

# EUROPE AND CENTRAL ASIA OVERVIEW

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## HUMAN RIGHTS DEVELOPMENTS

### Introduction

The continued expansion of European institutions in 2002 marked significant economic and political progress in many parts of the region. The North Atlantic Treaty Organization (NATO), a quintessential Cold War institution, once again stretched across old divides to extend membership invitations to the three former Soviet Baltic states of Estonia, Latvia, and Lithuania, as well as to Bulgaria, Slovenia, Romania, and Slovakia. The European Union (E.U.) and ten candidate countries made rapid progress toward their proposed 2004 admission to the E.U.

The remarkable pace of European integration could not mask continued serious human rights problems throughout the region, however. In fact, it accentuated the increasing disparity between the progress in Central and Eastern Europe and the deteriorating rights situation in much of the former Soviet Union. Continued integration also brought new human rights challenges to Western European states adjusting to their growing multicultural reality. Even as the European Union poised itself to become more diverse, it became less friendly to migrants and certain minority communities. The popularity of political parties touting anti-immigrant and nationalistic agendas drove more moderate politicians to embrace increasingly restrictive asylum and immigration policies that threatened the fundamental rights of migrants, asylum seekers, and refugees at both the national and the European Union level.

In some cases integration got ahead of reform, as when NATO offered to partner with Russia in a NATO-Russia Council, notwithstanding continued violations of human rights and humanitarian law committed by Russian troops in Chechnya. In a similar fashion, the Council of Europe admitted Bosnia and Herzegovina although it had achieved few of the conditions originally set for its admission. Such premature integration promised to strain European institutions and the principles on which they were founded.

Throughout the Europe and Central Asia region, repressive governments justified violations as necessary for the United States-led global fight against terrorism. Russia fought its abusive war in Chechnya, Uzbekistan continued its violent crackdown against independent Muslims, and Belarus gave its police Stalinesque powers of surveillance, all in the name of combating terrorism. Even former Yugoslav Pres-

ident Slobodan Milosevic sought advantage in the anti-terrorism discourse, defending himself against war crimes charges at the International Criminal Tribunal for the former Yugoslavia (ICTY) by arguing that his troops had been combating Muslim terrorists in Kosovo.

### **A Region Divided**

While the prospect of European Union membership secured substantial improvements in candidate states, especially Turkey, progress in other parts of the region stalled, or reversed. The year saw a widening gap between those countries choosing European integration and democratization, and those—particularly among states of the former Soviet Union—opting for the brutal and repressive practices of the past.

Russia seemed to embrace reform with the entry into force of a new criminal procedure code, but this positive step was completely eclipsed by continued atrocities committed in Chechnya, which remained the region's most intense human rights crisis. Throughout the year, Russian troops brutalized Chechen civilians in the course of sweep operations. Purportedly searching for rebel fighters, Russian troops rounded up and detained thousands of civilians, many of whom faced torture. Hundreds last seen in Russian custody simply “disappeared” during the year. Some prosecutors opened inquiries into alleged abuses, but only a handful of servicemen were the subject of serious investigations or trial. Russia also made an unprecedented push to force persons displaced by the conflict out of their tent camps in Chechnya and Ingushetia. In June, the Russian authorities closed one camp, offering their inhabitants no viable alternative shelter and effectively forcing them to return home to the war zone. As this report went to press, Russian officials were threatening additional camp closures.

Chechen rebels also failed to respect the laws of war, shocking the world with the October hostage taking of seven hundred civilians in a Moscow theater. The Russian government's rescue operation left 128 dead from the consequences of inhaling a gas pumped into the theater to incapacitate the hostage-takers. The government's failure to provide victims adequate medical treatment raised questions about whether it had met its obligation to minimize the loss of civilian life. But no mishandling by the Russian authorities could obscure the severity of the crime against humanity committed by the hostage-takers.

The war in Chechnya spilled over into neighboring Georgia, where several thousand Chechen civilians sought refuge. Chechen rebels hid in their midst in the Pankisi Gorge, which they used as a rest and re-supply base in their military campaign against Russian armed forces. Under United States (U.S.) and Russian pressure, Georgian security forces undertook operations to counter Chechen rebel activity in the Pankisi Gorge. As of mid-November, Human Rights Watch had received reports of a number of arbitrary arrests and illegal detentions and deportations, as well as one extrajudicial execution, committed in the course of these operations.

The year also saw a deepening human rights crisis in Central Asia. The U.S. and its allies in the war in Afghanistan sought critical logistical support from the repres-

sive governments in the region, which in turn found new excuses to disregard their human rights commitments.

Turkmenistan remained one of the most repressive states in the world. The government tolerated no political opposition, no independent media, and no independent human rights activity. At this writing, there were grave fears of an impending intensified crackdown after a late-November assassination attempt against President Saparmurad Niazov.

In early 2002, Uzbekistan took a few halting positive steps, including the registration of one independent human rights organization and the trial and conviction of several law enforcement officers for two deaths in custody. In March, Uzbek President Islam Karimov visited U.S. President George W. Bush in Washington and signed an ambitious agreement to uphold human rights. But after that, forward progress appeared to halt, and human rights abuses continued unabated. Hundreds of independent Muslims were arrested, tortured, convicted, and sentenced to ten to twenty years in prison. In particular, the government targeted members of Hizb ut-Tahrir (Party of Liberation), a non-violent Islamic group that sought to establish a Caliphate, or Islamic state, in Central Asia. As of this writing, five people had died of injuries from apparent torture in Uzbek prisons during the year, and six human rights defenders were in prison or pre-trial detention, while a seventh was held in forced psychiatric hospitalization.

In Kazakhstan and Kyrgyzstan the governments demonstrated increasing intolerance of opposition views. Leading Kyrgyz and Kazakh opposition figures, journalists, and human rights defenders faced physical attacks, harassment, detention, arbitrary or spurious criminal charges, and imprisonment after unfair trials. Tajikistan's political opposition also faced obstruction, with repression focused particularly in the north of the country, where the government imprisoned a former governor and eighteen others after a closed trial. Uzbekistan's intolerance of Hizb ut-Tahrir seemed to catch on with Kazakh, Kyrgyz, and Tajik authorities, who stepped up their repression of the group, arresting, trying, and convicting dozens of members for distributing its leaflets and other non-violent activity.

Human rights continued to deteriorate in Belarus, as President Alexander Lukashenka sought to consolidate his power by relentlessly persecuting his political opponents, independent civil society, and the media. Hopes of a thorough democratic transition also seemed to recede in Ukraine, as the government tightened its grip on independent media through arbitrary tax inspections and licensing procedures, censorship, harassment, and violence. The killings of three journalists in the past two years remained unsolved, and journalists faced repeated threats and beatings, in at least one case with police involvement.

The threat of instability posed by poor governance in the former Soviet Union became apparent during the year when security forces clashed with demonstrators in both Kyrgyzstan and Azerbaijan. In both countries, citizens who lacked other legitimate avenues for the expression of their grievances took to the streets, and governments intolerant of public criticism reacted with violence and repression. In Kyrgyzstan, police opened fire on demonstrators protesting the apparently politically motivated detention of a popular member of parliament; in Azerbaijan the police fired on protestors seeking improved economic conditions. During the year,

the authorities in Belarus, Uzbekistan, and Ukraine broke up similar demonstrations and jailed participants; in Armenia, protesters faced arrest, fines, and detention after demonstrations.

### **Stalled Peace Building in the Balkans**

The Balkan states did not follow the course of many former Soviet countries backward toward the authoritarianism of the past, but neither did they unequivocally choose the rule of law, respect for human rights, and European integration. In contrast to much of the past decade, the year saw sustained peace in the Balkans, but disappointing progress on human rights. The continued failure of governments in the region to come fully to terms with the crimes committed during the wars of the Yugoslav break-up was a major problem, with a detrimental impact on refugee return, reconciliation, and political normalization.

In Croatia, President Stjepan Mesić argued forcefully for war crimes accountability and cooperation with the ICTY. Mesić had little authority to pursue cooperation, however, and the government adamantly refused to arrest two former senior Croatian generals sought by the ICTY.

More than half of the twenty-four individuals publicly indicted by the ICTY who were still at large in the region were believed to be harbored in Republika Srpska—the Bosnian Serb entity of Bosnia and Herzegovina—which continued to refuse to cooperate with the Hague tribunal. NATO troops arrested four indictees in Bosnia during the year, but Bosnian Serb wartime leader Radovan Karadžić remained at large there, and the Republika Srpska president and prime minister condemned NATO operations aimed at apprehending him.

The Federal Republic of Yugoslavia (F.R. Yugoslavia) also flouted its obligations to cooperate with the ICTY. Under pressure of a cut-off in U.S. aid, F.R. Yugoslavia arrested and transferred one indictee to The Hague and adopted a law on cooperation with the tribunal. This law contained a number of loopholes, however, and in a November statement to the United Nations (U.N.) Security Council, ICTY Prosecutor Carla Del Ponte complained that F.R. Yugoslavia was harboring Bosnian Serb wartime military commander Ratko Mladić and continuing to block access to documents she had requested.

The trial of former Yugoslav President Slobodan Milošević for crimes committed during the wars in Bosnia, Croatia, and Kosovo began in February. Defending himself, Milošević used the opportunity to advance a nationalist version of the war to the court of public opinion in F.R. Yugoslavia, and current Yugoslav and Serbian government leaders failed to offer the public an alternative version.

Other than the Milošević trial, progress on accountability for war crimes committed in Kosovo was also limited. Although the ICTY had opened investigations, it failed to indict any Kosovo Albanians for crimes committed during the war. Neither the U.N. Mission in Kosovo (UNMIK) nor the Serbian government took effective steps to hold lower-level Serbs accountable for war crimes. And when the U.N. began arresting Kosovo Albanian rebel leaders for crimes committed during and after the war, the Kosovo government protested that the arrests were politically motivated.

Finally, in Macedonia, under pressure from the U.S. and the E.U., the government adopted an amnesty for all crimes relating to the 2001 conflict other than those that would be prosecuted by the ICTY. Because the tribunal had limited capacity to pursue prosecutions in Macedonia, the practical effect of the law was immunity for serious violations committed by both sides during the conflict.

The authorities in Bosnia, Croatia, and Serbia all conducted local war crimes trials during the year, but in all three countries those proceedings were seriously flawed by evident witness tampering and a biased judiciary.

In sum, it became abundantly clear in 2002 that the Balkans was a region unrepentant to its wartime past. The result was a grave injustice to the thousands of victims of war crimes committed during the Yugoslav wars. It also had a profound effect on the region's reconstruction, reintegration, and political development. With each ethnic population still holding the others collectively responsible for wartime abuses, refugees and the internally displaced remained reluctant to return home to communities where they would be in the minority. Even if the displaced did not fear their neighbors, they often had no home to which to return. The lack of accountability for violations committed during the war helped sustain laws that stripped some refugees and internally displaced of their pre-war property rights, on the presumption that they had abandoned their homes voluntarily, rather than out of fear. As the year came to a close, more than 1.5 million refugees and internally displaced persons remained unable or unwilling to return to their pre-war homes in the region, and much of the wartime ethnic cleansing seemed increasingly irreversible.

### **The Challenges of European Union Expansion**

At their December 2001 council meeting in Laeken (Belgium), E.U. heads of state agreed to convene a "Convention on the Future of Europe." Throughout the year, convention delegates from member state governments, parliaments, the European Parliament, and the European Commission debated how to restructure the E.U. to improve its effectiveness and pave the way for its planned expansion in 2004.

The prospect of a larger and more thoroughly integrated E.U. continued to have a profound effect on the human rights situation in both E.U. member and applicant states. Perhaps most remarkable were the developments in Turkey during 2002. After two years during which the draw of E.U. membership had had limited impact on the human rights situation in Turkey, the Turkish government seemed to get serious about showing the E.U. its reformist stripes in 2002. Significant reforms adopted in February and August included repeal of the death penalty, removal of some significant restraints on the use of the Kurdish language, and steps to address the persistent problem of torture by restricting the length of time detainees could be held without access to a lawyer. While these were welcome steps, much remained to be done to implement them and address other serious problems, including the plight of hundreds of thousands of Kurds displaced from the formerly war-torn southeast and continued restrictions on free expression that landed scores in jail for peaceful expression of their views.

On the eve of its December summit in Copenhagen, it was unclear whether the

E.U. would set a date for membership negotiations with Turkey. E.U. officials acknowledged the significant strides Turkey had taken in 2002, but nonetheless noted accurately that Turkey still did not meet the Union's political criteria for membership, a prerequisite for negotiations to begin. Some European leaders voiced other objections, suggesting that the European Union would never welcome a predominantly Muslim country into its midst. Most significantly, in November the president of the Convention on the Future of Europe, Valéry Giscard d'Estaing, gave an interview in which he was reported to say that the admission of Turkey would be "the end of the European Union," alluding to Turkey's Muslim population and distinct culture. E.U. officials scrambled to distance themselves from his comments and emphasize that Turkey was a candidate on equal footing with others, eligible for admission upon satisfaction of the conditions set for all applicant states. By introducing other cultural and political considerations into what should have been a transparent assessment of human rights progress, Giscard d'Estaing's comments threatened to undermine the Turkish authorities' confidence in the process and distract them from pressing forward on critical reforms. As this report went to press, a newly elected government with Islamist roots was working hard to establish its Western-oriented credentials. With the appropriate encouragement from the European Union, it appeared likely to continue to progress toward greater respect for human rights and the rule of law.

Giscard d'Estaing's remarks on Turkey's E.U. candidacy also highlighted the most significant human rights challenge the E.U. itself faced: ensuring tolerance and respect for the rights of minorities in a growing and increasingly multicultural community of states. Throughout the E.U. and its candidate states, minorities continued to suffer serious violations of their rights. In the countries of Central and Eastern Europe, Roma in particular faced persistent problems of police abuse, racist violence, and official discrimination in obtaining access to housing, health care, education, and other public services. The European Union continued to press for progress in the treatment of Roma in applicant states, but often failed to apply the same scrutiny within the Union, where their situation also often fell short of international standards.

The year also saw an alarming growth in incidents of anti-Semitic violence in Western Europe, with widespread reports of harassment, personal attacks, and vandalism of Jewish property. Synagogues were torched in Belgium and France. Initial responses from a number of governments were disappointing. Local authorities stepped up security, opened investigations, and promised to hold those responsible accountable, but national and regional bodies were slow to exercise political leadership, or develop a coherent policy, to respond to the problem. French officials in particular seemed at least initially to explain the violence as the understandable response of Arab immigrants to the Middle East conflict.

