

U.S. POLICY
TOWARD THE OSCE

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COOPERATION IN EUROPE
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U.S. POLICY TOWARD THE OSCE

SEPTEMBER 9, 2003

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The Commission met in Room 334 Cannon House Office Building, Washington, DC, at 1 p.m., Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman, and Hon Benjamin L. Cardin, Ranking Member.

Witnesses present: Hon. A. Elizabeth Jones, Assistant Secretary of State for European and Eurasian Affairs; and Hon. Lorne W. Craner, Assistant Secretary of State for Democracy, Human Rights and Labor.

HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. SMITH. Good morning, and welcome to the latest in a series of hearings of the Helsinki Commission. This one is held on the ongoing relationship between the United States and the Organization for Security and Cooperation in Europe [OSCE].

We believe these hearings provide invaluable opportunity to examine U.S. policy in a critical fashion in a critical region of the world in Washington's relations with a multilateral organization that obviously encompasses all of Europe, the former Soviet Union, and the United States and Canada. The OSCE remains a unique institution that specifically addresses human rights and democratization difficulties, and works cooperatively to find solutions. This is a courageous and sometimes painful process from which no country is immune, as we are about to see at the OSCE Human Dimension Implementation Review meeting to be held in Warsaw.

But since democratic development is dynamic, it is essential to keep this momentum going. No other international institution has the tools, the mandate and the flexibility to do this. The Commission is anxious to ensure that the OSCE retains its legendary adaptability to address today's problems, and we look forward to hearing the department's concrete ideas on how to accomplish this.

Last week at our hearing, the Dutch Foreign Minister of the OSCE Chair-in-Office said it most clearly: "The role of the United States continues to be essential to making the OSCE work." The explicit and implicit connection between security and human rights, the fulcrum of the Helsinki Process, has been at the center of U.S. thinking and policy since the day almost exactly 2 years ago when religious fanatics flew airplanes into the World Trade Center and into the Pentagon, killing

more than 3,000 men, women and children. Americans can no longer be indifferent to events on the other side of the globe, and now there is greater awareness that failed states are breeding grounds for terrorists with worldwide range and capability.

The link between state repression and violence makes building democracy a vital U.S. national security interest. Building democracy in Central Asia, though, is proving to be daunting. In fact, there is less freedom in Central Asian states than there was in the late 1980s. The sad truth raises important and disturbing questions about one of the key practices of the democracy, elections. After a decade of experience, our conclusion is that elections in much of the former USSR have become a farce. We have grown accustomed to a pattern of deception and self-deception. The OSCE's Office for Democratic Institutions and Human Rights [ODIHR] dutifully dispatches needs assessment missions, yet after another rigged contest, the observation mission crafts a carefully worded condemnation. The host state graciously acknowledges shortcomings, begs indulgence on account of its youthful democracy, and the charade continues.

The State Department spokesman repeats the assessment of the ODIHR, expresses disappointment at yet another lost opportunity, and pledges to continue working with authoritarian leaders who have no intention whatsoever of allowing their essentially hostage people to decide who governs them or how. With no serious consequences, authoritarian leaders know they can steal any election with impunity. Election after election, they ignore the will of their own people and sneer at the OSCE, while asking us for more security assistance.

For much of the last decade, it was possible to hope that the next generation of post-communist leaders would be better than their predecessors. In Senate testimony last year, Assistant Secretary Jones said as much. But we now see in Azerbaijan the rise of what may be only the first of a crop of family dynasties. It becomes more and more difficult to harbor expectations that the future will be better or even much different than the past or even the present.

Frankly, this has been a troublesome year for trans-Atlantic relations. The OSCE remains one of the institutions that can help bridge those tensions. It has a long history of working through problems, even where ideology or policy differences seem insurmountable. Not only does the OSCE have the broadest mandate of any Euro-Atlantic institution, it has numerous ways to work cooperatively on small projects that help to overcome larger concerns. This would seem an opportune time to use the OSCE to advantage.

With this as a background, it is time for us to have an open exchange with the department's representatives on what Washington can do to move developments where they would like to see them go bilaterally, and using the multifaceted opportunities of the OSCE. Our witnesses today are the very distinguished Honorable A. Elizabeth Jones, Assistant Secretary for European and Eurasian Affairs, U.S. Department of State; and the Honorable Lorne Craner, Assistant Secretary for Democracy, Human Rights and Labor at the Department of State. Mr. Craner also serves as a fellow Commissioner on the Helsinki Commission. So when you are speaking, Beth, he can come up here and ask you questions.

[LAUGHTER.]

I would like to yield to my good friend and colleague, Ben Cardin, who is the Ranking Democrat on the Helsinki Commission.

**HON. BENJAMIN L. CARDIN, RANKING MEMBER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Let me thank Chairman Smith for conducting these hearings. I think they are extremely important. The OSCE has had a very unique history and its creation was unique in that it was created in the executive and legislative branches of government here in the United States to work in unison, work together in having impact on what is happening in the European states, in all three baskets of security, economic and human rights issues. I very much appreciate the cooperation we have received over the years from the State Department and from the executive branch.

Ambassador Minikes has been very helpful to us in our work, and I particularly want to mention how open he has been with us and how much time he has given to our members of the Congress who have worked on the Helsinki issues. It has been extremely helpful. As a result, I think we have really forged a unified agenda in the OSCE, reinforcing the work of the executive branch and also receiving the help of the executive branch on issues that have been brought up by the members of the Congress.

We have worked together on the trafficking of young children, which Chairman Smith has been particularly aggressive in bringing to international attention; and fighting anti-Semitism, we have really brought that to the ministerial level, and we very much appreciate your help in that regard. In fighting corruption, particularly on trade issues, it has been very helpful; property restitution issues that still exist from World War II; supporting the work at The Hague on the war crimes issues. The list goes on and on. We are now working on specific country issues in Belarus and other countries that we have major concerns about, and it has been very helpful working together.

I just want to mention one other issue in thanking the State Department, and that is in our most recent Parliamentary Assembly meeting in Rotterdam, our delegation was besieged with concerns about Guantanamo Bay and the treatment of detainees. As a result, we requested an opportunity to visit Guantanamo Bay and I want to thank the State Department for the arrangements that were made. That delegation visit was very helpful to us and allows us to respond adequately to the Parliamentary Assembly as to what is happening in Guantanamo Bay and that we are meeting international standards.

So I particularly want to thank the two witnesses that are here for the time that we have received from you personally, but also from the department. I think we have an excellent working relationship and we look forward to building upon that so the United States can continue to be a major partner in the OSCE process.

Mr. SMITH. Thank you very much, Mr. Cardin.
Secretary Jones, if you would proceed?

**HON. A. ELIZABETH JONES,
ASSISTANT SECRETARY OF STATE FOR
EUROPEAN AND EURASIAN AFFAIRS**

Sec. JONES. Thank you very much, Mr. Chairman. Mr. Chairman, Mr. Cardin, thank you very much for inviting us to appear before you today. This is a very collegial, cooperative relationship that we have, and I believe through the work that the Commission does, that the Commission staff does to bring out through the Commission to the Parliamentary Assembly so many of the issues that we deal with on a day-to-day basis with the OSCE, in cooperation with the OSCE, and bilaterally with so many of the member states of the OSCE, that we enhance the work of the Commission and in the end, enhance the goals of the United States.

I would request that you review my written testimony. That has in great detail the developments over the past year and the priorities that we set in the run-up to the Maastricht Ministerial in December and beyond. I would like to highlight just a few of those in my oral testimony this afternoon.

I would point particularly to two U.S. initiatives as significant accomplishments over the past year, both the holding of the Anti-Semitism Conference and the annual Security Review Conference were the result of very strong U.S. initiatives. I would also like to point to the adoption of the anti-trafficking action plan as a very strong element, a newer element of the work of the OSCE. At the same time, I would like to note for the record how much we appreciate the work of the Chair-in-Office, Dutch Foreign Minister De Hoop Scheffer who appeared before you just a week ago, for his leadership, his very strong leadership, his initiative, his imagination and his fortitude in pursuing so many of the OSCE goals that we hold so dear.

In terms of the priorities on which we are focusing as we get ready for the next OSCE ministerial, one of the primary ones is to gain progress on Russia's Istanbul commitment, particularly in relation to CFE and the frozen conflicts. We also hope to get the Berlin Anti-Semitism Conference mandated as the Maastricht ministerial, and we hope to have the successful work of the forum that the United States chaired, this Forum for Security Cooperation. We hope to have that address the pressing problems, in particular travel document security and MANPADs.

However, over the longer term with the OSCE, there are some fundamental questions that we deal with about U.S. participation in the OSCE. In particular, we always want to focus on whether and how it serves U.S. national security interests and where OSCE institutions have unique capabilities to promote security and stability in this vital region. How can we use this institution to evolve so it remains relevant and so that we can maximize its value?

In particular, we think that the OSCE serves our interests in the following baskets. Our early emphasis on human rights and democracy is still very relevant. There are many successes, but unfortunately, as you noted Mr. Chairman, there are still far too many challenges, as my colleague Assistant Secretary Craner will also make clear today. But nevertheless, the OSCE remains the institution of choice to deal with issues like promoting democratic institutions, something that we are seeing right now in Georgia as the OSCE takes a very strong leadership role in promoting the establishment of institutions to assure free and fair elections in Georgia in November.

Similarly, conflict prevention and conflict resolution functions that were developed in the OSCE in the 1990s are terribly important and I think will be increasingly important as we look to help the OSCE adapt to what is necessary to meet our new challenges. We see this in the field presences that we have in many of the countries of the Balkans, in Transnistrian Georgia, and on the Georgian-Russian border. We are constantly looking for ways that we can use the flexibility of the OSCE to help us address those kinds of problems.

As I mentioned in highlighting the trafficking plan that the OSCE adopted in July, we think the OSCE is particularly suited to address the trans-national issues such as trafficking in persons, but also anti-Semitism as it did successfully in its June conference; as well as racism and xenophobia, as it did in its conference in September, the rights of the Roma, refugees and IDPs. All of these, the new focuses of the OSCE, show how well it can adapt to the challenges that we find before us today.

In addition, we are looking at ways to beef up some of the areas that we see that the OSCE has already been successful in. It is a little bit new, but nevertheless we already see that it can do this kind of work, particularly in police training, not only to step up anti-crime capabilities, but to deal with the human rights concerns that are related to the way police deal with civil society. We also look to OSCE to help us with some border security work and especially now to address some of the counterterrorism work that needs to be done in this region.

I might add toward the end of my oral remarks how much I personally have benefited and appreciated the work of the OSCE, OSCE representatives, OSCE missions. Everywhere I travel in the region, I invariably meet with the OSCE representative and find that this person is an active, integrated member of the international community that is working on whatever the relevant issues are, whether it is in Georgia or Ukraine or Kazakhstan or Tajikistan. The OSCE representatives roll up their sleeves, they really dig in, they find ways to use their good offices to make sure that the kinds of concerns that the OSCE expressed are understood clearly and do the very best they can, along with the rest of the international community, to be sure that the concerns that we express, human rights issues, on democracy issues, civil society issues, economic issues, are seen as ways that these countries can improve their ability to participate in the international community, and are not just seen as hectoring complaints.

The participation of the U.S. Congress in the Parliamentary Assembly in Rotterdam, that you mentioned, I would like to also particularly highlight the tremendous amount of good work done there. I am very grateful for your appreciation of the work of Ambassador Stephan Minikes. We also highly appreciate his active work in Vienna, and when he visits various OSCE missions in the region. All of us very much look forward to continuing our close collaboration with him as we really grind away at the issues that we would like to have prepared for the Maastricht summit in December.

We look forward very much to working with the Commission, and look forward to your questions, Mr. Chairman.

Thank you.

Mr. SMITH. Secretary Jones, I thank you very much for your testimony.

Secretary Craner?

**HON. LORNE W. CRANER,
ASSISTANT SECRETARY OF STATE FOR
DEMOCRACY, HUMAN RIGHTS AND LABOR**

Sec. CRANER. Chairman Smith and members of the committee, this is my first appearance on Capitol Hill since an event that took place outside the OSCE area, the August 19 bombing of the U.N. offices in Baghdad. I would appreciate your indulgence in allowing me to pay tribute to Sergio de Mello and others who dedicated their lives to human rights and democracy, and who died in that terrorist attack. Many of you knew Sergio de Mello. His loss to terrorism is a horrible blow to the human rights and democracy community, where he had many friends and admirers. He will be sorely missed.

Mr. Chairman, I have submitted testimony for the record that provides a detailed overview of the situation across the OSCE region. I ask that it be entered in the record.

Since we usually focus on problem areas, let me state up front there are also positive developments and encouraging signs in the region. In a majority of the OSCE countries, we see growing and increasingly vibrant civil society groups advocating for peaceful change. The rule of law is being bolstered as countries move the administration of prisons under the auspices of the ministry of justice, and guards receive training to respect international standards. Courageous journalists continue their battle for independent media. On elections, we have seen some progress in the Balkans, including the May presidential election in Montenegro, and the upcoming transfer of responsibility for elections from the OSCE mission in Kosovo to a permanent secretary of the central election Commission.

But I would not be honest if I said there was progress across the board. There have been areas of both stagnation and backsliding in the OSCE region as well. In fact, when we look at the countries of the region that have made extraordinary progress in the last 10 or 15 years, the lack of progress by other countries is all the more disheartening. It is most disheartening for the people of those countries who see other nations that have emerged from the Soviet empire now joining NATO and the E.U. and enjoying the fruits of democracy. Meanwhile, some governments remain authoritarian or unwilling to move beyond the old struggles and practices.

Let me start with Central Asia. Since September 11, the United States has made it clear to governments that while they are support in the war on terrorism is important, they can only enjoy strong relations with the United States if they also take serious steps on political and economic reform. We have greatly increased our democracy and human rights funding to Central Asia, in some cases quadrupling it. For the moment, however, we still have a very mixed picture. I have been telling Central Asians, both Beth and I have been, that time is not on their side; that they need to show the United States and show the Congress that they are serious about reform, if they wish our relations to grow stronger and our assistance to continue.

To summarize briefly the region, Tajikistan made some notable gains last year, but this progress was seemingly halted in June's flawed constitutional referendum. We remain especially concerned because the referendum leaves open the possibility that President Rakhmonov may try to remain in office for another 14 years. In Kyrgyzstan, in addition to our concerns about the broad constitutional referendum, and the de-

cline in media freedom, we remain troubled by the apparent lack of government accountability for last year's killing of five unarmed protesters. Without such accountability, the rule of law will remain beyond reach for the Kyrgyz people.

In Kazakhstan, we remain concerned after a year of setbacks. Harassment of independent media reached its peak with the conviction of independent journalist Sergei Duvanov in a trial and appeal sorely lacking in due process. We were pleased by imprisoned opposition leader Mukhtar Ablyazov was released in May. We regret that he felt compelled to renounce any further political activities. We have urged the Government of Kazakhstan, and we do so again today, to address the lack of due process for Mr. Duvanov and the remaining imprisoned opposition leader Mr. Zhakiyanov. In addition, we are awaiting the enactment of media, NGO and electoral legislation that meets OSCE commitments.

