of making contact with the reform elements in these areas and encouraging them. Even apart from reform elements I think open and friendly contacts with the Orthodox hierarchy and also Muslim figures in these countries is very important. This is important not only for interreligious relations and ecumenical relations, but for religious freedom itself. Because of this hibernation or fermentation process we've described, many of the people we're talking about have had very little contact with Christians of a different type, much less members of other religions. So there is a tremendous degree of ignorance and prejudice which is present there. And simply exposure and discussion to others is important.

The Metropolitan Philaret of Minsk—I spent some time with him last year, and he spent the earlier part of the discussion denouncing Protestants. About halfway through this I mentioned that I was a Protestant. He said, "Really?" He says, "You're such a nice person." [Laughter.] So you get this type of phenomena. So religious freedom will also be tied to religious contacts church to church and across religious boundaries.

Mr. Wise. Micah? Into the microphone, Micah, please.

Mr. Naftalin. I'd like just to add a little focus because I agree with what you said. I think it's a very important question about the situation of weaknesses of the churches of the various religions. The weaknesses after 70 years make them extremely—make the people extremely vulnerable, and they don't really know their own—they don't know that much about their own religion, and they're seeking to learn that. And they are prey to the kind of—from



their point of view, an invasion of proselytizers targeting them in a marketing campaign to get them converted to their own—to somebody else's religion.

And so the reaction is a normal Soviet reaction: They're going to ban all the foreigners. So you get this exquisite problem of trying to balance human rights issues and understanding the extent to which people are being preyed upon—in their religious practices, to the point where there's—you know, there's—they almost need a truth-in-advertising law to help people understand who it is that's coming to talk to them, who says they're their religion but really are trying to change them into some other religion. So it's an extremely bad time for all the groups that are subject to the invasion from the West of groups trying to market their religions. And it makes a lot of sense. There needs to be some self-control and sensitivity, or there will be the inevitable reaction of some draconian laws to protect those over there.

Mr. Wise. Thank you. The gentleman in the back there who's been waiting.

Questioner. I'm Alan Hedmonic, a free-lance writer on Soviet religious affairs, and I would like to thank the speakers for their very enlightening and challenging presentation. Mr. Naftalin, however, mentioned that in Judaism and Christianity former Soviet religious leaders, often KGB agents, remained in their positions. I would just like to comment here that this is most often not the case in Islam. KGB-connected Mufti Babakhanov in Central Asia and Mufti Gekiev in the north Caucasus were removed as a result of popular clamor, though the Soviet mufti, Talakhudin, in Russia has also lost most of his power.

I would also like to comment on Mr. Marshall's statement that there has been no successful attempt to form militant Islamic states in the former Soviet Union. This is only partly true. In Dudayev's Chechnya, an official Shariat court system—however, with only partial jurisdiction—has been established. This is not to say that fundamentalism dominates there, however, for this is a part of the Sufi tradition of Chechnya. Thank you.

Mr. Wise. Comments?

Mr. Naftalin. Well, the Jews don't have any decent organization for patrolling anybody. So they don't—we can't excommunicate anybody, and we don't have any organization to fire them. So there they are. I use that as one example, but it's—to make a general point, it's not as if Jewish—the real thoughtful Jewish leadership is not affected by KGB. But, unfortunately for the Jews that remain, the vast majority of those people have left. They've got a real rebuilding problem.

Mr. Wise. Others.

All right, the gentleman—would you like to ask one? Anyone else? The gentleman right behind you.

Questioner. Gerard Perseghin from the Catholic Standard here in Washington. I was wondering what are the—will you be taking up the concerns of the violations of Roman Catholics throughout the world? For instance, they're still suppressed in communist—in China, in the People's Republic. And also, is there any involvement in the peace talks going on in Northern Ireland?

Mr. Wise. Anybody prepared to say anything?

Mr. Marshall. Well, it's certainly true in China. But it's just sort of beyond our boundaries here. I simply make an aside in my paper that at least some of the dynamics we're talking about in the focus on the East also occur in Northern Ireland. You have the same complex of sort of an ethno-religious mix whose dynamics are hard to unravel. As to whether or not the Commission takes that up, I don't know.

Mr. Wise. I won't comment on that right now, but are there any other questions? I know you asked for a second chance here. All right, let's have one more from you then, please.

Questioner. This is just a point of clarification. I wanted to clarify one thing that Paul Marshall said. He said there had not been any real changes in the laws in these countries. And certainly in the former Soviet Union there were dramatic changes in 1990 when the Soviet parliament passed a new law that was widely copied in most of the other republics. The Russian Federation law from 1990 even further liberalized things in Russia. And in virtually every republic in the 1990 to 1992 period there were new laws. Then there have been amendments to these laws, mostly in the direction of withdrawing some of the freedoms that they gave, particularly affecting foreign religious workers.

And just on that I'd like to add a point that, you know, everybody represented on this panel can be accused in various states of being foreign religious workers. I mean, I was in Ukraine where the chief rabbi is an American from Brooklyn, and he has the ear right now of the successor of the Council on Religious Affairs, and one wonders why he's treated differently than other Americans who go over there. But, I mean, the Catholic church is widely regarded as an invader in western parts of Ukraine and in some parts of Russia, and so it's very difficult to say that these things are being directed just against the cults and the weirdos. It's being directed at most mainstream traditions. It's being directed at Orthodox who come in from the outside. And so it is a matter of great concern for the future religious stability of the region.

Mr. Wise. Thank you. Any further comments?

I think our time is up now, and we seem to have exhausted the questions. I thank all of you for participating. I think it's been a very interesting session. Certainly I've learned a lot of new things. And I thank our panel profoundly for their participation and hope we can do it again. Thank you all.

Mr. Naftalin. Thank you.

[Whereupon, at 11:59 a.m., the briefing was adjourned.]

[Material submitted for the record follows the transcript for the November 28, 1995, briefing.]