The most worrying expressions of growing xenophobia in Europe came in the field of immigration. As hundreds of thousands of migrants and refugees continued to arrive in Western Europe in 2002, the region saw a surge of "Fortress Europe" politics, with far-right political parties using virulently anti-immigrant platforms to garner increasingly broad support at the polls. Governments throughout the region adopted rhetoric of intolerance toward migrants and pushed through new

immigration laws with restrictions threatening refugees' and migrants' rights at both the national and E.U. level.

In many cases, officials conflated the policy debate on immigration control with discussion of terrorism, drug trafficking, and crime—fueling public perceptions of immigration as a major factor in many social ills. Indeed, both security and migration ranked top on the Spanish E.U. Presidency's agenda for the Seville summit in June, where governments pressed forward to develop common E.U. border controls and decided to link the E.U.'s aid and trade relationships to governments' cooperation in controlling migration.

E.U. member states continued to back away from their commitments under the 1951 Convention Relating to the Status of Refugees, with a number of justice and home affairs ministers openly calling for a redrafting of the convention. As this report went to press, E.U. member states were close to agreement on a proposed common interpretation of the convention. Refugee advocates expressed concern that in the context of the global anti-terror effort, the E.U. would adopt a common interpretation that would broaden the scope of those who could be excluded from refugee protection on national security grounds, and would erode protections against refoulement.

Even where the letter of the law on immigration controls met international standards, practice often fell far short. Detention conditions for migrants and refugees in a number of Western European countries remained substandard, despite repeated criticism from the European Committee for the Prevention of Torture and the U.N. Committee against Torture. To illustrate this widespread problem, Human Rights Watch reported on the detention of migrants under severely substandard conditions in an old airport terminal on the Canary Islands. The Spanish authorities regularly detained more than three hundred migrants in the facility, which the Red Cross said was fit for fifty. Sanitation and health care was grossly inadequate, and opportunities for the migrants to get fresh air and exercise were non-existent. The Spanish authorities argued the arrangement was a temporary, emergency response to a new migration phenomenon, but took no meaningful steps to improve the conditions. Violations suffered by migrants in detention were not limited to substandard conditions. A September 2002 report by Amnesty International and the International Helsinki Federation (IHF) stated that migrants and asylum seekers detained in holding centers in Greece faced threats, beatings, and sexual abuse by law enforcement officers.

Throughout the region, the deportation of migrants was characterized by persistent rights violations, including inadequate information and translation services, insufficient access to legal representation during detention, and lack of judicial oversight or opportunities for migrants to appeal their expulsions. Following the Seville summit, the E.U. undertook an explicit policy of linking its aid to countries to their willingness to enter into readmission agreements committing them to accept the return of migrants who had entered the union through their territory. The web of readmission agreements effectively shifted the burden of immigration control and refugee protection from E.U. member and applicant states to their eastern and southern neighbors, which had markedly fewer resources to devote to it. As evidence of the concerns raised by these readmission agreements, Human Rights

Watch documented the regular expulsion from Spain of migrants, including unaccompanied children, by the Spanish police pursuant to an ad hoc procedure that seemed to turn on the whims of the local authorities. Thousands of migrants were returned to Morocco on the basis that they were Moroccan or had transited Morocco to Spain, with little regard for the Moroccan authorities' capacity or willingness to absorb the migrants, provide adequate services and protection for unaccompanied children, or protect refugees against return to a country where they faced a threat of persecution.

While member states pursued migration policies and practices that violated international standards, E.U. joint action to combat immigration failed to specify any concomitant joint obligations to respect migrants' rights. The European Commission's Green Paper and Communication proposing a community return policy merely suggested that detention conditions and return procedures were subjects on which the E.U. might choose to articulate common standards in the future. The resultant E.U. Return Action Plan adopted in late November prioritized operational cooperation in returning unwanted immigrants through measures such as closer contacts among member state law enforcement agencies and deportation operations via joint charter flights. It neglected the need for common standards for such operations, putting the development of such standards off to the indefinite future.

## HUMAN RIGHTS DEFENDERS

Human rights activists continued to experience the brunt of much of the persistent authoritarianism in the region. Repression in Turkmenistan was so severe that activists remained largely underground. Defenders in Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, and Uzbekistan worked under the constant threat of harassment, violent attack, arrest, torture, and imprisonment on trumped-up charges. In Georgia, defenders were beaten by a paramilitary mob. And in Azerbaijan, Belarus, and Ukraine, the authorities erected significant obstacles to human rights work in the form of onerous and sometimes arbitrary registration, licensing, funding, or taxation rules and procedures for defender organizations. Although human rights defenders in the Balkans operated relatively freely, some of their activities drew exceptionally hostile commentary from government officials in Albania, Croatia, Macedonia, and Serbia.

Against the backdrop of these challenges, the strength, resilience, and creativity of the human rights movement was again evident in the region in 2002, as groups forged new alliances to support one another and confront new challenges. For example, international human rights organizations joined together to provide constructive commentary on the Council of Europe's draft human rights guidelines for the war against terrorism. Some fifty human rights, democracy, and conflict prevention nongovernmental organizations (NGOs) came together to offer a submission to the Convention on the Future of Europe, identifying ways in which the convention should address human rights within the E.U. and strengthen the E.U.'s global role. More than fifty groups campaigned together around plans of the Euro-

pean Bank for Reconstruction and Development (EBRD) for its 2003 annual meeting in Tashkent. (See below.) At their November general assembly, the International Helsinki Federation network of human rights groups throughout the region adopted an "Action Plan on Chechnya" aimed at keeping the abusive conflict high on the international agenda in 2003. And on two occasions during the year, the IHF convened activists in the region to support Turkmen dissidents and strategize on promoting change in that most closed society.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

Once again, Russia's conduct in Chechnya proved one of the most controversial issues before the U.N. Commission on Human Rights, but for the first time in three sessions, the commission failed to adopt a resolution condemning this conduct. The resolution came to a vote only after E.U.-led negotiations on a consensus-based chairman's statement failed (by one vote, with twenty-two states abstaining). The E.U. and U.S. blamed each other for the resolution's failure, but in fact both contributed richly to the outcome. The E.U. was clearly reluctant to see the resolution go to a vote, even when the Russian government refused to cooperate on the chairman's statement. Hoping to maintain maximum flexibility to withdraw the resolution, the E.U. discouraged other states from co-sponsoring the resolution and excluded them from discussions about Chechnya. The U.S., for its part, used its non-membership in the commission as an excuse to sit on the sidelines, and waited until the day before the vote to co-sponsor.

U.N. treaty bodies provided some of the only official documentation of human rights abuses in the former Soviet Union, making apparent the need for greater U.N. engagement in the region. Georgia was one of the few countries of the former Soviet Union to issue standing invitations to U.N. human rights monitoring mechanisms; meanwhile, citing security concerns, the Russian government postponed a scheduled visit of the U.N. special rapporteur on violence against women and the special representative of the secretary-general on internally displaced persons to Chechnya. Secretary-General Kofi Annan's trip to Central Asia reinvigorated the Uzbek government's promise to invite the special rapporteur on torture to visit the country. But the secretary-general's silence on human rights during a visit to Turkmenistan was a bitter disappointment to many.

The U.N. continued to play a significant role in peace building in the Balkans. After facing criticism for mismanagement and inefficiency, in 2002 the ICTY took steps to improve its performance and aim to wind up its work by 2008. Its efforts were substantially undermined, however, by the continued failure of the authorities in the former Yugoslavia to cooperate, as well as NATO's failure to apprehend indictees who remained at large in Bosnia. Pressure mounted on the ICTY to consider referring cases back to national courts for trial. In a June report, the ICTY accepted in principle that it could refer cases involving middle-ranking commanders, but it identified reforms that would first be necessary to ensure fair trials in



national courts. By year's end, little progress had been made by the international community or regional governments to undertake those reforms.

The U.N. continued to face significant challenges in Kosovo, which essentially functioned as a U.N. protectorate. During the year, UNMIK arrested a number of former commanders of the ethnic Albanian Kosovo Liberation Army on charges of wartime crimes, as well as several Serbian extremists charged with post-conflict attacks against the U.N. and interethnic violence. These efforts came late, however, and were as yet insufficient to fully restore the faith of Kosovars in the rule of law and the authority of the U.N. justice system.

### **International Financial Institutions**

The international financial institutions were actively engaged in Central Asia notwithstanding the lack of political and economic reforms in the region. The decision by the EBRD—unique among financial institutions for its embrace of political pluralism and the rule of law as a condition for engagement—to hold its 2003 annual meeting in Uzbekistan dramatically exposed this deficit of reform. This year, Human Rights Watch joined fifty-three other NGOs in a campaign to urge the bank to press the Uzbek government for specific human rights improvements as a condition for the 2003 meeting, arguing that failure to do so would grant the Uzbek government undeserved political prestige and financial benefit.

Challenged with the apparent breach of bank principles, EBRD President Jean Lemierre stated that Tashkent's selection was "an incentive to make progress, and not an endorsement." As of this writing, though, Human Rights Watch was not aware of any specific efforts by the bank to encourage such progress in advance of the meeting.

The EBRD was more forthright in its response to Belarus and Turkmenistan. Bank strategies for both countries made clear that engagement would be strictly limited to the private sector until they made progress on political pluralism, human rights, and market reforms.

During his visit to Central Asia, World Bank President James Wolfensohn met with civil society leaders but otherwise did little to publicly acknowledge the region's stunning lack of reform. The World Bank, the International Monetary Fund (IMF), and several donor states promised an aid package of U.S.\$700 million to Kyrgyzstan, without apparent regard for the deteriorating rights situation there. The IMF, under apparent pressure from the U.S. government, returned in 2002 to Uzbekistan (having suspended lending in 1996 and essentially withdrawn in 2001), even though no reform standards had been met.

### **Organization for Security and Cooperation in Europe**

The Organization for Security and Cooperation in Europe (OSCE) continued to play an important role, though its impact on human rights conditions often seemed to fall short of its potential. The performance of its missions continued to vary widely, with the mission in Kosovo setting the best example through its thorough and publicly available reports on minority rights and the judiciary. Though

operating on a more confidential, low-key basis, the Assistance Group in Chechnya also did important proactive monitoring and reporting, which OSCE member states unfortunately made little use of in their multilateral and bilateral dialogues with Russia. OSCE election monitoring missions continued to provide an important check against electoral abuses, including through a first-ever mission to Turkey for the November elections. The Office for Democratic Institutions and Human Rights (ODIHR), the high commissioner on national minorities, and the representative on freedom of the media all continued their efforts to articulate human dimension standards and develop specific recommendations to member states on how to meet those standards. ODIHR was particularly active in efforts to combat trafficking in human beings and received high marks for this work from NGOs in the region.

Unfortunately, the recommendations flowing from the OSCE's missions, election monitors, and human dimension institutions were ignored more often than not, as noncompliance had limited consequences for offending states. While the E.U., the U.S., and the EBRD rhetorically conditioned aid relationships on compliance with OSCE norms, these linkages were not effectively or consistently enforced, particularly where they competed with other political, economic, and military agendas.

Perhaps more than any other international organization, the growing variance in human rights conditions across the region strained the OSCE, which purports to unite the countries in the region through common commitments in the politico-military, economic, and human dimensions of security. Countries of the former Soviet Union that were on the receiving end of much human rights scrutiny and criticism from the OSCE were increasingly emboldened to attack the organization as disproportionately preoccupied with its "human dimension," particularly in the eastern half of the region. The organization responded by appropriately increasing its scrutiny of human rights problems in the more developed democracies of Western Europe and North America, but also by increasing its economic and politico-military dimension activities, unfortunately too often neglecting important linkages to respect for human rights and the rule of law. In particular, the OSCE highlighted its role in the global effort to combat terrorism, the theme of both its 2001 and 2002 ministerial meetings as well as regular smaller seminars and official gatherings throughout the year. As an organization committed from its beginning to addressing human rights as an essential element of security, the OSCE was uniquely positioned to ensure that the war against terrorism was conducted in a manner that comported with and promoted human rights. Although OSCE officials and member states made repeated reference to the importance of respect for human rights in the war against terrorism, much remained to be done to mainstream and implement human rights monitoring, reporting, and promotion within the organization's expanding anti-terror agenda.

### **North Atlantic Treaty Organization**

Undertaking an historic step toward expansion eastward during 2002, the North Atlantic Treaty Organization (NATO) had an important opportunity to promote

respect for human rights and democratic principles in the region. Its impact was most keenly felt in the states invited to join in November. For example, Bulgaria and Slovakia were eager to meet E.U. and NATO standards and took steps to tighten their weapons trade controls, albeit more work remained to be done. In states outside the 2002 expansion, however, NATO seemed to fall short of its potential to effect change. The most glaring lapse was the creation of the NATO-Russia Council, according to Russia a special relationship notwithstanding Russian troops' ongoing serious humanitarian law violations in Chechnya. At year's end, it remained to be seen whether the council would become an effective forum for addressing the substandard conduct of the Russian military in Chechnya.

NATO continued to play an important role in peace implementation in the Balkans. The NATO-led Stabilization Force in Bosnia apprehended four war crimes suspects during the year, but its continued failure to bring Radovan Karadzic and other at-large indictees to justice was a disappointment.

### **Council of Europe**

The Council of Europe continued its expansion, even as its institutions were strained by the demands of monitoring, promoting, and enforcing standards in states previously admitted despite having seriously substandard human rights records. In June, Bosnia and Herzegovina became the council's forty-fourth member state, although key conditions on cooperation with the ICTY and the return of refugees remained unfulfilled. In September, the Parliamentary Assembly (PACE) recommended that the council also admit the F.R. Yugoslavia, which agreed to undertake a long list of reforms upon admission. The Committee of Ministers postponed Yugoslavia's formal admission until its constituent republics Serbia and Montenegro ratified a new constitutional framework.

Meanwhile, Council of Europe institutions were busy attending to the serious human rights problems in a number of its newer members, including Russia, Ukraine, and the southern Caucasus states. Nearly all Council of Europe institutions remained actively engaged on Chechnya, but to no tangible result. The human rights work of Council of Europe experts in Chechnya continued to depend on the Russian authorities who essentially served as their hosts. The Council of Europe experts' mandate was enlarged to include education and judicial reform, raising fears that the expansion would come at the expense of efforts to promote accountability for human rights abuse.

Council of Europe engagement on the southern Caucasus was principled and courageous. Representatives of the PACE monitoring committee refused to be bullied by the Azerbaijani government into backing away from their trenchant reporting on the human rights situation there. Several Council of Europe institutions took the Georgian government to task for its indulgence of religious violence.

Council of Europe institutions also remained actively engaged with Turkey's human rights problems in 2002. The Committee for the Prevention of Torture visited the country twice, and its observations and recommendations served as an important benchmark for progress Turkey needed to make to advance its E.U. application. A PACE rapporteur examined the plight of Turkey's internally dis-

placed population and his recommendations were reinforced by new judgments against Turkey at the European Court of Human Rights. In November, at the invitation of the government of Turkey, the Council of Europe sent its first-ever election-monitoring mission to Turkey.