In Uzbekistan, a country I visited frequently over the past 2 years, we continue to have a very mixed record on human rights. There have been small but significant steps in the past year or two, but this progress was cut short in May with the two torture deaths in custody. To date, there has not been credible accountability for these deaths. The latest events, including the conviction of independent journalist Ruslan Sharipov and the severe beating of his defense lawyer, Mr. Ikramov, call into question the Government of Uzbekistan's commitment to human rights. Without addressing these individual cases and taking action now with an action plan to implement the special rapporteur's recommendations, it will be difficult to advance U.S. relations with Uzbekistan to meet their full potential.

I finally turn to Turkmenistan, a country whose extremely poor human rights record has only worsened since I last testified. After a pause of almost a year, it is once again back to suppressing religious freedoms. The Government of Turkmenistan has also taken the pretext of the attack on the president's motorcade to effectively squash any remaining sliver of opposition and civil society within the country.

Looking ahead, there are a number of significant elections in the upcoming months and years in the OSCE regions. Having worked in an NGO that helped on elections, I am the first to admit that democratic elections do not in and of themselves mean that a country is a democracy, but they can be a sign of a government's commitment to democracy. Unfortunately, as you noted, many OSCE states have failed to live up to their commitments. Important elections are scheduled in the near future in Central Asia. Moving to the Caucasus, Armenia missed an important opportunity to advance democratization when its presidential and parliamentary elections earlier this year were marred by serious irregularities and manipulation. Azerbaijan's and Georgia's upcoming presidential and parliamentary elections will be crucial to the democratic development of those countries.

How the Government of Ukraine conducts its presidential elections in the fall of 2004 will significantly affect U.S. attitudes toward Ukraine's suitability to integrate into the Euro-Atlantic and European institutions. Russia will hold parliamentary elections this December and a presidential election next year. Recent actions against the media raise concerns about politically motivated moves in the run-up to polling. As to the October presidential election in Chechnya, holding a democratic

election in such an environment will be extremely difficult. Nonetheless, it is possible that a legitimate election could potentially contribute to the end of that conflict.

I want to applaud the members of this Commission in assuring that anti-Semitism receives the attention it deserves from the OSCE. Let me assure you that this administration, as you noted, is actively engaging all foreign governments, from President Bush down, to addressing anti-Semitic activity.

Mr. Chairman, that is a somewhat brief overview of the situation. Obviously, I have left many issues out. I have not spoken, for example, of the continued abysmal record of the Lukashenko regime in Belarus, a subject that could take up a hearing of its own. Permit me to close by underscoring again the important role that the OSCE plays in addressing the issues I have outlined for you. I cannot stress how the administration's hand is strengthened by the Commission members and their dedicated efforts on behalf of these important issues.

I would also like to stress the valuable contributions that the staff of the Helsinki Commission makes to the OSCE progress, to their meetings and to our meetings. I look forward to working closely with all of you in the coming year.

Thank you.

Mr. SMITH. Thank you very much, Mr. Secretary.

Without objection, both of your statements will be made a part of the record in their entirety.

I want to thank you for the great work the both of you are doing with regard to human rights and democratization, and for working so cooperatively. There is a synergism that evolves from our mutual work, and I want to agree with you that the Helsinki staff is second to none. They live, breathe and work these issues 24/7 and I know both Ben and I are extremely grateful to have such experts working with us and for us. It really does make a difference. So thank you for your kind words for them, because they do do a great job and look forward to working with you going forward.

I do have a couple of questions on anti-Semitism, Secretary Jones, and both of you. I would like to thank you for the tremendous work that was done for the anti-Semitism conference that was held in Holland. It was a very fine success. Those of us who were there saw that the United States led. It came about because of the fine work that was done here in Washington. Ambassador Minikes did extraordinarily good work to make that happen. Thankfully, it is not the end. It was not just the headline of yes, we have a problem in the United States, Canada and Europe, but we are going to do something about it. In keeping with Helsinki, it is a process, and I was very glad to hear you say that the Berlin effort will be addressed at the ministerial and hopefully mandated there. I see no reason why it should not be, so I look forward that that will be an important contribution to trying to mitigate this cancer called anti-Semitism.

On trafficking, if I could just say, I know we are awaiting, maybe even as early as today or tomorrow or some day this week, the final sanctions list. I would just say parenthetically I think the case that prudent sanctions sharpens the mind hopefully is being made in a profound way with the trafficking issue. I know when I offered that legislation back in the late 1990s and it was finally signed by the previous president, President Clinton, in the year 2000, there was an enormous

amount of reluctance. The administration made no bones about it. They did not want to name names and they did not want to have sanctions only for those who would find themselves in tier three. Thankfully in a bipartisan way, we were able to overcome that opposition. There was Republican opposition to the tier-bases, so there was opposition all over the place to that legislation. But I hope it is making the point, both here in this part of town as well as down at the department, that prudent sanctions really sharpen the mind and lead to real successes. John Miller has told me that there has been a flurry of activity along many of the tier three countries to make their situation better, whether it be the enactment of legislation or strike units that were formed in Israel and South Korea, who were on the list. They went night and day overboard, thankfully, to fix their egregious problem and both of them went from tier three to a lower tier.

I would hope that the message, however, because Greece and others do have a significant problem, that there is not a sense that crisis past, we can ease up on the pressure. If anything, going forward into next year, the challenge will be, and the bar, will be that much more difficult in convincing our own embassies, as well as their interlocutors in other nations, that we mean business. You can go from tier two to tier three if there is backsliding, if you do not continue to sustain progress. I would pledge to you that the International Relations Committee and the Helsinki Commission will be doing whatever we can to keep that pressure and that focus and that scrutiny alive.

As John Miller testified recently, there are a number of countries for which there was a very close call whether or not they should be tier two or tier three. They made progress. They went on to tier two, but we are going to be looking, because as you know the statute clearly says it is not just an annual report when sufficient data or evidence suggests it. An interim report either for one or multiple countries can be issued. My hope is that there would not be any backsliding and that progress will continue for the sake of the women and all those who are being exploited so cruelly. I just wanted to convey that.

Let me also say, I want to thank President Bush and the administration and you for the great work being done with regards to our own military. When it was discovered that women were being trafficked from Russia and from the Philippines and other Slavic women were being trafficked into South Korea, we asked for an IG investigation and we got it. The investigation has been not only informational, and the information was not all good, but it has led to serious reforms and significant reforms. More than 660 places have been put off-limits in South Korea, and now Camp Casey and all of our other camps where there used to be trafficked women being exploited on a day-to-day basis, that is in the process, if not concluded, as no longer being a problem.

We expect this week, as you know, the report from Bosnia, from the Balkans, and hopefully we can lead other militaries by example. I mentioned that last week. I read, and I am glad you referenced the OSCE's action plan. It is outstanding. It also needs to have a component, however, and I did not see it in here, with regard to military deployments, to ensure that whether it is humanitarian workers or military or police under U.N. auspices or otherwise, that we lead by example, which we are doing, to ensure that that exploitation is not furthered because of the deployment of peacekeepers.

So perhaps you might want to comment on those two issues. I will yield to Mr. Cardin, and I have some additional ones on Central Asia and Belarus.

Sec. JONES. I would like to take up your invitation to comment. I cannot really add on the work of the anti-Semitism group. We look forward very much to the OSCE implementing some of the suggestions that were made at the anti-Semitism conference and we will be looking very closely at how that might best be done in all members of the OSCE, including the United States.

On trafficking in persons, I would like in particular on the military side to bring to your attention and commend the work of Ambassador Pamela Smith, our ambassador in Moldova. Moldova, of course, is a country of extremely serious concern where trafficking in persons is concerned, as one of the major source countries. She took the initiative to go to NATO headquarters, and with the help of Ambassador Nick Burns at NATO did quite a number of briefings and consultations with our military colleagues there, with NATO military colleagues, exactly about how to address the military aspects at our various NATO bases and other facilities all through the Balkans, and exactly along the same lines that you mentioned that occurred in Korea. I wanted to take a moment to recognize her initiative and her very hard work both in Moldova and on the military side.

Thank you.

Sec. CRANER. The only thing I would add on the trafficking issue is that I think you make a very good point that a number of countries have taken this very seriously. This is, as you noted, John Miller's issue, but he and I talk quite a bit, as I know John does to all of the regional assistant secretaries, especially in these months. He had the idea of putting out the report, but then giving a couple of months before we would determine final tiers. There was a great deal of activity in that time. I think he and others at the State Department deserve a great deal of credit for the work they have put in.

Thank you.

Mr. SMITH. I have written a letter to the Supreme Allied Commander for NATO, General Jones, and asked the question about the president's zero-tolerance policy and the importance of applying that to NATO. Is that something that can be backed, and I know that you agree, but what concrete can we do to make sure that that is accomplished?

Sec. CRANER. The British army in the Balkans put this up as a cause in some ways earlier than we did. Given that they have one of the other large forces there, I think they deserve a lot of credit for it. That example and our example is something that we are going to encourage others to follow.

Mr. SMITH. Let me just ask you, I had met with the parliamentary, as a matter of fact I was meeting with her the day that the report came out on tier three and the Republic of Georgia's Parliament speaker was in my office and was very upset, Burdjanadze, who we worked with very closely at Parliamentary Assembly. She is a real player. She indicated in a letter back to me, Ms. Jones, that you had indicated there was an "exaggeration" was her word, with regard to the report on Georgia. Was she misstating that "we discussed the issue at length with Elizabeth Jones, and agreed that such a harsh assessment of the situation in this field was a bit of an exaggeration."

Sec. JONES. I am not sure that I would have characterized it that way. I do not recall that part of the conversation with her. We did have a very serious, a very long conversation about what Georgia needed to do in order to comply with all of the requirements of the U.S. TIP legislation, but most importantly so that Georgia could be on the side of the countries that are really focusing on how to make sure that it did not become a source country; that it was dealing in the most effective ways on protecting trafficked persons, and on preventing trafficking. I explained to her in some detail the kinds of suggestions that had been made to various institutions and various law enforcement institutions, for instance, in Georgia as to the kinds of things that needed to be done in order to address each of those three categories. I think she found it very interesting and pledged to focus on those, as speaker of the Assembly.

I know that our ambassador in Georgia, Dick Miles, has been working extremely hard with every single possible organization and group and government agency in order to raise their consciousness about the importance of addressing these questions; that simply ignoring it was not going to solve the problem.

Mr. SMITH. I appreciate that. If I could, again I said this already, but I just want to repeat it, if you could convey, and I am sure John Miller's shop will do it as well, that the pressure is not off now. The worse thing that could happen would be that been there, done that, and everybody just turns the page as if that is no longer a threat. If anything, I think we need to use the leverage we have to say zero tolerance means zero tolerance. We want to see substantial progress for the sake of the women who are being exploited. So I just would encourage you along those lines. I know you have so much on your plate when it comes to issues, particularly in Europe and human rights, but this has to continue to get the attention it deserves.

Sec. JONES. I couldn't agree with you more. In fact, this is precisely the kind of representation I have made to every single one of my ambassadors in the Europe-Eurasia region. What we have done actually is we have asked every single country, every one of our country desks, to work with John Miller's office to come up with a list of benchmarks for every single country. I do not care what tier they are in or what tier they are not in, that they must improve. My goal is to do that every year; that we never finished. We are not finished in the United States. We are never going to be finished anywhere. There always can be improvement in protecting trafficked people and ensuring border security is done better, and training police better to recognize trafficked persons, et cetera, et cetera, et cetera. I couldn't agree with you more, and that is precisely the very strong representation and requirement we have levied on every single one of our embassies.

Mr. SMITH. I appreciate that.

Sec. CRANER. I think it is also important to know, you saw in this year's report and I know you are going to see in next year's, more breadth as well. You are going to see more countries, more investigative capability where John's office and others can go out and determine and find that there is indeed a problem that measures up to the threshold that we have set.

Obviously, at a certain point you are going to have a fixed number of countries where there is a problem, but I think they also deserve credit for going out and investigating where people were not sure before, and finding out that there is or there is not a big problem.

Mr. SMITH. Mr. Cardin?

Mr. CARDIN. Thank you, Mr. Chairman.

Once again, I appreciate your testimonies. More importantly, I appreciate your work on these issues.

I want to mention two matters, first, that the United States has been a leader in presenting internationally, but I think we are at a critical juncture as to whether we are going to be able to be successful or not. The first deals with the support of The Hague war crimes efforts; and the second is property restitution. The property restitution issues go back to World War II. The war crimes in regards to the former Yugoslavia, there are still indictees who have not been turned over to The Hague. We are reaching the end of the patience of the international community to the work of The Hague. So I think we are at really a particularly important point in our work. If it were not for the United States, these two issues would not have made the progress we have been able to make.

I did not see that highlighted in your written statements, and I would just appreciate it if we could get some comment as to the priority of these two issues in the work of the administration with the OSCE.

Sec. JONES. These are both very important issues in our international work, in our foreign policy work. I would not actually call them related specifically to the OSCE. Let's take The Hague Tribunal, we work bilaterally with the governments involved, with Belgrade, with Zagreb, with Sarajevo in particular, to help them understand the importance of their continuing to work to arrest and turn over the remaining indictees, and to cooperate with The Hague Tribunal in providing documentation that the prosecutor has asked for.

I can point to particular progress in terms of cooperation from the government in Belgrade since the very tragic assassination of Mr. Djindjic. It has not resulted in the turnover of some of the most notorious, but it has resulted in the arrest and turnover of a few others. So the list is diminishing. The list is being reduced, but it is not done yet. This is an issue that Secretary Powell addresses with the leaders of each of these countries in very explicit, specific detail. There are sanctions that are involved. There are economic pressures that relate to this. There is a whole mix of issues that we use in order to bring home to the governments involved the importance of addressing these issues, particularly the war crimes.

Mr. CARDIN. Just to underscore that, we have had several discussions with the political leadership in Serbia. I am convinced that they want to do the right thing, but they need help from us to reinforce their efforts because of local political concerns. So I would just really think we have to keep that as a highly visible issue if we are going to be able to continue to make progress.

Sec. JONES. We completely agree. We in fact have had some extremely good consultations over the summer with the new leaders in Belgrade, new leaders in Serbia, to talk in very specific terms about ways that we can help support them either with intelligence or in upgrading their ability to pursue leads, how Interpol can be used, how some of the intel-

ligence can be used in order to track down those that should be turned over. But it is a very different, very collaborative relationship we have now with Belgrade that did not obtain previously.

Mr. CARDIN. On the property restitution issues?

Sec. JONES. On property restitution, I have a colleague in the Europe-Eurasia bureau who spends virtually 100 percent of his time, Ambassador Randy Bell, working on property restitution issues through the Holocaust Commission. Another one of my colleagues, Deputy Assistant Secretary Heather Conley, works on a bilateral basis with each of the countries in Central Europe where there are still property restitution cases, to make sure that we follow through on each of them on a bilateral basis and in as much detail as we possibly can, with considerable notable success. When I travel to each of those countries, that is always an issue on our agenda. Of course, when the Secretary meets with the foreign ministers and leaders of these countries, it is part of his agenda as well.

Mr. CARDIN. Thank you.

Let me raise a different issue. On the economic front, poverty and the lack of economic development, along with local corruption, can make it very difficult for democratic institutions to flourish, particularly in countries that have been dominated through less than democratic systems for a long period of time. It seems to me that we could be more aggressive within the OSCE on the economic basket. I was just interested whether, and you do not need to totally respond right now, but whether we couldn't be more aggressive in figuring out agendas on the economic front within OSCE, which is not an area that appears like we have given too much attention to in the past as compared to security and human rights.