### **European Union**

The E.U. replicated its poor performance on Chechnya at the U.N. Commission on Human Rights in its bilateral relations with Russia. Throughout the year European heads of state muted nearly all criticism of Russia's conduct of the war in Chechnya.

The E.U. confined its human rights engagement in Central Asia and the Caucasus to forthright statements at such venues as the OSCE Permanent Council. Casting itself in a role secondary to the U.S. in the region, it effectively forfeited important opportunities for leverage, such as its Partnership and Cooperation Agreements and its voice at the EBRD.

The E.U. remained intensively engaged in the Balkans, which was an important arena for proving the capacity of its Common Foreign and Security Policy. Its takeover of the international policing operation in Bosnia from the U.N. in 2003 was seen as a significant pending test of E.U. capabilities. The E.U. was increasingly insistent that the governments of Bosnia, Croatia, and F.R. Yugoslavia cooperate with the ICTY, but it continued to refuse to link its aid program for the region directly to such cooperation.

As mentioned previously, the E.U. accession process proved an important catalyst for reform in Turkey, although nagging questions about whether the E.U. was genuinely committed to the process threatened to undermine that important opportunity for change. While the E.U. had in recent years focused considerable attention on Roma rights in candidate states, it remained to be seen whether this scrutiny would continue as the candidate states neared E.U. membership, highlighting the need for E.U. scrutiny of conditions for Roma in member states as well as beyond.

### **United States**

The Bush administration made repressive governments in the former Soviet Union allies in the global campaign against terrorism, without a consistent policy for checking their proclivity for human rights violations. The U.S. established a military presence in Uzbekistan, Kyrgyzstan, and Tajikistan, and it pressed for greater support of these countries with international financial institutions. In recognition of their cooperation, President Bush met with the leaders of three Central Asian states, an unprecedented amount of attention to what was once a U.S. foreign policy backwater. The region's new prominence opened new avenues for effective U.S. engagement on human rights issues. Yet it seemed increasingly likely that the United States would find it hard to dissociate itself from its new allies' abuses.

In some cases, particularly Uzbekistan, the U.S. pressed for specific improve-

ments, such as the registration of human rights organizations and political parties and the release of political prisoners. But in approving aid recently conditioned by the U.S. Congress on human rights progress, the Bush administration exaggerated the impact of small, positive steps made by the Uzbek government. Overall the U.S. failed to take full advantage of many opportunities to use its influence with Central Asian governments. Concerns were raised diplomatically. But with few exceptions, such as the cancellation of a trade delegation to Kyrgyzstan over its reluctance to allow an independent printing press, the United States did not make clear that there would be consequences for failure to make real improvements.

In Georgia, U.S. military ties expanded to include in situ anti-terror training for Georgian forces. And yet the U.S. expressed no outward concern about the arbitrary or brutal methods used by Georgian security agencies in anti-terror operations and detentions in and around the Pankisi Gorge.

The Russian government repeatedly cast its war in Chechnya in the rhetoric and imagery of the U.S.-led war on terrorism. This should have prompted the U.S. to speak and act unequivocally about continuing abuses. At times, the U.S. government did so, but many opportunities were missed to take a strong stand, particularly at the U.N. Commission on Human Rights.

In the Balkans, the U.S. undermined its longstanding significant investment in building the rule of law when it apprehended six terror suspects in Bosnia in January, circumventing formal extradition proceedings and disregarding the rulings of Bosnian courts. Likewise, there were reports of extralegal extraditions of terror suspects from Georgia to U.S. territory; the Bush administration would neither confirm nor deny the allegations. To some in Georgia, the U.S. approach to the issue contributed to an atmosphere in which “disappearances” were tolerated. A similar dynamic emerged when U.S. efforts to promote the jurisdiction of the ICTY in the Balkans were undermined by the pressure it put on governments in the former Yugoslavia to agree that they would not surrender U.S. soldiers to the International Criminal Court.

### **THE WORK OF HUMAN RIGHTS WATCH**

Throughout the year, Human Rights Watch investigated the persistent and deepening human rights problems in the former Soviet Union. In three missions to Ingushetia, we documented and reported on the alarming pattern of “disappearances” in neighboring Chechnya and the Russian government’s utter failure to bring those responsible to account. We also closely monitored the government’s efforts to pressure displaced Chechens to return home from Ingushetia, although the security conditions in Chechnya remained perilous. We took our reporting on Chechnya to relevant international bodies and Russia’s bilateral partners, including the OSCE, the Council of Europe, the U.N. Commission on Human Rights, the U.N. Committee on the Elimination of Discrimination against Women, the U.N. Committee on Economic, Social, and Cultural Rights, the E.U., and the U.S. administration. In numerous letters and in-person briefings, we urged these international actors to step up monitoring and reporting in Chechnya and to insist that Russia rein in its

troops and hold those responsible for abuses accountable. Seeing the war in Chechnya begin to slip from the international spotlight, in 2002 we made extra efforts to raise awareness of our findings among members of the press. We issued a statement unequivocally condemning the Chechen hostage-taking in October, underscoring that no amount of suffering by civilians in Chechnya could justify such an atrocity. Human Rights Watch also monitored the fallout of this tragedy, documenting a significant increase in harassment of Chechens and members of other ethnic minorities in Moscow and a new abusive crackdown by Russian troops in Chechnya.

Chechnya was not Human Rights Watch’s only focus in Russia, however. During the course of the year we commenced a multi-year investigation into abuses suffered by soldiers in the army, and we published a subset of our findings in a November report on the annual forced conscription of hundreds of young men, arbitrarily detained in Moscow and St. Petersburg and then immediately shipped off to the army. We also looked into trumped-up charges of espionage pressed by the Russian security services against several academics and a journalist.

The year saw our first ever investigation into human rights conditions in Ukraine, where we documented the presidential administration’s campaign to control the television media through informal censorship of news broadcasting. Human Rights Watch researchers also visited Belarus for a preliminary investigation in anticipation of a more substantial research project in 2003.

Our Tbilisi office actively monitored a range of issues in the southern Caucasus. Our chief priority was documenting the Georgian government’s indulgence of dozens of violent attacks against religious minorities. We repeatedly pressed the Georgian government to curb the violence and raised our concern with international actors, especially the U.S. ambassador at large for international religious freedom and the U.S. Commission on International Religious Freedom, both of which committed to follow developments in Georgia closely. We asked the Council of Europe to track the issue more closely as well. Throughout the year we monitored the trial of Vasili Mkalavishvili and Petre Ivanidze, the only people indicted on charges of religious violence.

In March, Human Rights Watch wrote to the U.N. Human Rights Committee in anticipation of its review of Georgia’s implementation of the International Covenant on Civil and Political Rights, highlighting in particular our concerns about religious violence and widespread and persistent torture. In April, we held a press conference, jointly with three Georgian human rights NGOs, to publicize the committee’s concluding observations, which took the extraordinary step of giving Georgia one year to report back on measures it had taken to improve its deplorable treatment of prisoners and detainees. In meetings with Georgian government officials we continued to press for criminal procedure code reform that would advance human rights protections.

Our work on Armenia and Azerbaijan also focused on abuses by law enforcement agencies. In late 2001, we investigated government efforts to hold accountable those responsible for beating to death Poghos Poghosian, killed in a Yerevan nightclub in September after he allegedly insulted Armenian President Robert Kocharian. Several of Kocharian’s bodyguards were implicated in the killing, but only one of them faced a relatively minor involuntary manslaughter charge after



investigators characterized the death as an accident. In a December 2001 statement, Human Rights Watch decried the investigation, saying it sent “a chilling message to the Armenian people that state security personnel can kill with virtual impunity.”

In response to the June 3-4, 2002 police shootings in Nardaran, Azerbaijan, Human Rights Watch wrote a letter to President Heidar Aliiev, calling upon the government to refrain from using unnecessary or disproportionate force in response to public protests.

Central Asia remained a major priority for Human Rights Watch. Our office in Tashkent was on the front line of responding to the Uzbek government’s crackdown on independent Muslims. Our staff there documented hundreds of cases of abuses, sought legal counsel for political and religious prisoners, monitored trials, and briefed the international community resident in and visiting Tashkent.

A mid-year research mission in Kazakhstan documented the human rights aspects of the burgeoning HIV/AIDS epidemic in Kazakhstan, to be detailed in a 2003 report. U.N. AIDS experts had reported that the spread of the disease in the former Soviet Union was the fastest growing AIDS problem in the world. Human Rights Watch found that, even more clearly than in other parts of the world, the epidemic in Central Asia is driven by human rights abuses that prevent vulnerable populations, primarily injecting drug users, from obtaining the information, protection, and treatment they need. In Kazakhstan, Human Rights Watch also monitored and reported on the increased repression of the independent media, particularly the harassment and mistreatment of journalist Sergei Duvanov. In Kyrgyzstan, we monitored the state reaction to a wave of public demonstrations and called on the government to account for police use of excessive force that resulted in the shooting deaths of five civilian protesters in the south.

In September, we raised the alarm when Turkmen opposition figure Gulgeldi Annaniyazov was detained in Kazakhstan pending imminent deportation to Turkmenistan where he would have most certainly faced persecution. Our intervention with U.S. officials in Washington and Almaty, with the United Nations High Commissioner for Refugees (UNHCR), and—through collaboration with the Norwegian Helsinki Committee—with the Norwegian government, helped block the deportation and secure Annaniyazov refuge in Norway.

Throughout the year, Human Rights Watch sought opportunities to bring the human rights situation in Central Asia to the attention of international actors and to encourage them to press the governments in the region for specific reforms. We worked with sympathetic members of Congress to craft legislation that conditioned U.S. aid to Uzbekistan on progress toward implementing the human rights commitments President Karimov made to President Bush in February, and we urged that the U.S. link security assistance to Uzbekistan to concrete improvements in its human rights record. In the same vein, we called on the U.S. to press the governments of Uzbekistan and Turkmenistan to improve their performance on religious freedom or face censure under the U.S. International Religious Freedom Act. Such U.S. conditionality did in fact yield the only bright spots in Uzbekistan’s record during the year—the registration of one human rights NGO in late 2001 and a visit by the U.N. special rapporteur on torture in late 2002.

The international financial institutions were also increasingly a focus of our

advocacy on Central Asia. We briefed World Bank President Wolfensohn on human rights in the region prior to his April visit, and we worked with his staff to identify civil society representatives with whom he should meet there. In May, a Human Rights Watch team, including our Tashkent-based researcher, attended the annual meeting of the EBRD in Bucharest, and, on behalf of fifty-four NGOs from most of the bank’s shareholder states, we launched a campaign to press for reform in Uzbekistan in advance of the May 2003 annual meeting to be held in Tashkent. In meetings with EBRD President Lemierre, bank board members, and staff, Human Rights Watch argued that prior to the 2003 meeting the bank should seek specific reforms in Uzbekistan in order to avoid embarrassment. In follow-up meetings at the EBRD in London in September, we updated President Lemierre and his staff on the human rights situation in Uzbekistan and elaborated ideas for promoting more openness in Uzbekistan in the lead-up to and during the May 2003 meeting. In particular, we emphasized the importance of unfettered civil society participation in the meeting, and an agenda for the meeting that emphasized the bank’s mandate to invest only in countries committed to multi-party democracy.

In the Balkans, Human Rights Watch remained focused on the imperative of justice for war crimes. In June, former Human Rights Watch researcher Fred Abrahams testified in the Milosevic trial about Human Rights Watch’s investigation into war crimes in Kosovo. He told the court that during the war Human Rights Watch had repeatedly sent Milosevic information about the crimes being committed under his command—a crucial link in the prosecutor’s case that Milosevic had command responsibility for those crimes. Our staff regularly monitored the Milosevic trial and provided valuable background information and analysis to journalists trying to explain the proceedings to the public in the Balkans and beyond. Our Belgrade-based researcher published a number of editorials and letters to the editor in the Belgrade press, excoriating the media to report on the Milosevic proceedings in a balanced and accurate manner, and urging the Serbian political elite to publicly embrace the tribunal proceedings as an important part of Serbia’s effort to put the Milosevic era definitively behind it.

In November, Human Rights Watch published a report on trafficking of women and girls to Bosnia and Herzegovina for forced prostitution. The report documented corruption among local police and complicity by certain actors within the international community as significant aspects of the trafficking problem. Throughout the year we monitored continued impediments to minority return in Croatia and at the year’s end were finalizing a substantial report on that subject.

In Kosovo, we conducted a three-week investigation into impunity for wartime and post-war ethnic and political violence. Our findings—due for publication in 2003—highlighted important lessons learned about how NATO and the U.N. might better ensure security and the rule of law in post-war settings.

In June, we released a major report highlighting serious violations of media freedom in Albania, including harassment, threats, and violence against journalists, often with police involvement; discriminatory allocation of government advertising and subsidies; and crippling criminal and civil defamation suits brought against journalists by government officials subjected to critical media attention. We released the report in a press conference in Tirana and presented our key recom-

mendations to relevant government and international officials there. Throughout the rest of the year, we sought opportunities to raise our concerns further with relevant international actors, including the European Commission, European Parliament, and the Council of Europe Parliamentary Assembly Monitoring Committee.

Turkey was the focus of intensive research and advocacy in 2002, as we sought to capitalize on the human rights demands put on Turkey as part of its E.U. membership bid. Human Rights Watch's researcher on Turkey made regular trips to Brussels to brief E.U. officials on human rights developments and to urge them to champion several specific significant reforms. Curbing torture was a major focus of these efforts and in numerous letters to E.U. and Turkish officials, editorials, and press releases, we emphasized the importance of amending Turkish law to give lawyers access to all detainees from the first moments of detention. Our efforts were rewarded when, on the eve of the E.U.'s publication of its annual report on applicant states, the Turkish government prepared a new draft law on access for lawyers.

In November, Human Rights Watch honored Turkish freedom of expression activist Sanar Yurdatapan at its annual dinners in New York City, Los Angeles, and San Francisco. The dinners and the attendant media attention and meetings with U.S. government officials gave us an important opportunity to outline human rights priorities for the new Turkish government, particularly in the realm of free expression.

The expansion of NATO and the E.U. presented an important opportunity to press for arms trade reforms in candidate countries, which we did with particular vigor in 2002. Through the work of our Arms Division, we monitored, encouraged, and reported on reform efforts in Central and Eastern Europe, and also highlighted continued areas of concern. In meetings, letters, and briefing papers, we encouraged E.U. and NATO decision makers to use their leverage to maximum advantage to secure needed improvements in candidate countries. We focused efforts to promote change in particular on Slovakia, carrying out new research in the country in April, May, and October.

In Western Europe, we focused our monitoring and advocacy on Spain, which had the E.U. presidency in the first half of 2002, and on Greece, which was due to have the presidency for the first half of 2003. In Spain, we published three reports based on research carried out in late 2001. They addressed extremely poor conditions of detention for migrants in the Canary Islands; mistreatment of unaccompanied children arriving in the Spanish cities of Ceuta and Melilla; and arbitrary implementation of Spain's new immigration law. The reports, which were widely covered in the Spanish media, were the subject of several Human Rights Watch meetings with responsible Spanish government officials.

In Greece, we monitored developments relating to its efforts to combat trafficking in human beings and offered written comments on draft anti-trafficking legislation, urging that it be amended to include protections for victims. We submitted information on Greece's anti-trafficking efforts to the U.N. Committee on Economic, Social and Cultural Rights, which was due to review Greece in 2003. We also continued to gather information regarding Greece's treatment of migrants and asylum seekers, the subject of three reports we had published in 2000 and 2001.

At the E.U. level, we drew on our country research to draft critiques of E.U. pro-

posals on a common short-term residence permit for trafficking victims and on a common policy for returning migrants to the countries from which they have come. We formally submitted our concerns about the return policy to the European Commission and European Parliament at a July hearing. In November, we met with commission and council officials to discuss our recommendations further and how they could be addressed through implementation of the action plan on return that member states were expected to adopt at the end of November.

## ALBANIA

### HUMAN RIGHTS DEVELOPMENTS

Following a series of political crises, by mid-year Albania entered a period of what appeared to be more stable and inclusive governance. Nonetheless, impunity for police abuse, failures of various government branches to uphold the rule of law, trafficking in human beings, and widespread violations of children's rights continued to be major concerns. The government's desire to cast Albania as part of the European mainstream made it unfortunately more reluctant to acknowledge and address the country's human rights problems.

In early 2002, political life was dominated by a dramatic split within the governing Socialist Party (SP), triggered by chairman Fatos Nano's campaign against what he described as the party's "moral crisis" of corruption, nepotism, and criminal connections. Nano's attacks focused on then-Prime Minister Ilir Meta and his top ministers, who reciprocated by making similar allegations against Nano and his faction. The scathing cross-accusations led to Meta's resignation in January 2002.

The tensions within the SP, and the return of the opposition Democratic Party (DP) to Parliament despite its continuing refusal to recognize the outcome of the 2001 parliamentary election, shaped a situation that led to Prosecutor General Arben Rakipi's impeachment. Meta's parliamentary faction accused Rakipi of abusing his powers to support Nano's campaign, and the opposition, which had long been demanding Rakipi's resignation, joined votes to initiate his impeachment. Acting on Parliament's proposal—adopted at the end of a swift, one-day debate, without even giving Rakipi a chance to respond—the President of the Republic dismissed Rakipi and quickly appointed a new prosecutor general. Rakipi took the case to the Constitutional Court, claiming violations of his rights to be informed of the charges and to defend himself. The court ruled that the impeachment had indeed run afoul of constitutional due process and remanded the case to Parliament "for reconsideration."

The ruling was met with strong criticism, including from the president, parliamentary speaker (who resigned in protest), and opposition leaders, some of whom went as far as calling for the Constitutional Court's dissolution. Parliament took no action whatsoever to comply with the ruling, dealing a severe blow to the

court's authority and the rule of law generally. Instead, a consensus emerged that the court's powers ought to be curtailed. Irrespective of the merits of the allegations against Rakipi and the legitimacy of the court's jurisdiction over the case, the impeachment process suffered from an arbitrariness that was reminiscent of socialist-style purges. The excessive reactions against Albania's highest court revealed a thin commitment to rule of law when political stakes are high.

In July, Albanian politics took another dramatic turn with the first rapprochement in years between the two major parties. A Nano-Meta compromise within the SP and negotiations with the DP led to the consensus election of retired general Alfred Moisiu as the new president, and Fatos Nano's appointment to head the third Socialist government within months. The new atmosphere resulted in some positive initiatives, including the establishment of a bipartisan committee to investigate the violations that marred the 2001 elections and another to look into possible abuses by the Intelligence Service—a long-standing opposition request. The campaign against official corruption launched by Nano's "catharsis movement" did not, however, give rise to any prosecutions.

The year saw a continuation of widespread violations of media freedoms, a problem documented in a sixty-page Human Rights Watch report published in June. The report detailed harassment and violent attacks against journalists, often intended to suppress critical reporting. Such violence went largely unpunished, and in a majority of cases the perpetrators were police officers. The research also revealed that Albanian defamation laws, and their application by Albanian courts, fell far short of international standards. Statutes and courts granted government officials unacceptable privileges and special protections. The Human Rights Watch report identified the unfair allocation of state advertising and subsidies to the media as another major concern: government officials were reported to have used their financial powers to blackmail critical outlets and unjustly reward media of their liking. The combined chilling effect of these interferences continued to handicap the development of a free and professional media. The pattern was further in evidence in late October, when the daily *Koha Jonë* (Our Time) received an array of financial and labor inspections days after it published a series of articles critical of Prime Minister Nano. Later, inspectors were also sent to several other media critical of the government.

Albania's executive and judicial authorities continued to fail to combat police violence. Torture and physical abuse of detainees were widespread and unpunished. Developments in the case of a minor brutally tortured by the Saranda police in June 2000 were illustrative of official indifference. In 2000, protests by human rights groups had caused the minister of interior to fire the main suspect, police officer Rrapo Xhavara, and the public prosecutor started a criminal investigation into the case. Within months, however, Saranda prosecutors had dropped the charges for "lack of evidence." In 2001, new protests by rights groups and high-level interventions by the Albanian ombudsman forced then-Prosecutor General Rakipi to reluctantly order the re-opening of the case. When Xhavara was finally tried under reduced charges in July 2002, he received an eighteen-month sentence that was immediately converted to parole. The conviction did not affect his June 2002 appointment as commander of Saranda's municipal police.

Impunity also seemed to be the rule in the case of the former Elbasan police chief, Edmond Koseni—a police commander with one of the worst human rights records in Albania. After years of victim complaints, Koseni was fired and indicted for torture in late 2001. By April 2002, however, the office of the Tirana prosecutor had closed the case without filing charges and without notifying the victim or his defense lawyer at the Albanian Human Rights Group (AHRG). The case was reopened only after Koseni himself publicized the dropping of the charges (reportedly hoping to rejoin the police), and the AHRG called on the new prosecutor general to intervene. The case was then assigned to another prosecutor, who as of late October had yet to conclude the investigation. Such cases of prosecutorial failure indicated that the prosecution service required systematic monitoring and support.

Violations committed by Albania's police force also marred its efforts to support the global war on terrorism. On September 12, 2001, the police and Intelligence Service detained Ilir Hajrullai and his pregnant sister, Aishe, whose Kuwaiti husband was under investigation for alleged links to al-Qaeda. The two were kept incommunicado for twenty-one days, during which they were subjected to threats, psychological pressures, and polygraph tests carried out by a foreign intelligence officer. On February 6, Ilir Hajrullai was re-arrested. Only five days later was he brought before a judge, who then ordered his indefinite detention, without giving him the opportunity to be defended by a lawyer of his choice.

Albania continued to be a major point of transit and origin in the regional web of trafficking in human beings. Most victims were women and girls trafficked for forced prostitution and children trafficked into forced labor. The Albanian government did begin to take some encouraging steps to address the problem. In December 2001, Parliament adopted an anti-trafficking strategy and set up a special anti-trafficking police unit. The government also agreed to refer all illegal migrants to the Office of the United Nations High Commissioner for Refugees, which did a first screening for trafficking victims. The prosecutor general also issued instructions that trafficking victims should no longer be charged with the crimes of prostitution and illegal border crossing. These steps caused the U.S. Department of State to move Albania, in its 2002 report on trafficking in human beings, up to the class of countries not yet in compliance with international standards but making significant efforts to meet the minimum standards for combating trafficking.

Progress notwithstanding, there remained many obstacles to the implementation of the government's anti-trafficking strategy. Particularly problematic was the government's reluctance to recognize that Albania continued to be a major country of origin. This attitude was mirrored by the police and courts, which often viewed trafficking as an issue of illegal migration rather than a serious human rights violation. Prosecution of traffickers continued to be the weakest link in the system: only a small fraction of those arrested by the police were successfully prosecuted and tried. Even when traffickers were found guilty, they received prison sentences that were generally much lower than the new statutory minimum of seven years. Police corruption and the absence of a witness protection system also hindered investigations. According to the Department of State report, "10 per cent of foreign victims trafficked through Albania reported that police were directly involved."

In 2002, new evidence emerged about the plight of thousands of trafficked Albanian children subjected to forced labor, prostitution, use in criminal activities, adoptions, and possibly organ donations. Despite a few arrests, traffickers continued to prey upon vulnerable children and babies who were kidnapped or bought from their indigent parents and smuggled to Italy, Greece, and elsewhere in Western Europe. Child labor and school dropout rates remained very high, especially in rural areas. In northern Albania, where a blood feud tradition was allowed to re-emerge in the 1990s, hundreds of children continued to live locked up in their homes, fearing for their lives.

Albania's Roma community continued to suffer from pervasive discrimination, miserable living conditions, and inadequate access to basic social services, which in turn reinforced their social exclusion.

## DEFENDING HUMAN RIGHTS

Human rights groups were generally able to operate freely, even though the authorities were at times hostile or non-cooperative. The Albanian Human Rights Group was active in documenting and reporting serious violations, including police violence, interference with media freedoms, and abuses in the government's anti-terrorist campaign. The Group's Complaint Center represented victims in legal actions, despite threats by perpetrators and stonewalling by judicial authorities. The Albanian Helsinki Committee directed significant resources at providing commentary on draft legislation, such as a police code of ethics and regulations on detention facilities. The committee also set up a network of correspondents in seven townships. The Albanian ombudsman made good progress toward the consolidation of that new institution, engaging various branches of government in human rights dialogue and focusing his activities on promoting freedom of information, privacy rights, and effective judicial remedies. However, a disturbing November 2001 decision of the Constitutional Court appeared to severely restrict his ability to initiate judicial review of legislation.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

Since acceding to all major human rights treaties between 1992 and 1994, Albania had not submitted a single report, initial or periodic, on its compliance with treaty obligations. Fourteen reports were long overdue as of June 2002.

### Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) called on Albania to implement its recommendations for electoral reform and offered assistance to the parliamentary committee established for this purpose. It also pushed

the authorities to draft a comprehensive strategy for judicial reform and step up prosecution of traffickers and corrupt officials. However, human rights monitoring and reporting by the mission in Albania continued to suffer from political constraints, including pressures by senior Albanian government officials to downsize the mission and redefine its mandate.

### Council of Europe

The impact of the Council of Europe on Albania's human rights situation was generally disappointing. A delegation of the Committee for the Prevention of Torture (CPT) visited Albania in October 2001 to look into the treatment of detainees and follow up on its earlier recommendations regarding the Vlora psychiatric hospital. As of this writing, the government of Albania had not authorized the CPT to publish its findings, which made Albania one of only three countries that had not authorized publication of any CPT reports. A joint program of the Council of Europe and European Commission continued to support Albanian legal system reforms; activities under this heading included workshops on freedom of expression and privacy rights for judges and prosecutors. The impact of such trainings appeared to be limited, however. The European Court of Human Rights had yet to hear its first Albanian case.

### European Union

Political instability and concerns over the election of the new president delayed until October the opening of E.U.-Albania negotiations for a Stabilization and Association (SA) Agreement, the early precursor to the E.U.'s accession process. In April, the European Commission issued the first annual SA report, which laid out the challenges Albania faced to meet the SA requirements. The report's analysis of serious human rights problems, such as police abuse, media freedom violations, and the judiciary's failure to uphold fundamental rights, was disappointingly superficial. Following its most recent committee meeting with Albania in September, the European Parliament called on the commission to condition the conclusion of a SA agreement on an improved human rights record in law enforcement and a genuine commitment to free media. Italy, Greece, and Germany were slow to deliver on their pledges to support the operations of a new anti-trafficking center in Vlora.

### United States

The U.S. Department of State reports on human rights practices (March 2002) and trafficking in persons (June 2002) gave a largely accurate picture of the Albanian human rights situation. The U.S. administration failed, however, to exert pressure on the Albanian authorities to address key human rights concerns in areas such as police violence and press freedoms. The U.S. reportedly pressured the Albanian government to delay ratification of the Rome Statute of the International Criminal Court.



## ARMENIA

### HUMAN RIGHTS DEVELOPMENTS

With presidential and parliamentary elections slated for the first half of 2003, President Robert Kocharian consolidated his ascendancy over a fragmented opposition. A broad range of scheduled criminal justice reforms was delayed by parliament's reluctance to outlaw the death penalty.

As the 2003 elections approached, two television channels that did not cover politics from a pro-government standpoint lost their broadcasting licenses. Following the September 2001 shutdown of the Noyan Tapan television channel, the A1+ television channel was taken off the air in April, immediately after losing a government-organized tender. The closure sparked a series of protest rallies in the capital, Yerevan, kept up until June by a group of opposition parties that used them to call for Kocharian's resignation or impeachment. In the days following such rallies, police detained protesters at their homes in Yerevan or in the regions, or summoned them to local police stations. Dozens were fined or given terms of up to two weeks of imprisonment, in what resembled a concerted action directed at deterring further participation in the continuing rallies.

The April tender was administered by a commission appointed by the president, as provided for in the October 2000 law on television and radio. Ironically, the law's avowed purpose was to comply with Council of Europe requirements on promoting pluralism and independence in the broadcast media. Also in April the government had to withdraw a draft law on the media it had published in February, after Council of Europe experts criticized it. The draft had proposed the establishment of an oversight body from which all media outlets would have to seek an operating license renewal every year; it also required journalists to pay government officials for information. In October the entire run of the opposition newspaper *Aravot* vanished the day it published corruption allegations against associates of the prime minister. Also that month, independent journalist Mark Grigorian was injured by a grenade thrown at him on the street.

Parliament ratified the European Convention for the Prevention of Torture and the European Convention on Human Rights. Respectively, the ratifications paved the way for the European Committee for the Prevention of Torture to inspect Armenian detention facilities, and for Armenian citizens to file complaints with the European Court of Human Rights.

Police torture continued, however, facilitated by several factors. Human rights defenders in Yerevan and Vanadzor asserted that widespread and routine police torture and ill-treatment went largely unreported due to victims' well-grounded fear of retribution, which deterred them from filing complaints or permitting human rights groups to work on their cases.