Sec. JONES. I actually completely agree with you. We all do, that we have not paid nearly as much attention to the economic issues, corruption issues in the OSCE context as we might have. Part of our effort to demonstrate greater balance among the baskets is to try to think of initiatives that the OSCE can undertake in the economic and anti-corruption basket to try to redress that, because we completely and totally agree with you, that it is impossible to work toward democracy and civil society if the economic situation of the country is so dismal that people cannot make a living and therefore cannot even begin to concentrate and appreciate the benefits or the need for democracy, free media and civil society.

Some of the ways we are trying to go after it is to really work hard on corruption, and try to work on things like witness protection for corruption cases; to think in terms of support for free media, because free media, we believe, is one of the best ways to highlight corrupt activities of officials and make it no longer acceptable, no longer sort of passively OK for government officials and for business people to be so heavily involved in corruption to the severe detriment of the good of the people of a particular country. So it is an area that we are working on, and as I say, either bilaterally or through the OSCE, we are really attacking it as much as we can on corruption grounds.

Mr. CARDIN. If I could, Mr. Chairman, just mention one other issue. One of the matters that we have initiated in the Parliamentary Assembly is the expanded role for the Mediterranean partners in the OSCE. There will be a meeting, as I am sure you are aware, in Rome in October that will deal with the Mediterranean partners specifically. The

U.S. delegation to the Parliamentary Assembly has been pretty aggressive in trying to focus this in a very positive way, and not get entangled in the Middle East problems, but to develop a mechanism where we can advance Helsinki principles to the Mediterranean partners who have either membership or observer status within OSCE. We welcome your guidance in this regard. We could use all your diplomatic skills as we proceed down this path.

Sec. JONES. Let me address that very briefly. We are just beginning to put our heads together within the administration on how we might capitalize on so much of the good work that was done by the Helsinki Commission, particularly in its early days, that have brought such a fantastic result in Central Europe and in so many other countries of the former Soviet Union. We would like to see what were the elements of the greatest success, how are those elements transferable, and what is the best way to do that. Is it better to do it through the Mediterranean partnership or is it better to do it through the creation of an OSCE-like institution in the Middle East? We do not know the answer yet, but a lot of us are putting our heads together within the week to think through the elements of a strategy, and we would be very gratified to be able to come back and talk through some of our ideas with the Commission before the meeting in October.

Mr. CARDIN. I think that would be very helpful. We have participated in discussions with representatives of various states in the Mediterranean region on that specific issue. There is a concern that it could take a long time to duplicate the OSCE for the Middle East, and yet we do have the critical mass that have at least signed on in part, if not completely, to the OSCE itself. So it is an interesting issue and one in which I think we could benefit mutually by those types of discussion. I would welcome that opportunity of talking to you before Rome.

Sec. CRANER. As Beth said, we have not come to one conclusion or another on this. The idea has been kicking around for about a year now at least, and it is something, like Beth said, that we think could be very useful, especially as we go back to the opening days of the OSCE. The issue is whether it is expansion or a new one.

I should note, by the way, this is not the only, there have been ideas outside of government for other areas of the world where this might be useful, but the Middle East is obviously one where we could use it right now.

Mr. CARDIN. We do have a critical number that are in the OSCE.

Sec. CRANER. Within already, exactly, that could be a guide.

Mr. CARDIN. We did pass a resolution on this in the Parliamentary Assembly, so I think there is interest outside just the United States.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much.

Just for the record, tomorrow we will be hearing from Ambassador Randy Bell on property restitution. It will be a briefing, not a hearing, but I want to say in this hearing that we have deeply appreciated the work he has done, because my understanding is he leaves on October 1. It will be very tough to fill his shoes. I think Ed O'Donnell is going to take the helm of that issue, so we wish Ambassador Randy Bell great luck in the future and know that he will be missed.

Let me just ask a few final questions. One of the paradoxes over the last 10 years at the OSCE has been a seeming unwillingness to name names, whether it be countries or to talk about specific cases. I remem-

ber Ben and Steny Hoyer and all of us during the 1980s, that one of the most vital aspects of the Helsinki Process was specifically naming names, not just at the Parliamentary Assemblies, which really have only been going for 10 years, but the organization itself did not have that reluctance. Now it seems to have it. I was wondering, without the U.S. prod, without the U.S. leading, it seems like none of that would happen. Everybody would make nice talk generically about issues and pass nice resolutions, as opposed to holding people to account.

With the ministerial up and coming, human dimension up and coming, do we have plans to name names and to really be aggressive in trying to make a difference? Just parenthetically, both Ben and I and others heard from a number of our Central Asian friends at the Parliamentary Assembly that they have very few venues at which they can get their message across, and they do see the ministerial human dimension aspect and meeting as a very important part, and they are not sure it is going to happen.

Sec. CRANER. I think the short answer is yes. That is something we have never been reluctant to do. It is something we certainly were not reluctant to do last year.

In terms of speaking publicly on these kind of issues, you just heard my testimony. It is not the kind of thing we are reluctant to do. Both Beth and I when we are in Central Asia try and give press conferences at the end of every stop, and try and be, frankly, brutally honest on some of these issues. Now, it says something about the country that our remarks do not always get reported in some of these countries, but I do not think we have held back in terms of identifying issues or names or individuals publicly either here or in Central Asia. I know Beth got a little bit more reporting the last time she was in Uzbekistan than we normally do, of her critical remarks about the government.

Sec. JONES. One thing I would like to add to that is that I must say many of us, and I am sure Lorne agrees, take a tremendous amount of, "comfort" probably is not the right word, but energy from the dedication and the courage of the local NGOs, local civil society leaders throughout Central Asia and the Caucasus and in so many of these countries, for standing up to name names; for standing up for improving the situations in their own society; for bringing these issues to the government. They stand to lose a lot, and they have lost a lot, some of them.

It is because of the courage and dedication of these people and these groups that I believe that the United States and the OSCE really must remain completely, firmly, thoroughly engaged with these governments in these countries, with civil society and with the governments, to try to continue to press the cases of each of the individuals who have run afoul of these authoritarian governments and to work extremely hard with these organizations to support their efforts to improve the human rights, democracy and civil society situations in their countries. They are amazing to listen to. It is extremely rewarding and inspiring to hear their stories and hear what they are up against, and yet they do not falter. That inspires us to continue to provide the kind of assistance and support that we do for their organizations and for their work.

Mr. SMITH. I appreciate that. That said, that would clearly indicate that at the upcoming ministerial, that would be front and center; naming names and talking very specifically.

Sec. CRANER. That last thing I should say, as Beth indicated at the end of what she just said about NGOs, that in many cases we are helping them. That is where a lot of the doubling and in some cases quadrupling of our assistance in these countries is going. Finally, I just double-checked, we will actually be inviting some of them to come to Warsaw to talk about those kind of things.

Mr. SMITH. I appreciate that.

Let me ask, and you mentioned both Sergei Duvanov and Sharipov from Uzbekistan. Is there any effort being made to have our ambassadors in our embassies visit them, those two individuals in their respective prisons, both in Kazakhstan and Uzbekistan?

Sec. CRANER. In both cases, the answer is yes. In both cases of both individuals, numerous appeals have been made both by the ambassadors over there and to those countries' ambassadors here at our levels and at higher levels than us, on behalf of those two individuals.

Sec. JONES. If I might, Mr. Chairman, add that the OSCE helps us with this, supports this, as do various of our European Union colleagues. Their ambassadors in these capitals, especially in Almaty, are extremely active in pressing the government for access to, especially to Mr. Zhakiyanov, but also in connection with the Duvanov case.

Mr. SMITH. With regards to Azerbaijan, I know that Secretary Armitage recently met with Prime Minister Aliyev, who stressed, or at least agreed to the importance of holding elections. Could you shed some light on how serious that discussion was, whether or not he will allow opposition figures and parties to adequately participate? Was there any sense that there is some movement? You know, the father obviously took a different position than the president. Does the prime minister have a different position vis-a-vis his father?

Sec. CRANER. I will answer that one. In this case, the deputy secretary went into great detail about what it was that we have found objectionable about elections in the past in Azerbaijan, and I have been able to personally witness one of those, and also what we would like to see in this election, particular remedies that we would like to see point-by-point in detail.

The meeting was held with this gentleman because he is the gentleman to go to in Azerbaijan to get these kind of things fixed. We will also be meeting with other opposition figures from Azerbaijan. I think I am meeting one this week.

Mr. SMITH. Will you be meeting with him? Would anyone else within the department be meeting with Mr. Gambar?

Sec. JONES. I will be also.

Mr. SMITH. OK. We have some information that just yesterday the deputy head of Baku's police department was involved in the beating of a group of parliamentary deputies in journalists. Do we have any information on that?

Sec. JONES. I am not aware of that, but that is something we can easily check.

Mr. SMITH. OK.

Sec. JONES. If I might add, our Chargé in Baku, Nancy McEldowney, has been extremely aggressive and active with various members of the Azeri bureaucracy from the prime minister on down, as well as with opposition groups, but especially with the bureaucracy, pushing the

importance of addressing each of the issues that the Deputy Secretary raised with Ilham Aliyev, the prime minister, when he was visiting Washington 2 weeks ago.

Mr. SMITH. OK. Let me ask you one on Belarus. As you know, we lost in our effort not to seat the delegation from Belarus at the OSCE Parliamentary Assembly. We had won last year. There was a German report that suggested that none of the four criteria were met, basic fundamental criteria of transparency, release of political prisoners, a full accounting of those parliamentarians who have been abducted, and we think many of whom have been killed, if not all of them.

As you know, the House passed the Belarus Democracy Act as part of the State Department bill. Do you have any recommendations as to what we ought to be doing over and above that, or is that sufficient? Did we miss anything in that legislation? Because as you know, we are trying to strengthen civil society, the media, NGOs and the like in Belarus so that there will be a counterweight to the Lukashenko government.

Sec. JONES. The elements of the legislation are all elements that we can completely subscribe to and support. The situation in Belarus is extremely difficult. We have talked and talked and talked with everybody we can think of in the country, as well as governments around Belarus who have influence there. We have extremely good collaboration with our European Union colleagues in trying to address all of the many problems in Belarus. My only concern about the Act is that I would prefer that there be fewer written reporting requirements. We would like very much to come brief interested members and interested staff at any time, but we would be grateful not to have quite so much writing.

Mr. SMITH. OK.

Mr. CARDIN. Mr. Chairman, if you would yield on that point. In your testimony, you indicate that we still have leverage on matters that you state, in spite of the vote to seat the delegation from the Belarus National Assembly, OSCE and the PA still have leverage that they must use to get the Belarus government to respect human rights and support civic institutions.

I am just curious if you could share with us where you think we could be most effective in using that leverage. The situation there is unacceptable, and it really does cry out for more aggressive action. Ms. Smith we need to name names, but here in this country it is easy, unfortunately it is easy. We need to be pretty aggressive. I am wondering where you think we might have the greatest leverage?

Sec. JONES. There is no question that it is very tough to influence Lukashenko, but the one area where we still have some ability to function is that there still is a bit of a free media; there is still a bit of a civil society; there still are activists in the Byelorussian body politic who need and want the outside support and the moral support that we, the OSCE, the European Union can provide. We keep working with those elements, even as they diminish, to try to find ways that we can be influential and effective, whether it be in finding a way around the difficulty with exchanges, because that is one of the areas where we can be effective over the long term in showing young people what else is possible in the rest of the world. But I will not hide from you that it is extremely difficult. It is difficult.

Sec. CRANER. The only thing I would add is in the naming names category. I think you are aware that this year the resolution on Belarus at the Commission on Human Rights was the resolution that we sponsored. It passed, putting Belarus in a category with countries like Turkmenistan and North Korea. That is something in an international forum countries usually do not enjoy.

The final thing I will mention in another category is the guy who was our ambassador in Minsk. He is going to be joining me starting next week as my principal deputy, Mike Kozak. So I look forward to having his expertise within my bureau when we are working with you on these issues.

Mr. SMITH. Let me just ask, we had a hearing recently, we have another hearing scheduled on the 18 on missing persons in the Balkans. As a matter of fact, at the first hearing many of us met with the family members and spouses. The estimates are something on the order of magnitude of 3,000 people who are unaccounted for. Obviously, we have access to the battlefield. This is not Vietnam or North Korea, where people just disappeared and we never were able to definitively decide what happened.

From the agony, and we had where you are sitting several of these family members telling their stories of their loved ones who remain missing, and the Kosovar-Albanians will be doing the same on the 18. They indicated that they had not had the kind of cooperation. They get a lot of nice lip service from the military commanders in Kosovo, for example, but they do not get the kind of energized efforts that say, OK, where is my son; he was last seen at this prison camp; was he killed or was he not?

What can be done to try to, I do not know if you have been dealing with this issue on a day-to-day basis, but they are at the point, and having worked with our own MIAs, POWs, and the families for years, my first trip to Vietnam was in 1985 on a POW-MIA mission. Just because of the agony of those family members, you just look in their eyes and say, what if it was my brother? My brother was a pilot, an A-7 pilot. It could have been him, or my uncle who flew missions in Vietnam.

These people have that same concern and yet they feel they are getting lip service. Can you shed any light on that issue and what we might do to try to make sure the Croatians, Belgrade, Kosovo, all of the countries in question, Bosnia, are absolutely forthcoming in saying, what do you know, are there any people still being held, and what can we do to give a full accounting.

Sec. CRANER. In terms of still being held, we have no evidence that there are any camps remaining in the area, and this is an area unlike Southeast Asia that we have pretty good access to. In terms of information available from the governments, we are always pressing them, both bilaterally, but also through the OSCE, to give us information. At the end of the day, the issue comes down, as it did in Southeast Asia, to being able to locate the sites, where you are trying to locate people that have been killed, of being able to locate the sites where they were killed. That is where we are now, of trying to locate grave sites.

Once we have done that, we have worked very successfully, my bureau and EUR, with the International Commission for Missing Persons, which having been to many other countries like Guatemala and Iraq recently and Cambodia, has the most advanced system in the world

to be able to identify people who are missing. That is something that we are funding to a great extent. We have even talked to them about, if it does not detract from their work in the Balkans, about being able to do work elsewhere. That is a very painstaking process, the DNA identification, but it is much more certain than other methods of identification that are used.

Mr. SMITH. I would just say for the record, and express my appreciation. The State Department's International Visitors Program were the ones who brought over these individuals. Ambassador Montgomery has been very supportive. After hearing their stories, two days later we put together a hearing, and it is the beginning of a series of hearings to try to assist them. So I want to thank you, because obviously they were brought over under the auspices of a program run by the Department of State.

Let me just make a point and note for the record, and I will give you a copy of this, both my colleague from Maryland and myself will be offering or sending out to all of the heads of delegations who are at the Rotterdam Helsinki meeting, the Parliamentary Assembly, a letter concerning our visit to Guantanamo. We, as you probably know, there were two resolutions offered where we took a rather significant beating in terms of votes and rhetorically during that session. One was the Rome statute, the International Criminal Court, and the other was the alleged mistreatment of detainees at Guantanamo.