Lack of legal reform served to perpetuate incommunicado detention, another key condition facilitating torture. Police appeared to exploit a loophole in the crim-

inal procedure code that leaves witnesses without the right to an attorney: individuals would be summoned as witnesses, denied counsel, and then charged as suspects hours or days later. Police also detained people on misdemeanor charges under the administrative code for up to fifteen days, exploiting the code's failure to allow those detained under it access to counsel; typically charges involved insulting a police officer or failing to obey a police officer. Meanwhile, the incommunicado period allowed police to abuse the detainee and work up more serious criminal charges. The administrative court system appeared to be little more than a "pocket court" for police, as it was served by judges from courts of first instance, known for their lack of independence, and misdemeanor detention proceedings lacked regulation by a procedural code. At hearings where judges sanctioned administrative detentions the defendant almost always either had no counsel or was absent altogether; often, police would send the papers for signature to the judge at home after work hours.

In general, judges continued to display subservience to executive authorities, and did not, as a rule, challenge the procuracy or police. Monitoring of over fifty cases by the Armenian Helsinki Association, collated in a report issued in January, found that trial judges often handed down arbitrary decisions, tended to intimidate witnesses offering testimonies "disliked" by the procuracy, and generally ignored defendants' claims of physical abuse or procedural violations.

The trial of the individuals allegedly responsible for the October 1999 murders in Parliament entered its second year. At least two individuals were criminally prosecuted for expressing the belief that Kocharian was behind the murders. In June, Janik Adamian and his typist were detained after he posted throughout the town of Ararat a poem in which he wrote of an unnamed "dishonest dog" who had a hand in the murders. The prosecutor dropped the charges when the case went to trial in September. In late 2001, police detained Musheg Saghatelian, an opposition politician and former prisons chief, after he accused Kocharian of masterminding the murders. A court sentenced Saghatelian to seven years of imprisonment, reduced on appeal in July to six years. Among the various charges leveled against him were counts for the 1995 beating of Ministry of Interior officers who had been alleged to have been plotting a coup against then-President Levon Ter-Petrosian.

While Saghatelian deserved to answer for torture and ill-treatment, both his conviction and the authorities' failure to seek murder convictions for the September 2001 killing of Poghos Poghossian by presidential bodyguards demonstrated the selectiveness with which law enforcement agencies and courts treated cases involving the interests of the executive. Poghossian had died in the restroom of a Yerevan nightclub minutes after he had addressed an impertinent greeting to Kocharian. Compelling testimonies and forensic evidence made available to Human Rights Watch showed that a group of security personnel, including Kocharian's bodyguards, had beaten Poghossian to death. Yet after a two-month investigation the procuracy charged just one bodyguard on a count of involuntary manslaughter, for which a court in February handed him a one-year suspended sentence.

Although the defense minister claimed a decline in non-combat deaths in the army—from two hundred in 1998 to ninety-two in 2001—no serious reform was

undertaken to reduce brutality in the military. In November 2001 the former head of the Defense Ministry's inspection commission alleged that the military prosecutor's office systematically thwarted investigation of beatings and killings of conscripts by older soldiers.

With many young men emigrating or extending their studies, often to avoid conscription, military authorities rode roughshod over the law in order to keep conscript numbers up. They reportedly intimidated or tricked refugees into draft enrolment, although the 1999 Law on Refugees confirmed their exemption from compulsory conscription. In November 2001, students demonstrated when their draft deferments were arbitrarily canceled. The following month eleven who took the Defense Ministry to court to challenge their conscription orders were drafted and delivered to military bases the day before their scheduled hearing. Artiom Sargsian, a leader of the November 2001 student protests, was beaten and kicked to death in February in army barracks in Vanadzor, two months after he was drafted.

Parliament delayed the adoption of a law to allow alternative civilian service, and in September adopted a law setting cash fees for draft deferments or waivers, including a U.S.\$15,000 bond for any young man enrolling privately for study abroad. The authorities continued to prosecute and imprison conscientious objectors, most of whom were Jehovah's Witnesses.

The prime minister included the deputy defense minister in a re-established government Council for Religious Affairs, and at its September meeting called for new curbs on nontraditional faiths, claiming they endangered national security. The procuracy appealed the acquittal of Levon Markarian, a Jehovah's Witness tried in 2001 for having led prayer meetings at which families with children were present. In April, the Supreme Court, to its credit, upheld his acquittal.

Parliament passed amendments to the electoral code in July that reversed reforms of December 2000 by reducing the number of parliamentary seats allocated to party lists in favor of single-mandate constituencies. In the current political context, this change was seen to favor the pro-presidential Republican Party, as wealthy businessmen with links to the government have tended to win single-mandate constituencies. The amendments also placed the majority of appointments to all election commissions in the hands of the president and of parties allied with him. A national survey conducted by the International Foundation for Election Systems during 2001 and published in 2002 revealed deep public disillusionment, with 62 percent of respondents considering that Armenia did not function as a democracy.

The opaque way in which the government privatized powerful monopolies such as the electricity grid and Yerevan's Zvartnots airport raised questions, and the tariff policies of the privatized telephone network, Armentel, provoked public demonstrations. Marginalized populations were particularly vulnerable to government privatization policy: In February and April the government auctioned off the lease of remote pastures that Kurdish Yezidis, an ethnic and religious minority, had used for decades for grazing their sheep and cattle. Because municipal border gerrymandering in the early 1990s had deprived many Yezidi herders of a share in land privatization, with the recent auctions many Yezidis lost their land rights and their livelihood.

## DEFENDING HUMAN RIGHTS

Nongovernmental human rights organizations were generally able to carry out their work without government interference.

Sadly, the Presidential Human Rights Commission lent its weight to the procuracy's prosecution of Levon Markarian by issuing a statement in May expressing its regret at his acquittal. The commission claimed that Markarian had deprived the twelve children present at his service "of their right freely to practice their national religion and derive benefit from their people's culture," misstating guarantees under the Convention on the Rights of the Child.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

In August the U.N. Committee on the Elimination of Racial Discrimination reviewed Armenia's amalgamated third and fourth periodic reports. The committee criticized the government for describing Armenia as a "mono-ethnic" state, despite the existence of several ethnic and national minorities, and for failing to provide concrete information on their socioeconomic situation and on the implementation of minority rights legislation. The committee also expressed concern at the government's failure to respond to allegations of governmental discrimination against the Yezidi minority.

The U.N. Committee on the Elimination of Discrimination against Women, after considering Armenia's second periodic report in August, expressed concern that Armenia lacked legislation on domestic violence and trafficking in persons and that penalties for rape remained light. The committee urged the government to ensure prosecution of violence against women.

### Council of Europe

The Council of Europe intensified its scrutiny of Armenia's post-accession obligations and exerted pressure on the government to implement reforms on a wide front, ranging from the abolition of administrative detention to the establishment of an ombudsman.

In September the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution threatening to suspend the Armenian delegation's credentials should the government fail to abolish the death penalty fully by 2003. The resolution expressed "shock" that the Armenian parliament had adopted in first reading a draft criminal code that included the death penalty for aggravated murder.

The PACE Monitoring Committee criticized unjustified delays in the elaboration of a new constitution and criminal code, and noted that the authorities used each in turn as an excuse for failing to ratify Protocol No. 6 of the European Convention on Human Rights, which outlaws the death penalty in all circumstances.

Forceful Council of Europe expert opinions on the government's draft media law compelled its withdrawal. Noting the controversial tenders that saw independent television stations taken off the air in April, in its September resolution the PACE pointedly referred the government to its stated commitment to offer new frequencies to tender by late October.

### Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) Office in Yerevan commissioned several Armenian nongovernmental organizations to monitor and produce a range of reports on the functioning of the criminal justice system, and one on the extent of abusive conscription of exempted refugees, publishing them on the internet (at <http://www.osce.org/yerevan/>).

### United States

The U.S. State Department's second Trafficking in Persons Report, published in June, described Armenia as a country of origin for women and girls trafficked to the United Arab Emirates, Turkey, Russia, Greece, and Germany for sexual exploitation. The report criticized the government for failing to develop a national plan or take significant steps to counter trafficking. The government began drafting a national plan in October.

The State Department's second *International Religious Freedom Report*, published in October, described the restrictive registration regime instituted for minority faiths since 1991, and chronicled the authorities' maneuvers over years to deny registration to Jehovah's Witnesses.

### RELEVANT HUMAN RIGHTS WATCH REPORTS:

*The NATO Summit and Arms Trade Controls in Central and Eastern Europe*, 11/02

*The Cost of Speech: Violations of Media Freedom in Albania*, 6/02

## AZERBAIJAN

### HUMAN RIGHTS DEVELOPMENTS

The government resumed its practice of attempting to suppress public expression of social discontent without alienating the Council of Europe and other international partners. This balancing act broke down on June 4, when police opened fire on demonstrators in the village of Nardaran, killing one. International criticism

of Azerbaijan peaked in September, after the government staged a referendum that was clearly aimed at ensuring that eighty-year-old President Heidar Aliev could appoint his son as acting president should he step down.

The government moved forward in adopting reform legislation, such as that introducing an ombudsman institution and ratifying the European Convention on Human Rights. But its continued poor human rights practices—the continued detention of political prisoners, harassment of independent media, and repression of social and political movements—drew criticism, particularly from the Parliamentary Assembly of the Council of Europe (PACE). A September PACE resolution stated that it was “disturbed and shocked” by violations of basic freedoms. The government tried unsuccessfully to bully the PACE by demanding—unsuccessfully—that one of the PACE Monitoring Committee's rapporteurs assigned to monitor Azerbaijan be replaced.

On June 4, police killed one and wounded dozens of others while attempting to quell demonstrations in Nardaran, about twenty-five kilometers north of Baku, the capital. The shooting culminated months of public discontent over deteriorating social and economic conditions in the village. Significantly, protesters had not been deterred by the example the government had set in 2000 and 2001, when in Baku and several provincial towns it used force to disperse protesters calling attention to social issues, and prosecuted individual protesters. In January (shortly after a stinging PACE resolution), the government responded to public demands by improving the electricity supply and public transportation, and by promising new jobs. But public trust crumbled in May, and the town elders led more protests, driving Nardaran's Baku-appointed mayor out of office.

On the morning of June 3 the authorities arrested eight Nardaran elders they had invited to discuss the appointment of a new mayor and simultaneously sent a large detachment of police and Interior Ministry troops into Nardaran. In the evening security forces exchanged blows with a large crowd that had gathered on Nardaran's main square to protest the detentions. Reportedly, they attacked demonstrators with truncheons, and the latter threw stones. Security forces fired automatic weapons as a means of crowd control. One demonstrator was killed, a dozen sustained serious bullet wounds, and fifty more reportedly suffered minor bullet injuries. The security forces withdrew, making apparently random arrests as they quit Nardaran.

Instead of acting to calm the situation, the government issued a statement on June 5 that blamed all violence on the demonstrators, claiming that they had opened fire on the police, and failed to acknowledge any use whatsoever of firearms by the security forces.

In the following weeks, security forces controlled movement to and from the village, but rarely ventured in. Several waves of further arrests, primarily outside the town, inhibited Nardaran men from leaving its bounds. On July 29 police allegedly detained Vasif Aliev as a hostage, to induce his father, a protester, to give himself up. On September 20, plainclothes officers arrested Nardaran elder Jebrail Alizade and members of his family. His son alleged that officers secured Alizade's compliance by putting a pistol to the temple of his five-year-old grandson. The authorities held two to three dozen arrested men from Nardaran in incommunicado detention for

various periods. Several of them on release claimed they had been tortured. As of October, fifteen remained in detention.

Nardaran has a reputation for devout religiosity, and the authorities in retrospect claimed the protests were the first step in a foreign-backed bid by Islamic “radicals” to take over the country. The government adamantly dismissed social and economic deprivation as its driving factor.

During the year the government acted against several manifestations of Islam that fell beyond its control, restricting some independent mosques and impounding imported religious literature. The Interior Ministry refused identity documents to Muslim women who insisted on being photographed in headscarves.

Nontraditional Christian groups also came under pressure. In October, the head of the State Committee for Work with Religious Organizations announced his intention to revoke registration of the Jehovah’s Witnesses.

On November 15, 2001, Baku police beat and detained journalists protesting the banning of *Milletin Sesi* (The People’s Voice) and *Bakinskii Bulvar* (Baku Boulevard) newspapers. A month later President Aliev held a roundtable with representatives of the opposition and independent media, and subsequently the government eased restrictions and pressure on such outlets by allowing some regional television stations to resume broadcasts and improving economic conditions for newspapers.

The respite, however, was short-lived. Punitive libel prosecutions of newspapers and journalists continued. The long-banned magazine *Monitor*, after briefly resuming publication in April, was immediately sued by the Defense Ministry and denied further printing by its printing press. Journalists who investigated alleged abuses by the customs service risked physical reprisals. The authorities continued to tear down kiosks run by Gaia, a private newspaper distribution company, eliminating outlets for independent press in the regions. After protests from newspaper editors, Aliev softened some provisions of a draconian September decree that made editors responsible for preserving state secrets, which a flawed 1996 state secrets law allowed the government to define arbitrarily.

With President Aliev determining to stand in presidential elections slated for the end of 2003, on August 24 the government staged a referendum on constitutional changes. The referendum proposed changes that would give President Aliev the discretion to appoint his son Ilham as acting president should he step down, and that would scrap parliamentary mandates based on proportional representation in favor of single mandate constituencies. Few in Azerbaijan or the international community took at face value government statements that the referendum aimed to bring the constitution into line with Azerbaijan’s Council of Europe commitments.

The referendum passed, with more than 96 percent approval, as the government employed massive fraud and intimidation and ignored opposition boycotts and objections from the international community. Government claims of 88 percent voter turnout defied both feasibility and the headcounts by independent and opposition observers, who concluded that less than 30 percent of the electorate participated. Pressure for a yes vote was applied through the ranks and dependent relationships of Azerbaijan’s large state sector, particularly the education system. There were many reports of falsified votes and arrests and intimidation of polling

station commission members and opposition observers who refused to acquiesce in ballot stuffing.

The change in the future distribution of parliamentary seats threatened to exclude opposition parties from Azerbaijan’s political system. The referendum galvanized support for a newly united group of opposition parties, which had called for a boycott of the vote and mustered tens of thousands at protest rallies held in Baku in September and October.

In October the pro-government parliamentary majority threatened to legislate new restrictions upon opposition parties and their newspapers, and the education minister warned teachers and students not to participate in opposition rallies. During the year, on several occasions police arrested opposition party activists prior to rallies, securing their detention for five to fifteen days for alleged public order misdemeanors.

In February and April respectively the authorities forcibly broke up rallies in Sumgait staged by the opposition Azerbaijan Democratic Party and the Musavat (Equality) party. In September 2001 authorities had detained three local leaders of the Adalat (Justice) party; on February 9 they released two, shortly after the third had died in custody.