Having been fully briefed by our ambassador for war crimes before going, and having touched a wide range of interested parties from human rights organizations, both Ben and I and others were convinced that we are doing it right. There is a status question, and it is not illegitimate, but in terms of torture, no, that is not the case. We wanted to ascertain for ourselves. We went down there. We asked a lot of questions. I know I speak for both of us and the other four members, we were very impressed by our two-star general and the personnel down there. We know that the ICRC is on the ground doing its visitations. If only we had that kind of contact with the Cuban government just across the border in their prisons, where so many political prisoners are now being held, joining the 400 or so already there.

But I want to make it very strongly on the record how impressed I was. The average detainee gained 15 pounds. They are getting world-class medical attention. The interrogations were described to us by a human rights person upon my return as "chats," where a system of positive reinforcement is provided, rather than any kind of torture. We also heard about the mistreatment of the three children, young men, and found that to be a bogus charge as well. I just want you to know that, again, we are trying to do our due diligence, and I want to commend the administration and the department and DOD for what I think is a very good information intelligence-gathering operation, rather than the contrary. This letter will be sent out either today or tomorrow to each of the heads of delegations. I am sure it will come up at our winter conference and we will robustly try to defend our efforts to prevent another 9-11.

I just have one final question, and I will yield to my friend and colleague, Mr. Cardin, for any final questions he might have. President Bush will be meeting Russian President Putin soon, as we know. In Chechnya, the Russian government is in violation of the OSCE code of conduct in dealing with non-combatants in the context of an internal

conflict. By admission of the official Moscow-backed authorities in Chechnya, there are 49 mass graves containing about 3,000 bodies in Chechnya. I wonder if you can tell us, will President Bush raise these atrocities with Moscow? How are the IDPs being repatriated or resettled in Chechnya? And what has been the administration's response to the most recent closures of IDP camps?

Sec. JONES. The issue of Chechnya is on the agenda for the Camp David summit at the end of September. I cannot honestly tell you exactly in what way every element of the Chechnya issue will be addressed by the president with President Putin, but he is thoroughly briefed on all of those issues.

In terms of the work that all of us are pursuing in Chechnya, I would like to point to the upcoming visit of Daan Everts, who of course works for the Dutch Chair-in-Office, to Moscow to try to address, get final agreement with the Russians on the projects that the OSCE and ODIHR would pursue in Chechnya following the closing of the OSCE mission last December in Chechnya.

His focus is to get practical work done to have OSCE and ODIHR representatives on the ground in Chechnya, and to work with the Chechens and the Russians to address the social, economic and humanitarian issues that are of such great concern to the OSCE and to all the rest of us, in Chechnya.

Mr. SMITH. Thank you. Let me just ask one other question. I know I said I was done, but Ben, if you do not mind.

[LAUGHTER.]

With regards to the two individuals I mentioned earlier, Duvanov and Sharipov, will there be an effort made by our embassies to go and visit them?

Sec. CRANER. We have been making that effort.

Mr. SMITH. You have been, and have been turned down?

Sec. CRANER. Not just them, but for others.

Mr. SMITH. For others, too.

Sec. JONES. And Zhakiyanov also; absolutely.

Mr. SMITH. OK. Mr. Cardin?

Mr. CARDIN. Mr. Chairman, let me just concur in your observations on Guantanamo Bay. It is clearly a controversial issue internationally. I would make a couple of observations. One is one of public relations. This past week I noticed an article in my local paper from a report who was down in Guantanamo Bay. I applaud the administration for giving access so that we give the information internationally on what is happening. There has been a lot of accusations made that are just totally false. I was pleased to see that we got a story, at least the story I read was I thought very factually accurate, positive, as to our activities down in Guantanamo Bay.

The second point is that I was impressed by the manner in which the United States military makes judgments as to who should be at Guantanamo Bay. I would hope that we would do a better job in getting that message out, that it is not just a random selection. It is a very selective process as to who ends up in Guantanamo Bay. First, they must be eligible from the point of view of being unlawful combatants, and secondly they must have a good prospect for information that could help us in our war against terrorists.

The third point is one which there is a different view, and that is on the access to counsel on those detainees who no longer have information that is useful, and they are going to be proceeding through the criminal process. I understand there is a physical issue here about separate facilities that will be needed for their trials. That has not yet been completed. But I do think that once their status has been determined, that is, that they are going to face criminal prosecution, that at that point the individual is entitled to counsel. I think that needs to be further clarified.

I just really wanted to put that on the record, but I concur completely on the comments of Mr. Smith in regard to the international criticisms that have been brought about, including those at our Parliamentary Assembly, that the visit to Guantanamo Bay I think put that, at least in our minds, to rest, that we are housing and treating the detainees in any international standard that you want to use, in an acceptable manner.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Cardin.

Without objection, our letter to the heads of delegations will be made a part of this record.

I do have one final question with regard to Kosovo. The OSCE, as you know, continues to report that it generally remains unsafe for minorities from Kosovo to return, or for those who remain in Kosovo to move about freely. This reality is confirmed by continued attacks on Orthodox churches and by the struggle of Kosovo Roma in Macedonia to have a resolution of their own situation. At the same time, the reduction of peace operation force, KFOR, which could provide an added degree of security, has continued apace.

Is the international community, including the United States, only paying lip service to the concerns raised by the OSCE mission, and actually acquiescing to a situation where Serb and Roma and other minorities are not wanted?

Sec. JONES. By no means. This is an issue that we work on aggressively with KFOR, with the new U.N. representative in Kosovo, Mr. Holkeri in UNMIK. We have a new head of our Pristina office, Marcie Ries, who will continue to address each of these issues.

It is a tough issue, but it nevertheless is a critical one in our policy of standards before status, in which each of these kinds of issues must be addressed in a systematic way in order for us to even consider what the status issue might be down the road.

Mr. SMITH. I will just end with the issue that I started with, and that was the anti-Semitism issue, and again congratulate the department and both of you personally for the extraordinary work you did in making that conference, and more importantly the ongoing fight against anti-Semitism a reality. In our conversations, when the mayor of New York, Rudy Giuliani and I and others met with Secretary of State Colin Powell, many of us asked if it is at all possible that the secretary lead the delegation to Berlin. I know his job changes by the hour with so many hot spots and crises to manage, but it would send a clear and unambiguous message about U.S. importance if Secretary Powell were to lead the delegation. I just encourage that. I think if he does not because of other pressing business, it is certainly understandable. I am sure a reputable and fine leader will do it, but I think no one would

carry the same weight of the United States, perhaps President Bush more so, but this is a ministerial, after all, and it would be very helpful if he could lead it. I just would encourage that.

Thank you again so much for your testimonies and for your fine work. We look forward to working with you.

The hearing is adjourned.

Sec. JONES. Thank you.

Sec. CRANER. Thank you.

[Whereupon, at 2:40 p.m., the hearing was adjourned.]

**PREPARED STATEMENT OF
HON. BEN NIGHTHORSE CAMPBELL,
CO-CHAIRMAN, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Thank you, Mr. Chairman, and I appreciate the continuation of Commission engagement with key policy makers from the State Department responsible for U.S. OSCE policy. I welcome the high-level and personal attention given to recent OSCE events by Secretary Powell and urge a sustained engagement to utilize this unique organization to advance U.S. interests in the expansive OSCE region. Today's hearing also provides Commissioners with an opportunity to highlight some of our priorities not only with respect to the OSCE as an institution, but also in terms of participating States of particular concern.

As sponsor of the Senate resolution on anti-Semitism and related violence in the OSCE region, I thank you as well as Ambassador Minikes and his team for securing agreement to the convening the Vienna Conference on Anti-Semitism, held in June. I enlist your support for a sustained specific OSCE focus on anti-Semitism, especially in light of the German offer to host a follow-up OSCE event in Berlin next year. In order to maintain focus and momentum on this issue, the December OSCE Ministerial should formally embrace the German initiative.

As we prepare to mark the second anniversary of the terrorist attacks of September 11th later this week, we are reminded that developments in seemingly far-off lands can have dire consequences for Americans and American interests at home and abroad. Failed and failing states—typically led by authoritarians or outright dictators—provide fertile grounds for all sorts of problems. Coddling such leaders is short sighted at best.

I share Chairman Smith's concern that Central Asian leaders believe they can get away with anything, as long as they are cooperating in the war on terrorism. While the United States has maintained a public profile on human rights in the countries of the region, a growing number of individuals see a growing gap between rhetoric and results. Have U.S. warnings that further development of relations is hindered by their poor human rights records begun to ring hollow? What consequences are there for leaders bent on continuing or even intensifying their crack-down on civil society and political opposition?

Obviously, the worst offender is Turkmenistan, where no human rights of any kind are observed. Having activated the OSCE mechanism to look into developments in that country since last November, the participating States, including the United States, appear to have backed off. If the OSCE cannot or will not move ahead, what is the United States doing bilaterally? The Commission received reports last week that Turkmenistan's former Foreign Minister and Ambassador to OSCE may have died in prison. Any light our witnesses can shed on this would be appreciated.

As a former law enforcement officer, I have a particular interest in the OSCE's training program for policemen in Kyrgyzstan. Other countries have expressed interest in this pilot project so there is a great deal at stake in its success. In March 2002, policemen in Kyrgyzstan shot six demonstrators leading to a year of social and political upheaval. Clearly, policemen must have crowd-control options short of lethal force. But NGOs and human rights activists worry that empowering the police without inculcating respect among officials for freedom of assembly

will strengthen the increasingly authoritarian regime in that country. I hope our witnesses will reassure us that serious and credible human rights provisions have been built into OSCE policing programs.

Central Asia has become the OSCE's "black hole" of human rights but there are plenty of concerns. As President Bush prepares to meet with President Putin of Russia, I trust that human rights concerns stemming from the ongoing war in Chechnya will be on the agenda. The most egregious violations of international humanitarian law in the OSCE region are occurring today in Chechnya.

Belarus continues to violate basic rights and freedoms, with independent media and foreign and domestic NGOs under increasing harassment. Last month, U.S.-funded organizations such as IREX and Internews were closed down. The OSCE Representative on Freedom of the Media was forced to cancel his visit to Belarus after being denied a visa. No progress has been made on the cases of the disappeared opposition leaders, and Minsk has made no effort to meet the four conditions set by the OSCE in 2000. As Senate sponsor of the Belarus Democracy Act, I am concerned that the United States is not doing enough to support civil society and democratic forces in Belarus.

While we welcome Ukraine's participation in the coalition peacekeeping operations in Iraq, it is important that we not downplay other longstanding concerns, including arms deals, high-level corruption and the assault on media freedoms. Three years after the Gongadze murder, and despite considerable international pressure, the Ukrainian authorities' mishandling of that investigation has only reinforced suspicions of official involvement in his murder. We also have concerns that the crucial presidential elections scheduled for next year meet OSCE standards.

Mr. Chairman, I could go on at greater length but, in the interest of time, will stop here and look forward to the response to these points by our witnesses.

**PREPARED STATEMENT OF
A. ELIZABETH JONES, ASSISTANT SECRETARY OF STATE
FOR EUROPEAN AND EURASIAN AFFAIRS**

Senators, Congressmen, I am pleased to have the opportunity to report to you today on the Administration's views concerning the Organization for Security and Cooperation in Europe.

I want to provide you today with an assessment of where we see the OSCE going. To do that, I would like to develop three themes. First, I want to elaborate on the importance of the OSCE to the United States as a resource to advance our core foreign policy objectives of (a) promoting democratic development and respect for human rights throughout Europe and Eurasia, (b) resolving conflicts, and (c) assisting states in addressing complex threats to security and stability, such as those posed by international terrorism. Second, I want to highlight a few significant accomplishments, resulting in great part to U.S. leadership, of the OSCE in 2003, and how we will build on that in 2004. And finally, I want to sketch out for you the Administration's vision for the OSCE and how, with the Helsinki Commission and the welcome support of the Congress, we can continue to exercise our influence to keep the OSCE engaged on issues of vital concern (such as human rights, including religious freedom) while at the same time working to develop greater cooperation with OSCE participating States in the economic and political-military security dimensions.

WHAT THE OSCE DOES FOR THE UNITED STATES

Let me offer three reasons why we attach great value to the OSCE. First, it is a "can-do" organization. Its solid performance and its unique strengths, among them its field presences in 18 countries and its Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and the Representative on the Freedom of the Media justify this reputation.

Second, the OSCE helps us to pursue our goals of strengthening democratic governance and effective civil institutions in countries throughout Eastern Europe, the Balkans, Caucasus and Central Asia, where multilateral approaches are often the most effective and efficient way to offer assistance.

And finally, the authority and respect OSCE enjoys from participating states and partners enables it to do the necessary and often unappreciated work that does not make headlines, but which is essential for peace and stability. In doing so, it makes a contribution to security for the people of Europe and Eurasia, and the people of the United States.

SIGNIFICANT ACCOMPLISHMENTS AT OSCE THIS YEAR

Let me turn to a description of three major OSCE accomplishments in 2003. I first want to pay tribute to The Netherlands and to this year's Chairman-in-Office (CiO), Foreign Minister De Hoop Scheffer. The Dutch Chairmanship is providing dynamic leadership for the OSCE. From early January, when the Chair outlined its priorities, we have worked together very closely and productively.

TACKLING ANTI-SEMITISM, RACISM AND XENOPHOBIA

The OSCE Conference on Anti-Semitism, which took place in June in Vienna, demonstrated that the OSCE could mobilize to respond to a pressing concern. Indeed, the Helsinki Commission last year raised the increase in anti-Semitic violence in the OSCE region and suggested that the OSCE might play a role in addressing this issue. With the support of the Commission, the Administration succeeded in building consensus for the anti-Semitism meeting in Vienna. Under the leadership of our Ambassador to the OSCE, Stephan Minikes, and the U.S. head of delegation, former New York Mayor Rudy Giuliani, the conference raised awareness of this problem and identified possible follow-up action by participating States, including passage of hate crime legislation, compilation of statistics on hate crimes and analysis of that data. The Vienna conference focused on practical measures governments, legislatures, and civil society can take to counter a recent increase in anti-Semitic violence and behavior in the OSCE region. It defined anti-Semitism as a human rights issue and emphasized the need for appropriate law enforcement, legislation and prosecution. No international organization had previously treated anti-Semitism as a human rights matter or committed to a regular review process. We appreciate Germany's offer to host a follow-on conference in Berlin in 2004. Our goal at the December ministerial is to gain the support of all OSCE members to grant full OSCE status to the Berlin meeting, in the same way that status was accorded to the Vienna meeting. We will work to keep the OSCE focussed on anti-Semitism and would welcome the Commission's help to make the case to parliamentarians from other participating States, and to support follow through on conference conclusions.

Last week the OSCE also held a conference on Racism/Xenophobia. The U.S. delegation was led by former Congressman J.C. Watts. We were pleased that the conference identified specific areas in which OSCE participating states should concentrate efforts to address problems, including public opinion and the media, inter-faith and inter-cultural dialogue and the development of civic tolerance building programs.

ANNUAL SECURITY REVIEW CONFERENCE

During my testimony last year, I explained that the United States had launched a major initiative to establish an OSCE Annual Security Review Conference, or "ASRC." The first ASRC, held in late June, was a success in terms of promoting dialogue and serious discussion of collective efforts on such matters as travel document security, an idea proposed by the United States, as well as ammunition stockpile security and destruction, and enhanced export controls on man-portable air defense systems (MANPADS). We intend to follow up on this idea aggressively. Were 55 countries to agree to upgrade standards for travel documents, it would constitute a significant step toward further enhancing U.S. security and security of our partners. The United States invested considerable time and effort into creation of the ASRC, and we are already reaping the benefits. The conference generated the practical ideas noted above for improving security cooperation, as well as appreciation from OSCE states for our efforts to strengthen the OSCE's ability to help them cope with such security threats as terrorism.

OSCE ACTION PLAN ON TRAFFICKING-IN-PERSONS

Trafficking was very appropriately identified by the Dutch Chairmanship as a key focus of the OSCE for 2003. In February 2003, the OSCE held an international seminar on the National and International Economic Impact of Trafficking in Human Beings in Ioannina, Greece. In May, the Economic Forum was devoted to the national and international economic impact of trafficking in human beings, drugs and small arms and light weapons. The adoption of an Action Plan to Combat Trafficking in Human Beings by the OSCE participating States on July 24 is a major event. Through this Plan, the OSCE is piloting an innovative and important new initiative, the national referral mechanism. The Plan aims at providing participating States with a comprehensive toolkit to help them implement their commitments to combating trafficking in human beings, and calls for more effective cooperation between the OSCE and other relevant international actors, such as the United Nations. As to how the OSCE should marshal its own resources to do so, this needs to be studied, to ensure coordination and avoid overlap of duties. The Stability Pact Task Force on Trafficking in Human

Beings works under the auspices of the OSCE, and through their joint efforts the SEE region has become a global leader in intergovernmental coordination

on combating trafficking. The OSCE efforts complement our own bilateral efforts against human trafficking in the region, and we see some results, particularly in Bosnia, Kazakhstan and Uzbekistan, among others.

WHERE IS THE OSCE HEADED?

Let me turn to our priorities for the OSCE in the short-term—from now through the Maastricht ministerial December 1–2.

RUN-UP TO MAASTRICHT

First, a word about a special opportunity the United States will have to shape the OSCE's security agenda in the run-up to this year's ministerial. In line with the normal rotation of responsibility, the United States assumed the Chairmanship of the Forum for Security Cooperation on September 1. We have taken the chair at a time when cooperation and coordination between the Permanent Council (PC) and Forum for Security Cooperation (FSC) are good and improving. We intend to work within the FSC to consider how the OSCE can help address, first, growing problems of ammunition and weapons stockpile security, and better accounting, and second, control of Man-portable Air Defense Systems, i.e. ground to air missiles capable of bringing down military or civilian aircraft. Both issues have real relevance and security implications for many states, including the United States.

As for our broader objectives, the United States is actively involved in shaping the substance of the ministerial. We are working to ensure that at Maastricht OSCE states will constructively address the following issues:

- *How the OSCE can better address threats to security and stability in the 21st century.* This project originated at the Bucharest Ministerial when, following the September 11 attacks, Ministers wanted a review of how the OSCE might adapt itself to help states more effectively cope with complex threats. The United States and Russia accepted a tasking from the Portuguese Chairmanship in 2002 to launch this review process with a paper outlining how the OSCE's Permanent Council, Forum for Security Cooperation, and the Chairmanship, and its field presences, institutions, and Secretariat could better coordinate to maximize the efficiency of its resources. The outline we jointly produced with Russia was endorsed at the Porto Ministerial as the basis for the work that has been ongoing this year.

Taking OSCE's strengths, namely its expertise in the areas of democratization, human rights policing and training, and its field presences and institutions, we and many of our partners are drawing on these strengths, and bringing them to bear in the context of international cooperation by having the OSCE work more closely with other multilateral organizations in Europe, especially NATO and the E.U., and by having the OSCE refine its work or, in a few instances, take on new tasks, to fill gaps not covered by other organizations. Police training and border security are areas where we believe the OSCE is well-positioned to make a valuable contribution.

To expand on that point for a moment, as follow-up to the groundbreaking May 22-23 Ohrid Balkan Border Security Conference, which was co-sponsored by NATO, the E.U., the Stability Pact and OSCE, we support the OSCE contributing its training expertise to outside states to train border security officials. We very much welcome the regional approach to ensuring that borders remain open and that the legitimate flow of people and goods is expedited, while inhibiting the exploitation of less-controlled borders by terrorists, organized criminals and traffickers in human beings, drugs and weapons. There is great potential here for further cooperation which, if effectively developed, could be applied to other regions and also constitute another OSCE contribution to the fight against terrorism.

More than ever now, there is a need for closer links and cooperation with other key Euro-Atlantic institutions, particularly NATO and the E.U. The OSCE is not in competition with NATO and the E.U. Rather, the OSCE has long worked closely with these two organizations in the Balkans. Working cooperatively and productively with the E.U., especially after enlargement, is critical. OSCE is, in fact, the forum that more than any other highlights what the United States and E.U. have in common, and where we work together day in and day out to achieve shared objectives.

- *Russia's Fulfillment of Its Istanbul Commitment.* Russia agreed at the Porto Ministerial that it would complete its withdrawal of weapons and ammunition from Moldova by December 31, 2003. To facilitate implementation of this commitment, the United States and its partners in the Moldova Voluntary Fund have offered to assist Russia in meeting the cost of this withdrawal, including through destruction and transportation back to Russia of some 40,000 tons of stored ammunition and many thousands of small

arms. The OSCE Mission in Moldova estimates that Russia has now removed over one-third of its stored ammunition. Unfortunately, the Transdnistrian regime has exploited its ability to impede the departure of ammunition trains for its own political purposes, slowing, and at times, stopping the trains. In the end, in spite of any difficulties introduced by other parties, it remains the responsibility of the Russian Federation to fulfill its Istanbul commitments and complete the withdrawal of Russian forces to which it committed in Istanbul. We hope to be able to welcome the completion of this task at Maastricht.

Likewise, in accordance with the commitment it undertook at Istanbul, Russia must also reach agreement with the Government of Georgia on the timeline for closure of two remaining Russian bases on Georgian territory, and on the status of the Russian presence at a third facility, in Abkhazia. We and our NATO Allies stand united in declaring that fulfillment of these commitments on Moldova and Georgia, together with Russia's commitment to reduce its CFE Treaty limited equipment in the flank region to the levels set in the Adapted CFE Treaty, is a necessary condition for us to proceed with ratification of the Adapted CFE Treaty.

- *Enhanced OSCE Economic and Environmental Work.* We hope to adopt the first new set of commitments since the Bonn Document of 1990. The so-called "Strategy Document" focuses on good governance and transparency, as expert after expert has named these as pre-requisites for economic development and integration, as well as for maximizing the benefits of globalization. The Strategy Document will include a section on reforming the Economic Forum. We are leading efforts to make the annual Economic Forum more of a workshop, rather than just a forum for discussion. The lack of economic opportunity is one of the most powerful obstacles to a civil society in significant parts of the OSCE area.

In addition to work on these areas, as I noted earlier, we hope that at Maastricht the OSCE states will be ready to endorse follow-up on recommendations made at the anti-Semitism and Racism/Xenophobia conferences and at the ASRC. In addition to making political commitments to address stockpile security and MANPADs, we hope the Ministerial Council will commit all OSCE participating states to implement new biometric standards for passports, as well as enhanced security procedures for handling and issuance of travel documents.

We are optimistic about the potential for Maastricht to demonstrate that the OSCE is actively, practically dealing with issues of importance in the areas of human rights, economics and political-military security.

POST-MAASTRICHT

The annual Ministerial Council provides the impetus for much of the future work of the OSCE. But, especially in light of the ongoing exercise to develop an OSCE strategy to address Threats to Security and Stability in the 21st century, our OSCE partners are looking beyond the present to the medium term. I'd like to go beyond the Ministerial and put forth our thinking on where the OSCE might focus its limited resources.

We look forward to replicating with the incoming Bulgarian Chairmanship the close cooperation we now have with the Dutch. We believe that Bulgaria will bring unique experience to helping participating states make effective use of the OSCE's potential to promote good governance, rule of law and market-oriented development to promote legitimate business development. We look forward to commenting on the goals of the Bulgarian Chairmanship when they are known in greater detail. In the meantime, I'd like to offer our thoughts on U.S. priorities in 2004.

POLITICAL SETTLEMENT IN MOLDOVA

We are encouraged by the progress being made in talks between Moldova and the leaders of Transdniestria on establishing a new federal structure, enabling a united Moldova to turn to the pressing task of economic development. My team here in Washington, Ambassador Minikes and his in Vienna and our embassy and the OSCE Mission in Moldova work hard at trying to forge a solution and will make every effort to achieve the maximum degree of progress toward thawing this 10-year old frozen conflict by the time we meet in Maastricht.

But the hard work to establish a lasting peace will go on long thereafter. It is a great credit to the OSCE, to Dutch leadership and the dedication and perseverance of negotiators, including the OSCE Head of Mission in Moldova, Ambassador Bill Hill, that significant progress has been made. The OSCE has a special responsibility to provide civilian observers and the mandate for a peace stabilization force that would guarantee the terms of any political agreement. Facilitating a settlement would be a major accomplishment for the OSCE, but the OSCE's work in Moldova cannot end there. With a revamped mandate, the OSCE mission needs to play a crucial role in helping a post-settlement Moldova accelerate its modernization and reform process.

Equally important in neighboring Ukraine will be facilitating free and fair elections in 2004 and promoting practical economic work through the OSCE office in Kiev to promote foreign investment and Ukraine's integration into European economic institutions. In Belarus maintaining the OSCE's focus on civil society and development of democratic institutions will demonstrate our ongoing commitment to that country and its people.

CONFLICTS IN THE SOUTH CAUCASUS

We are committed to continuing our mediation efforts as a Co-Chair of Minsk Group Process, with Russia and France, to resolve the conflict between Armenia and Azerbaijan over Nargorno-Karabakh.

Similarly, we are committed to a resolution to the South Ossetian separatist conflict in Georgia. The United States has strongly supported, politically and financially, the OSCE's Border Monitoring Operation (BMO), which now monitors the entire border between Georgia and the Russian Federation.

PREVENTING AND COMBATING TERRORISM

Combating terrorism is another area where the OSCE has enjoyed real success. Through our ongoing commitment of U.S. financial and personnel resources to OSCE's growing and effective Action against-Terrorism Unit, and to many of the OSCE's core activities, including promoting human rights, tolerance, freedom of the media, and the rule

of law, we believe we are making progress in helping make societies more resistant to manipulation by extremists. In addition, we are supporting OSCE efforts in the following areas:

- **Police training and other law enforcement enhancement:** OSCE is forging new ground with its development of programs to better detect, deter, and prosecute criminal activity and promote a partnership between police and civil society. Newer initiatives on counter-terrorism reflect our increased use of the OSCE's political reach. This is practical help countries, such as those in Central Asia, want. It enables the OSCE to promote respect for human rights within the framework of police training efforts, a model that is working very well in the Balkans.
- **Travel Document and Border Security:** As I noted earlier, should all 55 OSCE states agree to adopt the new ICAO biometric standards for passports, as well as enhanced handling and issuance procedures, another important step will have been taken to close doors to terrorists. Furthermore, the OSCE provides an umbrella under which officials within a country and among countries (border authorities, customs, etc.) can talk to one another and better coordinate their own and regional approaches to problems. In working in these directions, we are encouraged by our success last year in getting all OSCE participating states to agree to complete the Financial Action Task Force self assessments on compliance with its Eight Special Recommendations on Terrorist Financing.

IMPORTANCE OF FIELD MISSIONS

We firmly believe that field missions are one of OSCE's greatest resources, setting the organization apart. Field missions represent a solid commitment by the OSCE to work with host governments and civil societies to address their political, economic and security problems. It's hardly a secret that many countries that host OSCE field missions have at times complained that field missions are not responsive enough to host country needs and that they represent a "badge of shame" before the international community. For this reason we initiated in Vienna a broad discussion on field missions. We have been clear that we have certain bottom lines, especially regarding the important role that missions play in fostering democratic institutions and the development of an involved, informed civil society.

The dynamism of field missions is evident, from Bosnia and Tajikistan where missions are deeply engaged on human rights education to the excellent programs on good governance conducted by the OSCE Mission in Yerevan to training of judges and prosecutors in the Balkans. We stand ready to work with host countries to reflect their priorities in the mission mandates, but we are not going to abandon missions. I ask for your help on the Commission to impress upon your parliamentary colleagues from OSCE participating States the need to encourage host countries to make maximum use of their missions to further these states' implementation of their OSCE commitments.

CENTRAL ASIA AND THE CAUCASUS

Central Asia and the Caucasus are regions of vital importance to the United States. Our intense dialogue and cooperation with these states covers all issues, from democratic development, economic reform and common security interests. We fully support OSCE devoting greater attention and resources to help Central Asian and Caucasus states meet their OSCE commitments as a way toward enhancing their overall security and stability.

The problems facing Central Asia will not be solved overnight, and—in some cases—not even soon. Full respect for, and implementation of, human rights commitments requires not just words but deeds, not for the benefit of the international community, but for the real long term interests not just of those societies but for all participating states. I will just touch upon a few concerns. I understand that Assistant Secretary Craner will go into greater detail. In Kyrgyzstan, the government needs to act on the recommendations raised at its recent political forum with civil society, NGOs and political parties. In Turkmenistan, while the Moscow Mechanism has not prompted the type of change we all would like to see, it helped raise awareness about the problems in Turkmenistan and clearly showed President Niyazov that he is under close scrutiny by the international community. A continued intense focus on Turkmenistan will be necessary for some time to come, and we commend the OSCE field mission there for meeting with courageous NGO activists and families of the politically persecuted.

The OSCE's efforts are complicated by the fact that the Central Asian governments are concerned about security matters, specifically spillover from Afghanistan. To advance better our agenda in this operating environment, we are looking for creative ways simultaneously to address Central Asian concerns and our own. As noted, we are doing more with police training and border security. At the same time, we openly tell Central Asians of our concerns about their failures to meet human dimension commitments and promote the role of OSCE field missions in addressing such concerns. Ultimately, respect for human rights and democratization and the availability of economic opportunities are the best guarantees for stability. We are strongly advocating media freedom, notably through the Media Support Center in Kyrgyzstan. As I told Central Asian Ambassadors in Vienna in July, greater media freedom provides a peaceful outlet for opposing viewpoints.

In the Caucasus, free and fair elections that meet OSCE standards will be critical to ongoing democratic and economic development. We will support continued OSCE involvement, through field missions and ODIHR. We are working hard to help Azerbaijan's presidential election meet OSCE standards. We also stand ready to help Georgia implement the electoral reform measures proposed by former Secretary of State James Baker. It is a tribute to the credibility and flexibility of the OSCE that the "Baker Plan" for Georgia envisions a direct OSCE role in selecting the Chairmen of the Georgian Central Elections Commission and regional elections commissions.

Let me here say a word about OSCE's promising new partnership relationship with Afghanistan. Afghanistan became an OSCE Partner for Cooperation in April and has signaled its interest in having an "active" partnership with the OSCE. We support developing such a rela-

tionship with Afghanistan. In the short term, Tajikistan has offered to invite Afghan representatives to participate in OSCE border training exercises.

The willingness of the United States to channel project funds for Central Asia and the Caucasus through the OSCE demonstrates our commitment to the regions and our interest in using multilateral institutions to promote development of civil society, rule of law, good governance and market-oriented economic development.