In September, five supporters of former President Aiaz Mutalibov were handed prison sentences of five to ten years, for allegedly plotting a coup, a charge for which the authorities presented little evidence.

As of this writing hundreds of men whom Azerbaijani human rights groups considered to be political prisoners remained in prison, although several presidential mass pardons during the year had reduced their numbers. After demands from the Council of Europe, prominent prisoners Rahim Gaziev, Iskender Hamidov, and Alikram Gummatov were granted retrials, yet the authorities conducted them inside prisons, and with procedural violations (the retrials were ongoing at this writing).

Azerbaijan reported 10 percent growth in gross domestic product, but few benefited from it, due to extensive official corruption and to monopoly control by the ruling party of the most profitable sectors of the state economy.

Conscripts were the targets of economic exploitation in the army. Defense Ministry officials levied informal charges for draft exemptions, deferrals, or deployments to units in the least risky areas. In some units officers siphoned off supplies or surreptitiously used conscripts as unpaid laborers on construction projects. Eight conscripts died in one July week alone, from sunstroke.

In June the government allocated U.S.\$75 million from the State Oil Fund to build housing for the population of five camps for refugees and internally displaced persons, and began providing microcredit to internally displaced persons from a World Bank loan. This signaled a welcome change in the government’s treatment of people displaced since 1993-4 from territories overrun by Karabakh-Armenian and Republic of Armenia forces. Many observers had criticized the government for failing to integrate the half million internally displaced into local economies and communities.

Nonetheless, there were instances when local authorities grossly abused groups of displaced persons. At the end of May, two hundred riot police and a demolition



crew were sent to a settlement near Lake Ganli Gel outside Baku, where, in several incidents over three days, police beat several women and bulldozed seventeen of the sixty-two houses built there by internally displaced persons since 1995. In the exclave of Nakhchivan, the regional authorities reportedly mounted an intimidation campaign in late 2001 to force displaced persons to return to insecure border villages near Sadarak, which were now overlooked by Armenian army posts.

The government refused to recognize as refugees up to ten thousand people who had fled the war in Chechnya. It did not provide for them, admit their children to schools, or prevent their harassment by police. The government also complied with Russia's requests for the extradition of some Chechens, without considering threats to their life and safety in Chechnya.

## DEFENDING HUMAN RIGHTS

In the absence of an impartial official inquiry a group of human rights nongovernmental organizations (NGOs) conducted and published their own detailed investigation into the Nardaran violence of June 3. The authorities responded by issuing an official warning to the NGO commission's forensic specialist Ilgar Altai, on the pretext that the commission was prejudicing the official investigation.

Regressive amendments to the law on grants passed in June spurred protests from NGOs, international donor organizations, and the diplomatic community. The amendments made NGOs' receipt of donor funds contingent on the approval of local executive authorities, and subject to registration.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### Council of Europe

The Council of Europe became an increasingly effective source of pressure for human rights improvement. Successive PACE resolutions provided a framework for legislative and institutional reform, while the PACE also insisted on implementation of existing legislation, particularly in its strongly-worded September resolution. The PACE correctly resisted pressure from the Azerbaijani delegation for the removal of one of its rapporteurs on Azerbaijan's implementation of its Council of Europe human rights obligations.

The PACE's Committee on Migration, Refugees and Demography's June report on the situation of refugees and displaced persons in the South Caucasus, and the comments of Council of Europe Human Rights Commissioner Alvaro Gil-Robles during his September visit to Azerbaijan conveyed to the government that it had a responsibility to elaborate and implement durable solutions including integration for its internally displaced without further delay, and to refrain from using them as an argument for political aims.

## Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) Office in Baku organized roundtables and sponsored a series of television and radio broadcasts on the upcoming August referendum, on human rights themes, and on reform of the electoral code, thereby creating frameworks and channels for public engagement and debate, particularly between the government and opposition, that were otherwise absent.

In a public statement the office declared that the authorities' conduct of the constitutional referendum failed the "credibility test," accused the Central Election Commission of "creat[ing] obstacles to wider observation and transparency of the process" and observed that reports of fraud and intimidation were too numerous and from such a wide variety of sources to be dismissed.

### United States

The State Department's *Country Reports on Human Rights Practices for 2001*, published in March, stated that the Azerbaijani government's human rights record "remained poor," and that it "continued to restrict citizens' ability to change their government peacefully." In its *International Religious Freedom Report 2002*, the State Department noted that the authorities harassed and abused some Muslim groups due to concern about their possible links to terrorism.

However, the U.S. government allowed the effect of these criticisms to be undercut as it consolidated partnership with the Azerbaijani government in energy projects and the war against terrorism.

## BELARUS

## HUMAN RIGHTS DEVELOPMENTS

Belarusian government policies in 2002 aimed to crush the political opposition and served to further isolate the country internationally. The government continued its crackdown on the opposition, nongovernmental organizations (NGOs), the independent media, and religious groups.

The September 9, 2001 presidential elections, in which incumbent President Alexander Lukashenka was the victor, received widespread criticism and briefly made the poor human rights situation in Belarus a focal point of international concern. But when the events of September 11 and their aftermath again pushed Belarus far from the international spotlight, Lukashenka did not miss the opportunity to repress civil society without fear of diplomatic consequences.

Throughout the year, Lukashenka sought retribution against those who challenged him during the election, and their supporters. Vladimir Goncharik, the

united opposition candidate in the presidential elections, had to leave his post as leader of the Federation of Trade Unions (FTU) in December 2001 after it received credible reports that Lukashenka would sign a decree nationalizing the FTU's property unless Goncharik resigned. Goncharik subsequently moved to Russia. His election campaign manager, Valentina Polevikova, was also forced to leave her job at the FTU. Members of the Belarusian Women's Party, which she chairs, received threats that they would be fired unless they left the party.

One of Lukashenka's major opponents, former Prime Minister Mikhail Chigir, was sentenced in July 2002 to three years in prison for tax evasion, with the execution of the sentence postponed for two years. In 2001, the government had prevented Chigir from running for president by launching politically motivated charges of abuse of office and imprisoning him.

Anatoly Lebedko, chair of the opposition United Civic Party (UCP), was charged in July with "defaming the Belarusian President" after he published an article citing foreign media reports that the president supplies "rogue" states with military equipment. His party also received an official warning, which put the UCP under threat of liquidation.

Harassment of youth opposition activists continued throughout the year. Two Youth Front leaders were respectively fined and briefly imprisoned for their role in organizing an unsanctioned demonstration in February. In March, members of another youth opposition movement, Zubr, were fined for "publicly insulting the president," for their street performance satirizing Lukashenka prior to the 2001 elections.

After a series of tax raids and confiscation of equipment and publications that accompanied the election campaign in 2001, Belarusian authorities moved to a new level of intimidation of the media by launching criminal libel suits against journalists. On June 24, a court sentenced Pavel Mazheiko, a journalist for the independent weekly *Pahonia* (The Emblem), and the weekly's editor, Mikola Markevich, to two and two and a half years of forced labor respectively for libeling Lukashenka; the sentences were reduced to one year on appeal. On the eve of the 2001 elections, *Pahonia* had published an article suggesting Lukashenka's involvement in the "disappearances" of political leaders. After confiscating the entire print run of the issue and giving an official warning, the authorities shut down *Pahonia* in November 2001.

On September 16, Victor Ivashkevich, editor of *Rabochii* (The Worker) was found guilty of "attempted libel and insulting the president" and sentenced to two years of forced labor. The charges stemmed from an article accusing Lukashenka and his administration of corruption.

The authorities also aggressively pursued civil defamation suits against newspapers that allegedly insulted state officials, freezing the publications' accounts, searching their headquarters repeatedly, and compelling them to pay prohibitive damages. Among the targets was *Nasha Svaboda* (Our Freedom), which a court ordered to pay U.S.\$55,000 in libel damages to a state official. The paper also had to retract the offending article, which alleged that the official had complained to Lukashenka about the prosecutor general's professional conduct. The authorities confiscated the newspaper's equipment; with its bank account frozen, the paper was not able to publish after August 6.

With the media under fire, public demonstrations remained the sole means for public critical expression. Authorities either banned protests or authorized them only in remote locations, and responded to unauthorized demonstrations with arrests and prosecutions.

On March 15, Ministry of Internal Affairs troops dispersed a march held to mark the eighth anniversary of the 1994 constitution of independent Belarus. March organizer Nikolai Statkevich, leader of the Social Democratic Party Narodnaya Hramada, was later sentenced to ten days of imprisonment.

Also in March, more than eighty people were arrested and given brief prison terms, fines, or official warnings after police broke up a Freedom Day rally. Another hundred people were arrested and about forty injured in clashes with police in April during an unauthorized protest against living conditions in Belarus. Protest organizers and participants were sentenced to up to fifteen days in jail; others were fined.

In line with its effort to control all spheres of social life, Belarusian authorities sought to restrict religious freedom. In October, Parliament adopted a new law on religion that, if signed by the president, would ban organized religious activity by communities of fewer than twenty members, and would practically outlaw religious confessions that have had representation in Belarus for fewer than twenty years. It would also introduce censorship for religious literature under certain circumstances and require the leaders of all religious organizations to be citizens of Belarus.

Meanwhile, authorities continued to persecute non-Orthodox religious groups. In August, demolition crews backed up by police destroyed a new building of the Belarusian Autocephalous Orthodox Church in a small village in Grodno province. Police violently dispersed parish members and their supporters who tried to prevent the demolition; many were arrested and sentenced to brief jail terms and fines.

Members of Hare Krishna and Hindu communities were regularly detained and fined for meditating in public places, chanting religious hymns in the streets, or protesting repeated refusals to register their community.

The 1999 and 2000 "disappearances" of opposition figures Yury Zakharenka, Viktor Gonchar, Anatoly Krasovsky and journalist Dmitri Zavadsky remained unresolved. In March, a court found two former officers of the "Almaz" special police unit guilty of abducting Dmitri Zavadsky, but the verdict did not satisfy his family, whose lawyers saw the officers as mere scapegoats for higher-level authorities involved in the "disappearance." For stating this view publicly, one of the lawyers, Igor Aksenchik, lost his license to practice, was charged with slander, and, in October 2002 was sentenced to eighteen months in prison, with the execution of the sentence postponed for two years.

Belarusian authorities also banned the broadcast of a new documentary on Zavadsky's and other "disappearances" entitled "Wild Manhunt-2," shot by Zavadsky's friend and colleague Pavel Sheremet.

In November 2002, parliament declined the request of the Belarusian Helsinki Committee to carry out parliamentary investigation into the disappearances.

For the second year in a row, Belarus received the lowest rating possible from the U.S. State Department for failing to combat trafficking in persons. The report noted that Belarus was a country of origin and transit for women and children trafficked

abroad, but that the government failed to prosecute traffickers or train law enforcement officials to recognize trafficking. Corruption also hindered attempts to implement anti-trafficking provisions in the criminal code.

## DEFENDING HUMAN RIGHTS

The authorities continued to widely use Presidential Decree No.8 (adopted in March 2001) to obstruct the work of human rights organizations. The decree bans foreign aid to organizations involved in any political activities, and requires governmental approval for the use of any foreign funding; security service and tax authorities cited these provisions in measures they took against NGOs.

On January 25, a court fined Victor Kornienko, head of a local branch of Civic Initiatives, a human rights NGO, about U.S.\$625 for alleged violation of the decree and ordered confiscation of the organization's computer equipment. In November 2001, a regional tax committee had fined it \$3,750.

Civic Initiatives may well share the fate of Vezha, a prominent human rights organization liquidated in March by a court order. Vezha had previously received two official warnings, which constitutes sufficient grounds for liquidation according to Belarusian law.

In addition to closing existing organizations, the government prevented the founding of new ones, making use of excessively burdensome registration regulations. Referring to "certain inaccuracies" in registration documents, authorities denied registration to "Association XXI," as well as other NGOs.

Activists with Viasna, another prominent human rights NGO, were repeatedly harassed throughout the year, and denied access to court hearings and detention facilities. One of them, Vladimir Malei, was sentenced to fifteen days of imprisonment in January for holding a protest commemorating the anniversary of the Universal Declaration of Human Rights the previous month.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

In May, the U.N. Committee on the Rights of the Child examined Belarus's second periodic report. The committee recommended the Belarusian government to address the problem of increased child morbidity and HIV/AIDS among newborns; to combat violence against children; eliminate child trafficking and sexual exploitation; and to ensure that all children have access to health care, education, and other rights specified in the Convention on the Rights of the Child.

The same month, the U.N. high commissioner for human rights publicly expressed concern about the deterioration of the human rights situation in Belarus.

The U.N.'s annual Human Development Report, released in July, listed Belarus among those countries where free and fair elections are not being held and citizens are disaffected from politics.

## Organization for Security and Cooperation in Europe

Relations between the Organization for Security and Cooperation in Europe (OSCE) and Minsk further deteriorated. Belarusian authorities, long dissatisfied with the OSCE's efforts to publicize the human rights situation in the country, repeatedly accused members of the OSCE Advisory and Monitoring Group (AMG) of interfering with the country's internal affairs and called for a revision of the AMG mandate. Since December 2001, the government refused to extend visas for four AMG diplomats, thereby forcing them to leave the country. The AMG mission was effectively shut down in October 2002, after the authorities refused to extend the last remaining member's diplomatic accreditation, thereby compelling her also to leave the country. Negotiations on the further relations between the OSCE and Belarus were entered into immediately but had borne no results as of this writing.

The OSCE Parliamentary Assembly refused to restore Belarus's special guest status until the country normalized its relations with the OSCE.

## Council of Europe

A Parliamentary Assembly of the Council of Europe (PACE) delegation that visited Belarus in June expressed concern about the continuous attacks on freedom of speech and denounced the prosecution of the *Pahonia* journalists.

Noting that the conflict with the OSCE had a corrosive effect on Belarus's relations with other international institutions, the PACE announced that it would not restore the country's special guest status until its relationship with the OSCE was normalized. The PACE Committee on Legal Affairs and Human Rights also decided to establish an ad hoc sub-committee to examine political "disappearances" in Belarus.

A resolution adopted during the PACE's September session expressed "growing concern regarding freedom of expression and of the media," terming recent convictions of journalists "unacceptable," and concluded that special guest status, let alone full membership for the country, could not be considered.

## European Union

The E.U. criticized the Belarusian leadership for obstructing the work of the OSCE AMG. In August, the E.U. also urged the Belarusian Parliament not to adopt the draft law on religion, noting that it may serve as a basis for religious discrimination. A September declaration by the presidency urged the Belarusian authorities to engage in "constructive negotiations with the OSCE on the future of the AMG in Belarus," and expressed overall concern about the "situation of democracy and human rights in Belarus."

## International Financial Institutions

In April, the World Bank approved a three-year Country Assistance Strategy that envisions U.S.\$140 million in loans to Belarus. The Bank may expand lending to

\$270 million if economic reform is implemented.