RELATIONS WITH RUSSIA AT THE OSCE

We envision continuing our good working relations with Russia at the OSCE. We find common purpose on a range of security-related issues, including OSCE counter-terrorism work, though we have differences in approach to some issues. We very much regret that the Russian Federation did not agree to extend the mandate of the OSCE Assistance Group in Chechnya and we support the efforts of the Chairmanship to develop a new OSCE presence in Chechnya. It will be essential, whatever form that presence takes, that OSCE personnel be permitted to carry out meaningful work with the Chechen authorities and non-governmental actors aimed at promoting greater respect for human rights, strengthening civil society and creating conditions that foster economic growth.

ROMA AND IDPS

We applaud the work of the ODIHR Contact Point for Roma and Sinti Issues, Mr. Nicolae Gheorghe, in helping to resolve the standoff, which stranded 700 Roma for two months on the Greek border with Macedonia. We strongly support practical efforts by the OSCE, in conjunction with other organizations, for the return of Roma, as well as other IDPs in Europe, especially throughout the Balkans and the Caucasus. We believe the OSCE is taking the right approach in involving Roma, themselves, to find solutions.

PROMOTING CONDITIONS FOR ECONOMIC DEVELOPMENT

The incoming Bulgarian chair has chosen as its theme for the next Economic Forum: "New Challenges for Building Up Institutional and Human Capacity for Economic Development and Cooperation." The Bulgarians aim to help states develop institutional capacity for business development, as well as to create conditions conducive to domestic and foreign investment. In addition, the OSCE will be looking for ways to help individuals capitalize on the opportunities that the global economy presents.

BALKANS

The OSCE has been instrumental in helping Balkan states recover from the ravages of war and instability. Much work remains to bolster the cases of these countries for integration into European and global markets, and for closer cooperation with other European and Euro-Atlantic institutions. As I said earlier, NATO, the E.U. and OSCE are cooperating well in the Balkans. We see similar productive regional cooperation with our transatlantic partners in the Stability Pact for South Eastern Europe. The fact that the E.U. is considering deployment of a police mission to Macedonia, and has taken control of policing

in Bosnia, underlines the need for a continued high level of cooperation with the OSCE. We believe that the OSCE has a key role to play on the following issues:

- *Dialogue between Pristina and Belgrade.* The OSCE Mission in Kosovo has provided important technical training and expertise for the Kosovar side on how to prepare for negotiations. This dialogue is essential as UNMiK prepares to pass on greater administrative authority to local officials in Kosovo.
- *Facilitating property restitution and minority returns.* These are complicated—many elements must be in place to make them possible, such as housing, a legal framework, economic opportunities, safety, and minority rights. Through its field missions, the OSCE has been active in creating an environment to promote sustainable returns, and more recently, changing attitudes about returns through public information campaigns. OSCE Missions also provide advice to governments on drafting proper legislation and amending existing laws to allow for compensation and assistance to displaced persons.
- *Police training and border security,* using the Kosovo Police School and the Macedonian police training program as bases, especially in close coordination with E.U.

Finally, the program being implemented by the OSCE Mission in Bosnia-Herzegovina on educational reform deserves greater attention for possible applications elsewhere in the region.

COOPERATION WITH THE PARLIAMENTARY ASSEMBLY

We welcome the active engagement of the OSCE Parliamentary Assembly (PA) on a broad range of matters, especially anti-Semitism and freedom of religion, and its active participation in key OSCE activities, including in OSCE election observation in the upcoming critical polls in Georgia and Azerbaijan. In spite of the vote to seat delegations from the Belarus National Assembly, the OSCE and the PA still have leverage which they must use to get the Belarus government to respect human rights and support democratic civic institutions. Here in Washington and in Vienna we want to coordinate closely with you in the run-up to the winter and summer sessions of 2004 to deliver a strong message to the OSCE Parliamentary Assembly about U.S. policies on issues affecting the OSCE and the world.

CONCLUSIONS

Thirty years after the beginning of the process that culminated in the signing of the Helsinki Final Act, the OSCE is still largely known for its work in promoting human rights and democratic institution building.

And well it should be. It represents the OSCE's niche in the world of international organizations, particularly with regard to its field work. That work remains central to the OSCE's identity and has indeed been highly successful and a matter of great, and legitimate, pride for the organization. However, the organization also deserves attention for the major role it plays on an array of security issues, from arms control and confidence building measures, to counter-terrorism, border security and police training.

The OSCE has served U.S. interests well in the changing political/security environment in Europe since the end of the Cold War. I think it also serves other countries' interests, too. And that's a thought to keep in mind and to remind our partners of as, in the course of 2004, a new scale of assessment for the OSCE budget is negotiated. The OSCE works for the general benefit of all its participating states. Its values and principles are universal, its record of achievement an example for the world.

We continue to have differences of view with our OSCE partners over some issues. Building consensus on the concrete proposals to help states implement their Helsinki and other OSCE commitments is never easy. But I look forward to continued close cooperation with you on the Commission to maintain the OSCE's effectiveness in promoting democracy and human rights, and its responsiveness to the concerns of its participating states and their citizens.

**QUESTIONS SUBMITTED FOR THE RECORD
TO HON. A. ELIZABETH JONES
AND HER RESPONSE**

Question: What are U.S. priority issues for the upcoming December Ministerial Document? Has Secretary Powell decided to attend?

Answer: We have a number of priorities at the Ministerial meeting. These include:

- Taking stock of Russia's progress on fulfilling its commitments at Istanbul and Porto to withdraw Russian forces from Moldova and reach an agreement with Georgia on the status and duration of the Russian presence there.
- Adopting of both an OSCE Strategy to Address Threats to Security and Stability in the 21 Century and a new "Economic Strategy."
- The threats strategy will reaffirm political support for OSCE's work in the human dimension and through its field missions, while introducing new areas of political-military cooperation, such as on border security. The economic strategy will contain the first new economic commitments since 1990 and focus on good governance and transparency.
- Accepting the Government of Germany's offer to host a conference on anti-Semitism in Berlin in April 2004 to follow up the OSCE anti-Semitism conference held in Vienna in June 2003.
- Mandating a separate event in 2004 to follow up on the September 2003 OSCE Conference on Racism, Xenophobia and Discrimination.
- Endorsing measures to implement proposals made at the anti-Semitism (and Racism, Xenophobia and Discrimination conferences (e.g., concerning hate crimes) and the Annual Security Review Conference (e.g., adoption of standards on travel document security)
- Adopting a new mechanism within the OSCE to combat trafficking in persons, to support the OSCE's Anti-Trafficking Action Plan approved in July.

We hope that the Secretary will be able to attend the December Ministerial Council in Maastricht, but no decision has been made at this time.

Question: Next year, Bulgaria will assume the Chair of the OSCE. Bearing in mind the leadership role of that position for the OSCE community. While we value Bulgaria's democratic progress and assistance in the war on terrorism, we have a number of human rights concerns, particularly freedom of religion, the situation of Roma, and their involvement in arms transfer to rogue regimes. Has the State Department been pushing these issues with Bulgarian officials?

Answer: We have been engaging the Bulgarian Government on all of these issues, through both our bilateral efforts and through multilateral mechanisms such as the OSCE.

The treatment of minorities in Southeast Europe has improved in recent years. Together with the international community and state and local authorities, the OSCE is working to protect the rights of vulnerable populations, including the Roma.

The Department of State plays an important monitoring role through issuance of the Country Reports on Human Rights Practices and our support of intergovernmental organizations and NGOs that work on the issue, such as the OSCE, UNHCR, and the Stability Pact (including the Stability Pact's Gender Task Force's recent "Roma Women Can I Do It" campaign). The Department supported a Project on Ethnic Relations program last December on Romani Mahalas (neighborhoods), as well as the activities of the OSCE/ODIHR's Contact Point for Roma and Sinti Issues. We are heartened by Bulgaria's adoption of a comprehensive anti-discrimination law. We have engaged the Bulgarian Government concerning the implementation of their Program for Social Integration of Roma. Specifically, we have urged Bulgaria to increase efforts to: investigate and prosecute racially motivated acts of violence against Roma; foster Romani political participation; develop successful de-segregation initiatives begun by Romani non-governmental organizations; and consider ways to address the legal status of Romani Mahalas.

The situation for "non-traditional" religious groups in Bulgaria has improved in recent years, despite fears over a controversial new law on religions. We have encouraged the Bulgarian Government to ensure equal and fair treatment for all religious groups and work with NGOs and various religious groups to ensure that religious freedom is realized universally in the country.

As part of our overall security cooperation, the United States has worked closely with the Bulgarian Government to improve the effectiveness of its export control regime. Bulgaria's nonproliferation cooperation has been excellent and sustained. The Bulgarian government is pursuing stringent oversight of its defense industries as Bulgaria continues its efforts to reform its military structure. Bulgaria has pursued probing investigations, revoked brokers licenses, forced resignations, and referred criminal cases to the Chief Prosecutor. As recently as October 16, the Bulgarian special services arrested the director (and his predecessor) of an armaments factory for illegally shipping components of self-propelled artillery to Sudan.

In the fall of 2002, it was learned that a Bulgarian Ministry of Defense-owned firm, named TEREM, had transferred illicit dual-use equipment to Syria. The Bulgarian government has investigated the TEREM matter, arrested several individuals, fired two Deputy Defense Ministers, and has taken steps to increase transparency.

Question: In what ways and on what issues do you anticipate the OSCE and NATO will be able to cooperate more closely? What specifically will the Department propose?

Answer: NATO and the OSCE have cooperated productively for years in a number of areas:

- NATO and OSCE (along with the E.U.) co-sponsored the Balkan Border Security Conference in Macedonia in May. OSCE is following up with regional police training, and we support coordinated follow-up with NATO. In addition, consultations at the staff-level between NATO and OSCE now take place four times a year to coordinate on areas where the two organizations can complement, each others' efforts.
- NATO is also currently considering a number of practical initiatives to improve coordination and the flow of information between the two organizations, with a focus on expanding the frequency and level at which NATO and the OSCE meet at headquarters and in the field.
- In Moldova, both the Alliance and the OSCE have provided assistance to the parties in meeting their Istanbul commitments.
- NATO initiatives in arms control verification, de-mining, and disposal of ammunition, and retraining of military officers complement the OSCE's conflict prevention and post-conflict rehabilitation efforts.
- OSCE's 18 country field missions generate "ground truth" which is shared with NATO.

More recently, the United States has proposed new areas of cooperation between the two organizations. Specifically, we want to promote closer cooperation on stockpile issues, including securing and destroying excess quantities of ammunition, missiles and other material before they get into the hands of terrorists; regional border security.

Question: The human rights situation in Turkmenistan has deteriorated significantly since November 2002. Niyazov's political opponents have been jailed on the basis of forced confessions and show trials, there are reports of torture and deaths in prison, exit visas have been reimposed, the Betrayers of the Motherland decree makes it a crime to disagree with Niyazov's policies, the education system has been eviscerated, and the economy continues to deteriorate. In response, the OSCE invoked the Moscow Mechanism for the first time in 10 years, though the Turkmen refused to cooperate with it.

There does not appear to be a coherent U.S. policy aimed at addressing these human rights concerns. Most surprisingly, the United States recently granted Turkmenistan a waiver for Jackson-Vanik, although it is not observing international standards on freedom of emigration through its reimposition of exit visas and the selective use of regulations against certain individuals identified by the government. In light of Turkmenistan's deplorable human rights record and unusual practices of its president, how can this waiver be justified through only their assurances of future improvements? In addition, what is the Department doing to press Niyazov on human rights generally?

Answer: The U.S. Government is making consistent and continuous efforts to further the human rights agenda in Turkmenistan through public and private engagement with the government and civil society. At her first meeting with President Niyazov, Ambassador Jacobson raised human rights concerns and made clear that they are at the forefront of our relationship with Turkmenistan.

This year, we cosponsored a resolution at the UN Human Rights Commission condemning Turkmenistan for its human rights abuses. We have repeatedly used the platforms of the annual OSCE Human Dimension Implementation Meeting in Warsaw and regular OSCE Permanent Council sessions in Vienna to shine a spotlight on Turkmenistan's failure to implement OSCE commitments in the human dimension. We promote long-term generational change through outreach and exchange programs. We have sponsored more than 1,400 exchange participants from Turkmenistan to the United States since 1993. Beginning this fall, we are also providing scholarships for approximately 20 students from Turkmenistan to study at the American University of Central Asia. The participants, with positive experiences of the West, will form the leadership for the next generation. Turkmenistan generally complied with the immigration requirements of Jackson-Vanik until earlier this year, when it sharply tightened control over travel outside the country by re-imposing an exit-visa requirement. The Turkmen Government has insisted that the measures are temporary and based solely on security concerns. Ambassador Jacobson has told the Government of Turkmenistan that we would review progress on compliance with Jackson-Vanik regularly and that a lack of progress could result in the waiver not being renewed.

Question: President Nazarbayev's regime has persecuted journalist Sergei Duvanov. Last July, he was charged with criminal libel "for infringing the honor and dignity of the President" after publishing an article on the U.S. Department of Justice's investigation of corruption by Kazakh officials. A month later, three men assaulted him, ordered him to stop writing muckraking articles, cut a cross into his chest and warned him: "Next time we'll cripple you." In January 2003, Mr. Duvanov was jailed for 3.5 years for allegedly raping a minor. He is currently in a general population prison where he reportedly is subjected to daily beatings and torture. The Dutch Chairmanship of the OSCE hired independent legal experts who, after reviewing the investigation and trial materials, concluded that:

- the evidence presented is not sufficient to reach a conviction;
- there were serious procedural violations in the trial;
- the investigation cannot be considered to have been full and objective.

What is the Department doing to facilitate the release of Mr. Duvanov?

Answer: We have repeatedly expressed our concern to senior Kazakh officials on the apparent selective prosecution of opposition figures. We have pressed in Astana and in Washington, and will continue to do so, for due process in Mr. Duvanov's case. We take seriously allegations that Mr. Duvanov has been abused while in Kazakh custody. Department and Embassy Almaty representatives are in touch with those monitoring Mr. Duvanov's condition. Embassy Almaty assisted in arranging an October 22 visit to Mr. Duvanov by officers from the National Endowment for Democracy. We will continue to raise the need for due process and other issues with Kazakh authorities as appropriate.

Question: Three years have passed without the resolution of the case of murdered independent journalist Heorhiy Gongadze. Repeated expressions of concern and efforts about this case directed at Ukrainian authorities by this Commission, the State Department and the OSCE have been met with stonewalling and obfuscation. Are we continuing to pursue this matter with the Ukrainian authorities?

Answer: We remain deeply concerned over the failure by Ukrainian authorities to conduct a credible, transparent and timely investigation into the murder of Heorhiy Gongadze. We continue to raise this case with Government of Ukraine officials at every opportunity, most recently at an October 6 video meeting of the bilateral Law Enforcement Working Group. Shortly after taking up his duties in Kiev in mid-September, Ambassador John Herbst delivered public remarks calling for improvement in Ukraine's human rights performance and specifically citing the Gongadze case as one of continuing concern to the U.S. Government. We will continue to press the Government of Ukraine to identify and hold fully accountable the perpetrator(s) of this heinous crime.

Question: This year, the OSCE held its first Annual Security Review Conference (ASRC), a U.S. initiative. The Commission had urged that this review conference, intended to balance implementation review activities in other OSCE areas, also review implementation by participating States of their commitment's in the military aspect of European security. Unfortunately, it was not, and countries who are violating the Code of Conduct, declarations on non-proliferation and other commitments were never called to account.

- Is there a reason why a more frank exchange of view is not possible? Will the United States suggest broadening the scope of the review conference next year to include actual implementation problems participating States have, especially in regard to the Code of Conduct adopted by the OSCE?
- What were the accomplishments of this year's review conference? Is there progress on some of the suggestions positively mentioned by Ambassador Minikes at the conclusion of the conference, such as developing norms and standards for travel document security; restricting the availability of Man-Portable Air Defense Systems (MANPADS); enhancing border control and security and destroying large stockpiles of ammunition?

Answer: The first Annual Review Conference, a U.S. initiative, was held in June. The Warsaw Human Dimension meetings and the Prague Economic Forum are now successful, after OSCE states spent years improving on the format. Negotiation of the format and the content for the first ASRC was difficult. Our goals for this first ASRC were to keep an OSCE focus on counter-terrorism work, while also enabling states to provide input to the "Threats to Security in the 21st Century" exercise also underway at OSCE. We believe the conference met both objectives.

As for broadening the focus to include a review of the Code of Conduct, there are other OSCE conferences, such as the Annual Implementation Assessment Meetings (AIAN), which are designed for such discussions. There is little to no support among OSCE participating States for adding a review of the Code of Conduct to the ASRC agenda.

We believe that the practical suggestions made by the United States concerning further OSCE work on border security and travel document security, and their enthusiastic reception, are promising. France's suggestion that OSCE look into developing export standards for man-portable air defense systems (MANPADS) was also well-received.

As to using the conference to review implementation of OSCE commitments, specifically on arms control and non-proliferation, this was never something that we or most others advocated. There are other organizations with much more specialized agendas for those issues.

Question: In June of this year, Under Secretary for Arms Control and International Security John Bolton told the Commission he saw the OSCE as perhaps an unused avenue to press countries to abide by the non-proliferation commitments. The Under Secretary's response to a follow-up letter we sent him, however, seems to have been steered away from his earlier inclinations, instead stressing bilateral dialogue and expressing concern about possible duplication of efforts if OSCE became involved. It seems to the Commission the OSCE has most often complemented rather than duplicated bilateral efforts.

- Why did the Department's view of the OSCE as a forum for raising proliferation concerns go from the more positive comments expressed by, Secretary Bolton to the war approach reflected in the response to our letter? What is the view of the European Bureau on this?
- How would using the OSCE as a forum to address some principal suppliers of regimes and organizations which threaten international peace and security be nothing more than duplication, especially since there is already a body of OSCE commitments on non-proliferation and arms transfers?

Answer: As a matter of policy, the U.S. Government supports all efforts by governments and law enforcement organizations to end the international traffic in illicit arms to criminal and terrorist organizations or sponsors and to UN-sanctioned regimes. We welcome OSCE states' interest and efforts to combat proliferation and the illicit arms trade, and encourage broad cooperation on the control of munitions and sensitive dual-use items and technologies covered by nonproliferation regimes such as the MTCR, NSG, Australia Group and Wassenaar Arrangement. We urgently need to strengthen the development, administration and enforcement of export controls and marshal resources to secure stockpiles and dispose of vast amounts of excess weapons and ammunition. MANPADS may be an area where the OSCE can make a valuable contribution.

To this end, we believe the OSCE may be able to play a more productive role in offering diplomatic support to efforts to obtain additional resources to eliminate these types of conventional weapons while assisting in strengthening export controls, stockpile and border security.

Question: Turkmenistan represents the worst situation for religious freedom within the 55 nation OSCE. In the past few months, new reports have surfaced of increased harassment and pressure from Turkmen authorities towards non-Muslim groups to cease religious activities. Turkmenistan would therefore seem to meet the statutory threshold for a "Country of Particular Concern," as there are "systematic, ongoing,

egregious violations of religious freedom.” Considering Turkmenistan's limited geopolitical significance, its repressive policies, and its persecution of religious groups, why has Turkmenistan not been designated a CPC country?

Answer: Designation selection for “Countries of Particular Concern” took place last year in September, during a time period in which Government harassment had abated. Some observers believe harassment abated between June 2002 and April 2003 because the Government was focused on the emergence and repression of internal political opposition, which culminated in an armed attack against President Niyazov’s motorcade in November 2002. At the time we were considering Turkmenistan as part of the designation process, it did not seem prudent to call this one, temporarily, unharassed sector of civil society, minority religious groups, to the Government’s attention when harassment toward unregistered religious groups had actually lessened.

Since April 2003, the Government has resumed harassment of unregistered religious minority groups. This harassment has included raids on worship services in private homes, detention, arrest, confiscation of religious literature and materials, pressure to abandon religious beliefs and threats of eviction and loss of jobs. However, there have been no reports of torture.

We are looking very carefully at designation at this time, and discussing our strategy of how to use the designation process to negotiate greater religious freedom. We have told the Government of Turkmenistan on several occasions that it is in danger of being designated a Country of Particular Concern, and Ambassador Jacobson warned both the Foreign Minister and President Niyazov of the possibility during her first meetings with them.

**PREPARED STATEMENT OF
HON. LORNE W. CRANER, ASSISTANT SECRETARY OF STATE
FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR**

Chairman Smith and Members of the Commission, this is my first appearance on Capitol Hill since the August 19th bombing of the UN offices in Baghdad. Much has been said about that sad event and the loss of life that resulted. I would appreciate your indulgence in this august Congressional forum to pay tribute to Sergio de Mello and others that died in that terrorist attack who dedicated their lives to human rights and democracy work. Many of you knew Sergio de Mello, the UN High Commissioner for Human Rights. Throughout his impressive career, Sergio invested his considerable energy and talent toward helping those who were struggling for their freedom. His loss in this violent and senseless act of terrorism is a horrible blow to the human rights and democracy community, where he had many friends and admirers. He is sorely missed.

This is the third time since the September 11 attack on the World Trade Center and the Pentagon that I have appeared before the Helsinki Commission to testify on U.S. policy toward the OSCE. In both previous testimonies I have affirmed that the U.S. Government would prioritize and pursue human rights. Today I again affirm that human rights remains a policy priority of this Administration. As our National Security Strategy makes clear: "America must stand firmly for the non-negotiable demands of human dignity: the rule of law; limits on the absolute power of the state; free speech; freedom of worship; equal justice; respect for women; religious and ethnic tolerance; and respect for private property." Indeed, the fight against terrorism is at its base a fight for human rights. As the President has said, "In our struggle against hateful groups that exploit poverty and despair, we must offer an alternative of opportunity and hope." Toward that end, the President's National Security Strategy explicitly commits the United States to work actively to bring democracy, development, free markets and free trade to every corner of the world. Our goals are political and economic freedom, peaceful relations with states, and respect for human dignity.

The values and commitments enumerated in the Helsinki Final Act are more important than ever. In fact, we find that respect for human rights and democratic institutions are an intrinsic tool for combating terrorism. We know that democratic states that respect the human rights of their citizens are anchors of stability and motors of prosperity. We benefit from a world of such countries, even as their citizens do. There is broad bipartisan support for promoting the value of freedom as a key element of foreign policy. Throughout the entire OSCE region, we remain steadfast in our insistence that lasting security and stability cannot be achieved by military means alone.

And so, the work of the OSCE is more important than ever. That is why we are grateful to you for holding this hearing to spotlight the developments in OSCE Participating States and OSCE deliberative bodies over the course of the past year. We also welcome this opportunity to consult on current and future activities, and look for ways to strengthen the implementation of Helsinki Final Act commitments.

The Administration is working in the OSCE to promote U.S. interests in the OSCE region, especially in advancing democracy, human rights, religious freedom, and the rule of law. U.S. diplomacy and programs in the OSCE region reflect our post 9/11 policy of supporting

both democracy and security. We have significantly increased our democracy and human rights assistance to the frontline states of Central Asia, much of which is very closely coordinated with the OSCE or mutually reinforcing in our objectives. In all five Central Asian republics—as elsewhere in Eurasia—the United States is funding programs to support human rights activists and independent media. In select countries, our assistance goes towards political party development, civil society advocacy groups, and legal defense for embattled activists defending human rights and democracy. And we are beginning to see some pay-offs for our efforts. In my testimony today, I plan to address developments in civil society, rule of law, independent media, elections, anti-Semitism, conditions for Roma, and the treatment of human rights in some of the region’s counter-terrorism operations. I will then share with you some observations about regions of concern and close with some comments about institutional concerns, at which time I will be pleased to take your questions.

CIVIL SOCIETY

We remain concerned by government restrictions on NGOs in the region. For example, in Belarus, a network of resource centers nurtures and provides technical assistance and training to hundreds of local grass roots organizations in towns and villages throughout Belarus. However, these groups are under constant and increasing pressure from the Lukashenko regime. Recently, the regime has taken additional steps to further suppress civil society—including NGOs and labor unions. In the Central Asia Republic of Turkmenistan we continue to have serious concerns as well about repression of NGO activity, where the Government makes it virtually impossible for NGOs to register and conduct their activities legally.

We will continue to urge the governments of the region to be more responsive to their citizens.

That said, in a majority of the OSCE countries, we see growing and increasingly vibrant civil society groups advocating for peaceful change and greater accountability by their governments. For example, in Kyrgyzstan the Coalition for Democracy and Civil Society, an NGO receiving US support and assistance, was able to mobilize more than 3,000 of its members to monitor balloting in the February constitutional referendum. Regrettably, in the end the process was flawed and members of the Coalition were harassed for their activities, nevertheless we applaud their courageous efforts and were pleased to see that they were able to present their findings of voting irregularities. Unfortunately, the harassment continued in the aftermath of the referendum, but we were pleased that the OSCE Head of Mission in Bishkek was at the forefront of providing high-level moral support to Edil Baisalov, the head of the Coalition, who had been singled out for government harassment.

In Uzbekistan, a country where civil society is much weaker due to greater government repression, we were nonetheless extremely encouraged by the number of NGOs and civic leaders who participated in the annual meeting of the European Bank for Reconstruction and Development (EBRD) held in Tashkent in May. With the help of our implementing partner, Freedom House, 228 human rights defenders were able to attend the meeting, providing them a unique opportunity to communicate their concerns directly to the Uzbek Government and the

international community. These same activists meet on a biweekly basis with representatives from our embassy and the OSCE Mission in Tashkent to discuss human rights developments in Uzbekistan. In Russia, the United States has supported the efforts of grassroots activists in three regions to build demand for the observance of human rights.

RULE OF LAW

Respect for the rule of law and a well-developed justice system are the underpinnings of a democratic society and a modern economy. Unfortunately, not all OSCE participating states have developed legal institutions that protect their rights of their citizens. The Supreme Court in Kyrgyzstan recently upheld the sentence of opposition leader Felix Kulov, who was convicted on politically motivated charges. There has been no meaningful accountability for the three opposition figures and one independent journalist who disappeared in Belarus between 1999-2000. Nor has there been meaningful accountability for the independent journalists who have been murdered in Ukraine, including, most notably, Heorhiy Gongadze.

At the same time, there have been positive developments in Kazakhstan and Armenia, where the administration of prisons are now under the auspices of the Ministry of Justice, where they should be per international standards. The OSCE played a tremendous role in overseeing the training of prison guards and engaging the Government of Kazakhstan to take this historic step. The Government of Kyrgyzstan is contemplating similar reform, and we urge it and other governments in the region to follow this successful model.

While tangible governmental reform to ensure due process for citizens is lacking in many OSCE countries, I am delighted to note that United States support for better defense of citizens' human rights remains strong. In Kosovo, the United States is funding the Criminal Defense Resource Center, which provides legal defense support for those charged with war crimes or ethnically and politically motivated crimes. U.S. funding was used to create a human rights clinic at the Tashkent Law School, the first such clinic in all of Central Asia. Implemented by the American Bar Association, a new generation of lawyers is being trained to take on hard-hitting legal cases, including allegations of torture and arbitrary detention.

MEDIA FREEDOM

Over the years, the participating states of the OSCE have committed themselves to protecting the freedom of press in numerous fora. However, not all of the participating states have turned this commitment to free press into deeds. For this reason, we welcomed the creation of the Office of the Representative for Freedom of Media; the success of that Office has meant that we have an even greater understanding of the continuing abuses and obstacles that independent media continue to face in the countries of the OSCE. These abuses range from physical attacks and threats to legal and bureaucratic harassment. Independent media in most of southern Europe and Eurasia continue to struggle against state-supported media, with national airwaves dominated by state television and radio and state newspapers enjoying subsidized printing presses and distribution networks. Legal reforms continue to lag, with state and "crony" media benefiting from, in some cases, outdated laws or, in other cases, newer laws that remain unimplemented.

A case in point is Serbia, where the illegal appointment of three members of the Broadcasting Council have forced the European Commission, European Agency for Reconstruction and OSCE to freeze the financial aid of 300,000 euros to the Council. Old habits die hard, and in Serbia, control over the media remains one of the oldest of habits. The USG is committed to working alongside the OSCE and other international partners to develop an independent and sustainable public and private media in Serbia.

Our gravest concerns, of course, are physical attacks and even deaths: In Belarus, the authorities have not undertaken serious efforts to account for the disappearance and presumed murder of independent journalist Dmitry Zavadsky in 2000, and have discounted credible reports regarding the Lukashenko regime's role in his disappearance. Furthermore, free media remains under attack in Belarus. The Lukashenko regime has closed independent newspapers, and imprisoned journalists. Sadly, IREX—a nonprofit organization that provides assistance to independent media—has become one of the latest victims of the Lukashenko regime's campaign to stifle the independent media. The recent closure of IREX's office in Minsk will not undermine the USG's efforts at assisting those Belarusians willing to take risks and speak out against an abusive regime and economic malaise in Belarus.

In Ukraine, the July death of independent journalist Volodymyr Yefremov in yet another suspicious car accident, along with the 2000 disappearance and killing of independent journalist Heorhiy Gongadze and the 2001 murder of Ihor Aleksandrov, has raised serious concerns about whether some authorities have targeted journalists specifically because of their critical political reporting. We again call on the Government of Ukraine to conduct a transparent, independent investigation resulting in meaningful accountability in these cases.

In Kazakhstan, independent journalist Sergei Duvanov remains in prison, convicted in a legal process fraught with procedural violations; the report released by Dutch experts under the auspices of the OSCE points to a lack of evidence to support his conviction, raising serious questions about the motivations behind his trial. We continue to urge the Government of Kazakhstan to ensure that Mr. Duvanov receives due process. In a similar case in Uzbekistan, independent journalist Ruslan Sharipov was recently convicted in a trial rife with irregularities, and we urge the Government of Uzbekistan to ensure that he also receives due process.

In Kyrgyzstan, the past year has seen the few existing independent newspapers struggling to stay alive. The independent newspaper, Moya Stolista, one of the most ardent critics of the Government of Kyrgyzstan, faced dozens of lawsuits filed by government officials alleging their dignity had been insulted; in the end, the exorbitant fines demanded as "damages" forced the paper to file bankruptcy. We have repeatedly told Kyrgyz officials, as other officials in the region, that as public servants the behavior of governmental officials must be held to higher standards and must be open to criticism. As a public servant, I too have been the subject of critical media reporting, a less-than-pleasant experience. But I also know how important it is for democratic pluralism to be accepting of such press. We have called upon the Government of Kyrgyzstan to rebuild its legacy of democratic progress by abolishing such criminal defamation laws.