The European Bank for Reconstruction and Development took a more critical stand, and in May approved a two-year country strategy that made clear that its involvement would remain limited to the private sector until the Belarusian authorities take steps to promote civil society and carry out market reforms.

### **United States**

In a number of public statements, U.S. officials condemned Belarus's role in its conflict with the OSCE, as well as the government's harassment of journalists and its restraints on freedom of expression. In numerous statements, U.S. officials also made clear that the bilateral relationship with Belarus would not move from the current standstill unless the country demonstrates its commitment to universal principles of democracy and human rights.

U.S. officials repeatedly expressed concern about reports that the Lukashenka government sold weapons and provided military training to Iraq and other states suspected of supporting terrorism.

In June, Christopher H. Smith, co-chairman of the Commission on Security and Cooperation in Europe, introduced the Belarus Democracy Act of 2002 in the House of Representatives. The bill proposes increased assistance for democracy-building activities in Belarus, suggests sanctions against the Lukashenka government, including the denial of entry into the U.S. to high-ranking officials, and encourages executive directors of international financial institutions to vote against financial assistance to Belarus.

### **Russian Federation**

Since Russia and Belarus signed a union treaty seven years ago, President Lukashenka's government has relied heavily on Russia's support both to keep the Belarusian economy afloat and to rebut criticism from the West.

In 2002, however, Russian President Vladimir Putin expressed skepticism about the future of the union and made clear that Russia would not sacrifice its economic interests to support Belarus. Instead, Putin advanced two proposals for unification—one that would effectively absorb Belarus into Russia, subjecting it to Russian economic policies and possibly removing Lukashenka from office, and the other suggesting a suprastate formation similar to the E.U.; Lukashenka rejected both proposals.

## **BOSNIA AND HERZEGOVINA**

### **HUMAN RIGHTS DEVELOPMENTS**

Bosnia and Herzegovina made some progress toward the return of displaced persons, accountability for war crimes, and constitutional protection of its citizens regardless of their ethnicity. In each of these areas, however, much remained to be done before the country could be considered a stable democracy genuinely respectful of human rights.

In April, constitutional amendments entered into force giving the three major ethnic groups the status of constituent peoples on the whole of the territory of Bosnia and Herzegovina. The amendments established mechanisms for protection of the so-called vital national interests of each constituent people, such as those pertaining to education, religion, language, promotion of tradition and cultural heritage, and a public information system. In addition, they provided for ethnically balanced representation in the entity parliaments and highest courts, based on the 1991 census taken prior to wartime forced changes in the ethnic composition of various parts of the country. Implementation of the new constitutional rules remained a challenge.

Elections were held on October 5 for the Bosnian central Parliament and presidency, as well as for the assemblies in the Bosniac- and Croat-controlled Federation of Bosnia and Herzegovina and the Serb-controlled Republika Srpska. For the first time since the 1992-95 war, after six rounds of previous elections arranged and supervised by the Organization for Security and Cooperation in Europe (OSCE), a permanent Bosnian election commission organized the elections. The election campaign was mainly devoid of the ethnic violence seen in recent past elections. Bosniac, Serb, and Croat nationalist parties won the most votes in the parliamentary elections, and their candidates were elected to the Bosnian three-member presidency.

The year saw continued incremental progress toward war crimes accountability. The NATO-led Stabilization Force (SFOR) arrested four Bosnian Serbs indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY): Momir Nikolic (on April 1), Darko Mrdja (June 13), Miroslav Deronjic (July 7), and Radovan Stankovic (July 9). On February 28 and March 1, SFOR troops twice attempted to arrest Bosnian Serb wartime leader Radovan Karadzic in remote mountain villages in the east of the country. On August 14 and 15, SFOR conducted a new operation in the area, purporting to investigate the network of persons who were helping Karadzic hide. In falling short of bringing Karadzic to justice, however, SFOR efforts drew criticism from the ICTY Prosecutor, Carla Del Ponte, who characterized them as "public relations operations." Pasko Ljubicic, a Bosnian Croat accused of persecution of Bosniacs in central Bosnia in 1993, surrendered voluntarily to the tribunal on November 21, 2001. Wartime prison commanders and guards in Serb-run camps near Prijedor, Dusan Fustar, Momcilo Gruban, and



Dusan Knezevic also surrendered on January 31, May 2, and May 18, 2002 respectively.

The authorities in Republika Srpska continued to refuse to cooperate with the ICTY. They denied having knowledge of the presence of Radovan Karadzic or any other Bosnian Serb indictee in the entity's territory. Republika Srpska President Mirko Sarovic and Prime Minister Mladen Ivanic condemned the SFOR actions in eastern Bosnia in March and August. In the beginning of September, the Republika Srpska Government Bureau for Liaison with the ICTY issued a report concerning the 1995 events in Srebrenica, during which the Bosnian Serb Army was believed responsible for the killing of more than seven thousand Bosniac men and boys. The report claimed that only one hundred Bosniacs were killed in violation of law, and 1,900 died in combat or of exhaustion.

Domestic war crimes trials continued in the Federation, sometimes marred by judges' ethnic bias and inadequate witness protection measures. No war crimes trials were conducted in Republika Srpska, but in November the ICTY authorized Republika Srpska authorities to proceed in a case against eighteen Bosnian Serbs on war crime charges. In both entities, public prosecutors initiated dozens of war crimes cases against persons belonging to the local ethnic minority.

Between January and the end of August, the United Nations High Commissioner for Refugees (UNHCR) registered 69,550 minority returns to pre-war homes, a 30 percent increase over the same period in 2001. The year also saw improvements in the return of property to its pre-war owners. As of the end of August, housing authorities had solved 62 percent of property claims in the Federation and 54 percent in Republika Srpska, while at the end of 2001 the respective figures had been 49 and 31 percent.

Property rights violations remained widespread, however. Many people, including public officials, continued to occupy others' property. Authorities in Republika Srpska encouraged or tolerated Serb construction of houses on land owned by displaced non-Serbs.

Violent incidents against returnees in Republika Srpska continued. In Prijedor, Zvornik, Doboje, Bratunac, Derventa, Modrica, and other locations, unknown perpetrators planted bombs under returnees' cars or hurled explosives into their yards and houses. A sixty-six-year-old Bosniac returnee to Srpsko Gorazde was shot at on September 16. Also in September, during a celebration of a Yugoslav national team victory at the World Basketball Championship, local Serbs vandalized houses and business premises of Bosniac returnees in Prijedor and Bijeljina. During the year, unknown perpetrators planted explosives or threw bombs at Muslim religious shrines in Bijeljina, Gacko, and Kozarska Dubica. In most cases the police failed to identify and arrest the perpetrators.

Although freedom of expression was largely respected, independent journalists faced defamation suits and threats from public officials and other individuals. Between February and September, the Free Media Help Line, operated by the international community's high representative, registered forty-eight cases of abuse suffered by journalists, in line with rates in 2000 and 2001.

Roma continued to suffer discrimination and other forms of abuse, while the authorities failed to undertake adequate measures to address these problems. The newly established National Advisory Commission on Romani Issues, a body con-

sisting of representatives of relevant ministries, the Romani community, and international organizations to elaborate a coordinated response to problems faced by Roma, had the potential to bring about some positive change, but it was too early to assess its effectiveness as of this writing.

Trafficking of people into Bosnia continued unabated in 2002, as did the corruption that allowed it to flourish. The United Nations Mission in Bosnia and Herzegovina (UNMIBH) de-authorized eleven local police officers in October for using sexual services in nightclubs. In several of the cases the officers had tipped off bar owners to upcoming raids; one of the officers, a team leader in the anti-trafficking force, faced one month's imprisonment for using his position to sexually abuse a number of women. In a letter submitted to a United States (U.S.) Congressional committee on the eve of an April hearing on United Nations (U.N.) complicity in trafficking into Bosnia, the U.N. admitted that eighteen officers of the International Police Task Force (IPTF, part of UNMIBH) faced repatriation for "incidents of sexual misconduct." In February, a U.N. spokesman announced that an Office of Internal Oversight report found no evidence of "widespread or systematic involvement of U.N. police monitors in trafficking activities." Nongovernmental organizations criticized the U.N.'s public pronouncements on the report for failing to address allegations that a small number of police monitors had purchased trafficked women from brothels. The report was not publicly released.

A new demining law was approved in February 2002. With donor mine action funding of U.S.\$16.6 million, demining operations in 2001 cleared 5.5 to 6 million square meters, and surveyed 73.5 million square meters.

## DEFENDING HUMAN RIGHTS

Refugee associations and human rights groups continued to be active. The ombudsmen of the Federation and the Republika Srpska continued to receive thousands of requests for assistance, the majority relating to violations of the right to housing; discrimination complaints ranked second. The Human Rights Chamber, Bosnia's human rights court, had over ten thousand cases pending as of October 2002. On January 17, the chamber issued an injunction to halt removal of six Algerians sought by the U.S. for alleged involvement in terrorism, but the Bosnian government ignored the chamber decision and handed over the six on January 18. (See also below.) The Bosnian human rights movement suffered a blow when differences over the surrender to the U.S. led to a split in the Helsinki Committee for Human Rights.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### Office of the High Representative

On May 27, Paddy Ashdown succeeded Wolfgang Petritsch as high representative overseeing civilian aspects of the Dayton Peace Agreement. While the priorities of the former high representative had been accelerated refugee return, institution

building, and economic reform, the new high representative declared that the fight against organized crime and regeneration of the Bosnian economy would be his main areas of focus.

### **United Nations**

On June 30, the U.S. vetoed U.N. Security Council renewal of the UNMIBH mandate. The veto followed failed U.S. demands for a Council resolution that would exempt U.S. peacekeepers from the jurisdiction of the nascent International Criminal Court (ICC). On July 12 the mandate was extended until December 31, along with a resolution that suspended for one year any ICC investigation or prosecution of U.N. peacekeepers from countries such as the U.S. that have not ratified the ICC treaty.

UNMIBH continued the certification process for Bosnian police. The procedure involved a check of police officers' performance, wartime conduct, and housing status, as well as verification of their citizenship and academic qualifications. Between November 2001 and September 2002, UNMIBH withdrew authorization for 130 police officers, due in nearly half of the cases to their wartime conduct. By the U.N. secretary-general's own admission, however, the officers often moved to administrative positions outside the authority of UNMIBH, or to positions in public companies. UNMIBH also continued its efforts to increase minority representation within the police. As of May, however, only 15.5 percent of the police in the Federation were minorities, and the respective percentage in Republika Srpska was 4.9.

In a report presented to the U.N. Commission on Human Rights in March, Jose Cutileiro, special representative on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia (F.R. Yugoslavia), described Bosnia's human rights progress as "slow and limited." Cutileiro concluded that genuine inter-ethnic reconciliation in the country had not taken place, and that there would be no real progress while the country depended on foreign civilian executives and foreign military to hold it together.

On April 19, the Commission on Human Rights passed a resolution on the situation of human rights in parts of southeastern Europe, welcoming progress and urging the states in the region to effectively enforce minority rights. The commission also called on the authorities in Bosnia, particularly in Republika Srpska, to cooperate fully with the ICTY.

In February, the ICTY commenced the high-profile trial of former Yugoslav President Slobodan Milosevic, facing charges including for crimes against humanity and genocide committed during the Bosnian war.

On June 12, the ICTY Appeals Chamber upheld the convictions and sentences of Bosnian Serbs Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic for rape, torture, and enslavement committed in Foca during the war. On October 17, the tribunal sentenced Milan Simic, a Bosnian Serb, to five years in prison for crimes against Bosniacs in 1992 in the area of Bosanski Samac. The sentence followed Simic's May 15 guilty plea to two counts of torture charged as crimes against humanity.

In June, the tribunal devised a plan to focus on prosecuting only the highest-ranking political and military figures, while referring cases of the lower-ranking

accused to national courts. A report by the Office of the Prosecutor, the Judges, and the Registrar concluded that Bosnia and Herzegovina was the only country in the territory of the former Yugoslavia to which the tribunal could consider referring such cases.

### **Organization for Security and Cooperation in Europe**

The Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) organized international monitoring of the October 5 elections and concluded that they were "largely in line with international standards."

The OSCE Bosnia mission tackled areas of persistent discrimination, embarking in July on a project on fair employment practices aimed at promoting principles of equal opportunities regardless of national origin, gender, political affiliation, or a person's status. The OSCE also acted as a coordinator for education matters in Bosnia.

### **Council of Europe**

On January 22, the Parliamentary Assembly gave a favorable opinion on Bosnia's application for membership in the Council of Europe. The assembly's decision was conditioned on Bosnia's acceptance of an exhaustive set of post-accession commitments, including implementation of the Dayton Peace Agreement, cooperation with the ICTY, ratification of a number of international conventions, respect for human rights, legislative reform, and the proper functioning of state institutions. On March 20, the Committee of Ministers invited Bosnia to join, and accession took place on April 24.

### **European Union**

In February, E.U. foreign ministers decided that in January 2003 the E.U. would deploy a police mission to Bosnia to take over the international policing operation in the country. The E.U. planned a mission of five hundred officers, whereas the U.N.-led IPTF it would replace numbered 1,800 in 2002. In an April 4 Stabilization and Association Report, the European Commission assessed that Bosnia was yet to satisfy ten out of eighteen conditions—including four of the five human rights conditions—identified in the commission's March 2000 Road Map toward European integration. The commission donated €71.9 million (U.S.\$70.2 million) in 2002 to finance democratic stabilization, administrative capacity building, socioeconomic development, environmental protection, and justice and home affairs. It continued to be the principal donor for the reconstruction of housing destroyed in the war.

### **United States**

After seven years of laudable efforts on the part of the U.S. to foster peace and the rule of law in Bosnia, some of its actions in Bosnia during 2002 seriously under-

mined the rule of law. In January, the U.S. put intense pressure on Bosnia to hand over six Algerians sought for alleged links to terrorism. Bosnia revoked the citizenship of five of the six suspects and turned over all six, although a day earlier the Supreme Court of the federation had ordered the release of the detained suspects due to lack of evidence, and the Bosnian Human Rights Chamber had made an interim order halting their removal from Bosnian jurisdiction. The U.S. transferred the six to its detention camp at Guantánamo Bay.

At the end of August, the U.S. submitted a formal proposal to the Bosnian authorities to sign an agreement to exempt U.S. citizens from transfer from Bosnia and Herzegovina to the International Criminal Court. Bosnian officials declined to either reject or accept the offer. Both the U.S. and Bosnian officials emphasized in public that the U.S. was not threatening withdrawal of the three thousand U.S. troops in the eighteen thousand-member peacekeeping force, should Bosnia refuse to sign the agreement.