In Armenia, government pressure on the media in the run-up to the presidential and parliamentary elections causes serious concern about the government's commitment to a free media. For example, A1+ Television lost its frequency in Yerevan in a frequency tender process just prior to the presidential election. Tigran Naghdalyan, the Chairman of the Board of the Public Television and Radio Committee, the state broadcasting entity, was murdered on December 28, 2002, just before the presidential elections. While publicly condemned, this too raises questions among journalists especially about intimidation of the press.

Efforts to infringe on the independent media in Azerbaijan and Georgia in the run-up to elections this fall also are disturbing. For example, we are concerned by government harassment of independent and opposition newspaper editors and journalists in Azerbaijan, and of independent television station Rustavi-II in Georgia.

We also are troubled by a series of negative developments in Russia. The closure of independent broadcaster TV-6; continued pressure on NTV—culminating in the January firing of NTV CEO Boris Jordan after Putin criticized its coverage of the 2002 hostage crisis—and most recently, the closure of TVS without due process and the Duma's passage of amendments to media and other laws restricting media coverage of election campaigns leave Russia without a national, independent television broadcaster. These developments raise serious questions about the Russian Government's commitment to safeguard media freedom. On the other hand, President Putin's November 2002 veto of amendments that would have further restricted media freedom during counterterrorism operations was a positive step, as was the June extension of Radio Liberty's license for another five years.

ELECTIONS

Democratic elections remain the cornerstone of a democratic society; they are the primary source of legitimacy for any government. Unfortunately, many OSCE participating states have failed to live up to their OSCE election commitments. This makes the work of ODIHR to monitor and comment on elections even more important, and we support their efforts to provide constructive recommendations so that governments can improve their election process. Indeed, with OSCE involvement, in the Balkans, progress was made towards free and fair elections and increased ownership of the election process. The May presidential election in Montenegro met OSCE standards after two failed attempts to elect a new president due to insufficient voter turnout. While still maintaining an advisory role, the OSCE Mission in Kosovo [OMiK] will transfer operational responsibility for elections to a permanent secretariat of the Central Election Commission [CEC]. This transfer of responsibility will give Kosovo greater ownership of its future elections.

Elsewhere in the region, however, the record is not so hopeful. Last December in Kazakhstan, we witnessed flawed parliamentary by-elections where opposition candidates were either prevented from running or obvious manipulation of vote counting took place. Kazakhstan has local elections scheduled for the end of this month and we hope that the Government of Kazakhstan will not exert improper influence. Even more important, we call upon the Government of Kazakhstan to fulfill its promise to incorporate key ODIHR recommendations in its draft election legislation; only then will Kazakhstani citizens be assured of their

right to change their government through free and fair elections. We are concerned by a provision in the Government's draft law limiting the activities of foreign-funded media and domestic observers.

Both Kyrgyzstan and Tajikistan conducted constitutional referendums this year, as did Azerbaijan last year, that were not only flawed in process, but also in their substance. None of these processes allowed for sufficient public participation nor sufficient time for meaningful debate of the issues. Unfortunately, the governments of Kyrgyzstan and Tajikistan failed to issue a timely invitation to ODIHR in order to allow international monitoring. More importantly, the outcome of these flawed referenda is likely to weaken the protection of human rights in their countries; we urge the Governments of Kyrgyzstan, Azerbaijan, and Tajikistan to work closely with ODIHR and the OSCE field missions to ensure that any legislation drafted as a result of the new constitutional amendments is compliant with OSCE commitments. Indeed, the United States stands ready to fund an ODIHR expert to be based in Bishkek to review legislative drafts and provide technical expertise to ensure such compliance, but only if the Government of Kyrgyzstan ensures its full cooperation in such an activity.

Important elections are scheduled in the near future in all the Central Asian republics, and in each case we call upon the governments to uphold OSCE and other international standards, particularly in ensuring electoral legislation meets OSCE and other international standards, including the establishment of independent election commissions and allowing for unhindered domestic and international election observation. We are pleased that President Akayev has again stated that in keeping with requirements of the Constitution of the Kyrgyz Republic, he will not run again for President; and we therefore look forward to the first peaceful change in government in the region. We hope it will also be democratic.

Moving to the Caucasus countries, Armenia's leadership missed an important opportunity to advance democratization when its presidential and parliamentary elections earlier this year were marred by serious irregularities and manipulation. They also have not held accountable those responsible for the electoral fraud. Azerbaijan's and Georgia's upcoming presidential and parliamentary elections will be crucial to the democratic development of those countries. We have made clear to both that to achieve long-term political stability; it is essential that these elections meet OSCE and other international standards to confer legitimacy on the election results. We are providing technical assistance and vigorous diplomatic efforts toward this end, but ultimately, the crucial element will be political will within these countries. As is the case for Central Asia, particularly important will be a level playing field for candidates, independent election commissions, unhindered domestic and international election observation, and prompt publication of election results at all precincts. Continued progress on strengthening democratic institutions through free and fair elections will be crucial to sustaining a multi-dimensional relationship, and indeed, a partnership, with the United States.

How the Government of Ukraine conducts its presidential election in Fall 2004 will significantly affect U.S. attitudes towards Ukraine's suitability to integrate into Euro-Atlantic and European institutions. For Ukraine to have a serious claim for membership, an election that fully meets OSCE standards is a must.

Russia will hold parliamentary elections this December, and a presidential election next year. Recent actions against Yukos and other businesses raise concerns about politically motivated moves designed to reign in Russia's businessmen ahead of these upcoming elections. We also are concerned by recent reports that the Russian government plans to reorganize the independent, commercially viable state-owned polling agency VTsIOM in advance of the elections. This reorganization has been depicted as part of the government's program to privatize state enterprises, but the new board of directors will comprise largely government bureaucrat-appointees from the presidential administration and the ministerial apparatus.

Russia will hold a presidential election in Chechnya on October 5. Holding a democratic election in the current environment in Chechnya would be extremely difficult. Nonetheless, we would not want to rule out the possibility that the election could potentially contribute to the end of the conflict. However, senior U.S. officials continue to stress to Russian officials that Russia must halt the continuing violence against civilians and bring violators to account. If they don't, the political solution that Russia seeks—in part through this election—will not succeed.

ANTI-SEMITISM IN OSCE PARTICIPATING STATES

The increasing incidence of anti-Semitic activity directed against individuals and Jewish community sites in Europe is of deep concern. This is as much so in what we used to call "Western Europe," as in the East. NGOs and the press have reported an increase over the previous year in France, Germany, the Netherlands, Sweden, Russia and Belarus. European leaders—Blair, Chirac, Schroeder, Putin—have condemned these incidents in the strongest possible terms, in some cases, increasing the police presence around Jewish sites as necessary. We appreciate these efforts, but believe more actions are necessary, including more arrests and programs to promote tolerance for all ethnic groups and religions.

This Administration is actively engaging all foreign governments at the highest levels to address anti-Semitic activity. President Bush expressed his concern about anti-Semitism in Europe on the eve of the U.S.-E.U. Summit and sent a letter to the conference, and we have intensified our engagement with our Western European partners on this issue as can be seen in the Administration's support for the OSCE first ever stand-alone meeting on Anti-Semitism this past June. Our delegation, led by Mayor Rudolf Giuliani and you, Chairman Smith, provided a prime opportunity to bring well-deserved, high-level political attention to the presence of anti-Semitism throughout the OSCE region, including in the United States, and to develop a regional action agenda in such areas as legislation, law enforcement, education, and media to combat anti-Semitism in all its forms. This will set the stage for the annual Human Dimension Implementation Meeting to be held in Warsaw, Poland, in early October 2003, which will have a special session dedicated to "Prevention of Racism, Xenophobia, Discrimination, and Anti-Semitism."

We welcome your efforts and those of your colleagues to ensure that the United States is actively engaged in opposing all forms of anti-Semitism, both at home and abroad.

ROMA

We consider the situation of the Roma and Sinti minority to be a serious concern. Roma face societal intolerance and violence, police brutality, and systematic discrimination in education, employment and housing, particularly in post-communist countries. This was highlighted in the January 2003 OSCE publication of *Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia*, which maintained through extensive interviews that the practice of forced and coerced sterilization of Roma women continues today. The OSCE is combating discrimination against Roma through the continued engagement of the High Commissioner for National Minorities (HCNM) on Roma issues, working closely with and in support of the OSCE Contact Point for Roma and Sinti Issues (CPRSI). The Contact Point is the premier clearinghouse for information, source of advice, and a channel of communication among governments, NGOs and the Roma themselves. We were pleased to participate in the April Special OSCE Meeting on Roma and Sinti Issues. We closely monitor and report on this situation in our Country Reports and work bilaterally to urge governments to dedicate necessary resources and expertise to the Roma issue and to enact comprehensive anti-discrimination legislation, and investigate crimes.

COMBATTING TERRORISM AND RESPECTING HUMAN RIGHTS

The Russian government continues to justify its military action in Chechnya as part of the international war against terrorism. However, on the ground, numerous credible reports of serious human rights abuses and atrocities committed by federal forces—including extra-judicial killing, disappearance, torture, rape and arbitrary detention—emerge frequently after Russian security sweeps. Such actions are not consistent with international humanitarian law or Russia's OSCE and international human rights commitments. Thus far, there has been little meaningful accountability. However, in a major test case for accountability, a military court in July found Colonel Yuri Budanov guilty of murdering a young Chechen woman. The ruling was a victory for human rights, although the 10-year prison sentence was a relatively lenient punishment for murder in Russia. On the other hand, individuals and organizations seeking accountability for abuses in Chechnya—such as Imran Ezhiev of the Russian-Chechen Friendship Society, a grantee of the National Endowment of Democracy—have become the targets of government forces. Unfortunately, the Government refused to renew an agreement with the OSCE Assistance Group in December that would have permitted it to continue its human rights monitoring in Chechnya.

In Uzbekistan, above all else, we call upon the Government of Uzbekistan to distinguish between action and belief when targeting religious extremists. We have continued to remind the Government that fighting terrorism cannot come at the expense of respect for human rights.

REGIONS OF CONCERN

Southeastern Europe. In recent years, Southeastern Europe has made great improvements in human rights, democracy, and the rule of law, and the OSCE has played a major role in achieving these results. Progress has been made on the return of refugees and internally dis-

placed persons (IDPs) but many more lack the opportunity to return because their property is occupied or destroyed, legislative support is weak or absent, or their security cannot be guaranteed. Challenges remain, however. Several key indicted war criminals remain at large and significant rule of law reform is needed to ensure equal access of all citizens to protection under the law. The United States continues to provide assistance to promote civil society, good governance, effective rule of law, political parties and free media, and to strengthen regional efforts to combat transnational threats of organized crime and trafficking in persons, drugs, and weapons.

Unfortunately, other areas of the OSCE have not made such progress. As I have been particularly engaged with Central Asia, I will share some general observations about these countries.

Central Asia. Last year I noted that the countries of Central Asia presented a very mixed picture; unfortunately, the situation remains largely unchanged. Tajikistan had made some notable gains last year, including the licensing of Dushanbe's first independent radio and in December, another opposition party was registered, the first since the signing of the 1997 peace agreement. Unfortunately, this seeming progress was halted in June's flawed constitutional referendum, as noted above. We remain especially concerned because the referendum leaves open the possibility that President Rahmonov may try to remain in office for another 14 years.

In Kyrgyzstan, in addition to our concerns about the flawed constitutional referendum and the decline in media freedom, we remain troubled by the apparent lack of government accountability for last year's killing of five unarmed protesters. I was pleased to note in our 2002 Human Rights Report that four local law enforcement officers were convicted for their role in the killings; unfortunately, those four officers were released in May after their convictions were overturned. Such tragic deaths cannot go unaccounted for, and without such accountability the rule of law will remain beyond reach for the people of Kyrgyzstan.

In Kazakhstan, we remain concerned after a year of setbacks. After the stringent party registration law went into effect in March, the number of registered political parties declined from 19 to four and harassment of independent media reached its peak with the conviction of independent journalist Sergei Duvanov as discussed above. We are hopeful that the Government of Kazakhstan can redress those setbacks by enacting media, NGO and electoral legislation that meets OSCE commitments. We were extremely pleased that imprisoned opposition leader Mukhtar Ablyazov was released in May; however, we regret that he felt compelled to renounce any further political activities. We urge the Government of Kazakhstan to address the lack of due process for Mr. Duvanov and the remaining imprisoned opposition leader, Galymzhan Zhakiyanov, whom I had the pleasure of meeting in Almaty in January last year shortly before he was arrested.

In Uzbekistan, we have been disappointed by the very mixed record on human rights, including religious freedom. While there have been small but significant steps in the past year, including the registration of a second human rights NGO, release of some political prisoners, including prisoners of conscience, and generally good cooperation with the visit by the U.N. Special Rapporteur on Torture, all of this progress was negated in May by the two deaths in custody. To date there has not

been credible accountability for these deaths. The latest events, including the conviction of independent journalist Ruslan Sharipov, the severe beating of his defense lawyer, Surat Ikramov, and the threats to International Crisis Group Analyst Azizulla Gaziev and his family, call into question the Government of Uzbekistan's commitment to human rights. Without addressing these individual cases and taking concrete action to implement the Special Rapporteur's recommendations, such as legislating habeas corpus to protect the rights of the detained, it will be difficult to advance U.S. relations with Uzbekistan to meet their potential.

Lastly, I turn to Turkmenistan, a country whose extremely poor human rights record has only worsened since I last testified. After a pause of almost a year, it is once again suppressing religious freedom. The Government of Turkmenistan has taken the pretext of the attack on the President's motorcade to effectively squash through brutal suppression any remaining sliver of opposition and civil society within the country. There have been show trials, forced confessions, and sweeping arrests of anyone remotely connected to those suspected of participating in the attack. Despite the damning report written by the OSCE Special Rapporteur on Turkmenistan and the passing of a resolution on Turkmenistan at the U.N. Commission on Human Rights, the Government of Turkmenistan has done nothing to address the concerns of these bodies, such as allowing international access to prisoners or revoking the re-imposition of exit visas. We express our gratitude to the OSCE Mission in Ashgabat for keeping hope alive for innocent citizens in Turkmenistan by courageously continuing to meet with families of the accused and with civil society activists.

Finally, I would like to speak directly to institutional aspects of the OSCE. The United States continues to value very highly the annual Human Dimension Implementation meeting (HDIM) in Warsaw as well as the human rights-related supplemental meetings throughout the year. Last year, I was not able to attend but did send my Deputy, Scott Carpenter. I am very pleased to say that I will be attending this year and look forward to meeting with as many of my counterparts as possible. The HDIM represents a unique opportunity for NGOs and government officials to meet face-to-face and for NGOs to speak out and openly criticize their governments. For some human rights activists, the Warsaw meeting represents the only possibility for them to do so. We also welcome the gathering of government officials from the region as an occasion for the USG to name the names of those courageous human rights defenders who are being harassed and persecuted by their governments because of their activities, activities which are vitally important for accountability.

In closing, I'd like to thank you for holding this hearing. It is very helpful that Commission Members are dedicated to these issues. I would also like to stress the valuable contribution that the staff of the Helsinki Commission makes to the OSCE process and these important meetings. I look forward to working closely with you in the coming year.

Thank you.

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