On a visit to Banja Luka on April 19, U.S. Ambassador-at-Large for War Crimes Issues Pierre Prosper warned Republika Srpska leaders that the entity was facing isolation because of its failure to meet international obligations to surrender war crimes indictees to the ICTY. During the year, the U.S. carried out a “Rewards for Justice” program, offering a monetary reward for information leading to the arrest of Radovan Karadzic and other war crimes suspects. As part of the initiative, SFOR airplanes distributed leaflets in Republika Srpska in mid-March, and in September, Republika Srpska state television began broadcasting U.S. government advertisements seeking information leading to arrests.

DynCorp, Inc., the U.S. contractor responsible for employing IPTF officers and SFOR contractors, lost one lawsuit and settled a second relating to allegations of wrongful termination of two employees who exposed human trafficking-related activities in Bosnia.

#### **RELEVANT HUMAN RIGHTS WATCH REPORTS:**

*Hopes Betrayed: Trafficking Of Women And Girls To Post-Conflict Bosnia And Herzegovina For Forced Prostitution, 11/02*

*The NATO Summit and Arms Trade Controls in Central and Eastern Europe, 11/02*

## **CROATIA**

### **HUMAN RIGHTS DEVELOPMENTS**

Ensuring minority rights remained Croatia’s biggest human rights challenge in 2002. The government remained reluctant to lend strong support to the return of Serb refugees and backed away from its previous record of cooperation with the

International Criminal Tribunal for the former Yugoslavia (ICTY). At the same time, the government was increasingly committed to pursuing domestic trials to establish accountability for abuses committed against Serbs during the 1991-95 war.

The government failed to enact a long-pending constitutional law on minority rights. In February, the cabinet rejected a draft produced by a working group that included minority representatives. The cabinet then established a new working group, this time without minority representation. As of November, the group had not presented a new draft.

Seven years after the Dayton Peace Agreement brought peace to the region, by the close of 2002 most of the 350,000 displaced Croatian Serbs had still not returned home. Between January and August, 7,800 Serbs returned (primarily elderly persons returning to villages), increasing the total number of returnees to 110,000, according to the United Nations High Commissioner for Refugees (UNHCR). An unknown number of returnees had departed again for F.R. Yugoslavia or Bosnia and Herzegovina after a short stay in Croatia. Property issues remained the principal impediment to sustainable return, with thousands of returnees finding their pre-war homes destroyed or occupied by others. Lack of employment opportunities, often resulting from oblique discrimination, also impeded return.

On July 12, the Croatian Parliament set a December 31 deadline for the government to issue administrative decisions on return of occupied private properties to their owners. For property not returned by this deadline, the government obliged itself to pay compensation to owners who had filed property claims. The amendments disbanded the inefficient local housing commissions and vested the State Prosecutor with the authority to file lawsuits against temporary users who refused to vacate occupied property. The amendments left in place, however, a number of obstacles to repossession of property. Most significant among these was the requirement that before evicting temporary occupants the authorities must provide them with alternative accommodation, which often proved difficult. The right to alternative accommodation applied even to temporary occupants who could afford to obtain other housing and to occupants who had previously lived within a single household but since the war had multiple homes thanks to their occupancy of Serb houses.

While eviction of illegal occupants of Serb properties was legally mandated, in most cases in which they refused to vacate the property, the competent housing commissions had not sought court-ordered eviction. Only at the beginning of 2002 did the Supreme Court abandon its earlier position and rule that owners, as well as the local housing commissions, could sue to evict illegal occupants. Even where courts had rendered final decisions in favor of the owner, however, the judgments rarely led to actual repossession.

The situation was even more hopeless for those who had pre-war tenancy rights in apartments. Deputy Prime Minister Zeljka Antunovic stated in November 2001 that during the war Serbs had left their apartments voluntarily, and accordingly, they had as a matter of law lost their tenancy rights. Lovre Pejkovic, head of the government’s Directorate for Expelled Persons, Returnees, and Refugees, stated in March 2002 that the government had no obligation to former tenancy rights holders.

Roma continued to suffer discrimination in all fields of public life. The Law on Citizenship required citizenship applicants to have five years of permanent residence and excellent Croatian language skills, preventing many Roma from obtaining citizenship. Romani children were segregated into separate and educationally inferior Roma-only classes. On April 19, a group of fifty-seven Romani children assisted by the European Roma Rights Center filed a lawsuit against the Ministry of Education, the Medjmurje county local government, and four primary schools, charging them with segregation. In October, the municipal court in Cakovec dismissed the lawsuit, arguing that racial and ethnic origin of the Roma children was not the reason for the segregation. Roma in Croatia also continued to face discrimination in obtaining access to housing, health care, and employment.

The judiciary continued to suffer from a large inherited backlog of pending cases, inexperienced judges and staff, and political influence at the local level, particularly among judicial appointees of the late President Franjo Tudjman.

In a step back from its previous cooperation with the ICTY, the government failed to arrest and transfer former general Ante Gotovina to the custody of the tribunal. Gotovina was indicted in July 2001 for crimes during and after the 1995 Operation Storm. On August 23, 2002, the tribunal prosecutor indicted retired general Janko Bobetko for war crimes committed against Croatian Serbs in 1993. The government refused to surrender Bobetko to the court, arguing that the indictment contravened the Croatian constitution.

In a welcome development, the authorities accelerated domestic prosecution of ethnic Croats suspected of war crimes committed during the 1991-95 war. Serious concerns remained about the quality of these proceedings, however. Judicial bias and witness tampering characterized some trials, including the high-profile trial in Split for crimes committed in 1992 in the Lora military prison. The witnesses were scared to speak openly in the courtroom about the crimes, and the presiding judge demonstrated bias in favor of the accused Croatian soldiers. The trial had not been completed as of mid-November.

The central government generally did not interfere with the independence of the media. In February 2002, the state-owned television station declined to air a program prepared by a renowned journalist on the contemporary heritage of the Ustashes, the Croatian World War II allies of Nazi Germany. In March, the Zagreb District Court upheld two lower court libel decisions imposing fines amounting to U.S.\$24,000 on the satirical weekly *Feral Tribune* (distinguished for debunking nationalistic myths and researching war crimes against Croatian Serbs). In one of the judgments, the judge faulted *Feral Tribune* for publishing "cosmopolitan opinions and views."

Croatia continued to be a transit country for international trafficking, but it was also increasingly a country of destination for a growing number of women and children trafficked for sexual exploitation from Bosnia and Herzegovina and the countries of the former Soviet Union.

## DEFENDING HUMAN RIGHTS

Robust and professional human rights organizations were active, particularly in the urban centers of Zagreb, Karlovac, Split, Osijek, Vukovar, Knin, and Rijeka. In February 2002, a group of leading civil society groups prepared a shadow report for the U.N. Committee on the Elimination of Racial Discrimination (CERD). In March 2002, the parliamentary ombudsman submitted its annual report. The complaints received by the ombudsman mostly pertained to property and housing rights of Serb returnees, and to pension, disability and medical insurance, and social welfare. The report noted that ministries and administrative bodies continued primarily to ignore the ombudsman's communications. At the July 9 session of the Parliamentary Commission for Constitutional Issues, a representative of the ruling coalition, tacitly supported by other coalition members, strongly criticized the ombudsman for his critiques of the human rights situation in the country.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

On November 30, 2001, the U.N. Committee on Economic, Social, and Cultural Rights issued its concluding observations and recommendations on Croatia's implementation of the International Covenant on Economic, Social, and Cultural Rights. The committee noted that many post-independence transitional measures were being amended or superseded by new laws that better conformed to international human rights principles. The committee nonetheless criticized continued discrimination, mostly affecting Roma and displaced Croatian Serbs.

In its March 19 concluding observations, the U.N. CERD welcomed Croatia's efforts to promote equality. The committee expressed concern at the continued segregation of Romani children in education and at reports of discrimination against Roma in access to employment, health, political representation, and citizenship rights. The committee also urged Croatia to take effective measures to prevent discrimination, especially against Croatian Serbs, as regards the restitution of their property, tenancy rights, access to reconstruction assistance, and rights to residency and citizenship.

### Organization for Security and Cooperation in Europe

The six-month report of the Organization for Security and Cooperation in Europe (OSCE) Mission to Croatia presented on May 24 welcomed several important government policy statements on property repossession, judiciary reform, regional cooperation, and minority legislation. The report also pointed out the main areas of concern, including return of refugees and property repossession, the issue of tenancy rights, and the state of the judiciary and the rule of law. The mission attempted to develop a dialogue with the government while issuing reports critical of its return-related practices.



### Council of Europe

In a March 1 decision in the case *Kutic v. Croatia*, the European Court of Human Rights (ECHR) addressed a Serb applicant's claim for compensation for property destroyed during the 1991-95 war. The case was typical of thousands of compensation claims filed by Serb property owners in Croatian courts, which had simply stayed the proceedings and failed to act on the claims. The ECHR held that there had been a violation of the right of access to courts and ordered Croatia to pay the applicant €10,000 in non-pecuniary damages. In several other cases, not related to return of Serb refugees, the court also found violations of the right to a fair hearing within a reasonable time and the right to an effective remedy.

On February 6, the Advisory Committee on the Framework Convention for the Protection of National Minorities published its April 2001 opinion on Croatia. The committee found that implementation of the Framework Convention had improved regrettably slowly and singled out employment as the area in which the protection of the Serb and Roma minorities merited urgent attention. In its response, the Croatian government invoked the consequences of war as a factor affecting the rights of minorities, and listed legislative and policy reforms under-way to improve its record.

On September 27, Council of Europe Secretary General Walter Schwimmer recalled that full co-operation with the ICTY was one of the commitments that Croatia undertook upon accession to the Council of Europe. He called for a swift and unconditional surrender of the recently indicted General Bobetko to the tribunal.

### European Union

Croatia and the E.U. signed a Stabilization and Association Agreement in late 2001. Pending ratification by all E.U. member state parliaments, an Interim Agreement on the trade-related provisions of the agreement was in effect as of January 1, 2002. In its April 4 Stabilization and Association Report, the European Commission identified the continuing weakness of the judiciary and nationalistic pressures in Croatia as the most far-reaching potential threats to the return of refugees, cooperation with the ICTY, and the achievement of overall economic, political, and social reform. At the beginning of October, Javier Solana, E.U. high representative for common foreign and security policy and Danish Foreign Minister Per Stig Moeller, acting on behalf of the E.U. Presidency, called separately on Croatia to hand over General Bobetko to the ICTY. On October 21, the Council of the European Union "strongly encouraged" Croatia to cooperate fully with the ICTY.

### United States

During a July 2002 visit to Croatia, United States Ambassador-at-large for War Crimes Issues Pierre Prosper supported the Croatian government's efforts to conduct domestic war crimes trials and take over cases from the ICTY. Prosper's statements left it unclear whether the U.S. considered it a priority that such domestic trials meet international standards.

In July, the United States requested that Croatia enter into an agreement exempting U.S. citizens from transfer from Croatia to the International Criminal Court. A spokesman for the Croatian Ministry of Interior expressed a negative opinion of the proposed agreement, while the president and prime minister linked Croatia's response to the E.U.'s position. U.S. Ambassador Lawrence Rossin stated in September that U.S. support for a possible Croatian application for NATO membership might depend on whether Croatia signed the agreement.

In October, Ambassador Prosper publicly reminded the government of Croatia of its commitment to cooperate with the ICTY and urged the government to surrender General Bobetko.

### RELEVANT HUMAN RIGHTS WATCH REPORTS:

*The NATO Summit and Arms Trade Controls in Central and Eastern Europe*, 11/02

## GEORGIA

### HUMAN RIGHTS DEVELOPMENTS

The Georgian government accepted United States (U.S.) military assistance and pursued a pipeline project to transport Caspian oil and gas to western markets. These initiatives accelerated Georgia's shift toward strategic alignment with the U.S. and Western Europe, and brought escalating tension with Russia. The U.S. and Russia branded Georgia's Pankisi Gorge—home to several thousand Chechen refugees—a terrorist haven, respectively citing the presence there of al-Qaeda and Chechen rebel fighters. The U.S. "Train and Equip" program to strengthen Georgia's counter-terrorism efforts in Pankisi got under way, but Georgia rebuffed Russia's repeated demands to conduct its own military operations in the area.

The government did not match its geostrategic repositioning with any significant reform or improvement in its human rights record. Leading reformers left the governing Citizens' Union (CUG) and founded opposition parties, which eclipsed the CUG in June local elections. The government issued a decree to crack down on religious mob violence, and created a commission to devise reforms to end corruption and abuses in law enforcement, and yet indulged such abuses in practice.

In the context of the war on terrorism, international focus on the Pankisi Gorge resulted from the Georgian government's failure since 1999 to enforce the rule of law there. Allegedly, officials from security and law enforcement agencies had shared the profits from weapons and drug trafficking and kidnapping rings in the region. The same agencies, under new leadership since November 2001, now took

action in the Pankisi Gorge to gain and maintain U.S. assistance, and to stave off Russian intervention.

Several thousand refugees who fled renewed armed conflict in Chechnya from 1999 lived in the Pankisi Gorge. To its credit, the government resisted pressure from Russia to forcibly return them. Yet some of the measures it took in Pankisi in the name of anti-terrorism were arbitrary or brutal. On March 22 the National Security Ministry detained two Georgian ethnic Chechen activists who worked with refugees in the gorge, Islam Saidaev and Zurab Khangoshvili, on suspicion of association with al-Qaeda, based on no evidence other than the fact that they were the only Georgian citizens to make the pilgrimage to Mecca in 2002. The ministry secured their pre-trial detention for three months by falsifying the date of their arrest, to avoid their compulsory release under habeas corpus deadlines. They were released in June, but the investigation continued. On April 28 three men of Arab origin “disappeared” after a uniformed military detachment detained them. Witnesses reported that the troops handcuffed the men’s driver, Vizuri Khangoshvili, shot him fatally in the stomach, and left him in a ditch. No criminal investigation followed. On September 25 Chechen refugee Hussein Yussupov “disappeared” while in Security Ministry detention.

For at least the first half of the year, reports persisted of official involvement in criminality in the Pankisi Gorge. Against a background of allegations that weapons were being illegally traded through the Pankisi Gorge to rebels in Chechnya, the authorities showed little interest in interviewing or protecting Aiub Paikaev, a Chechen arms trader who claimed that arms transfers were made under Ministry of National Security patronage. Paikaev had collaborated with the investigative television program *60 Minutes*, which in March broadcast hidden camera footage of a former Georgian army colonel negotiating with him a weapons purchase from a Russian peacekeepers’ base in the breakaway Georgian region of South Ossetia. Days later, unknown assailants beat Paikaev on the street in Tbilisi, the capital. Police promptly arrested him for having wounded a passerby during the struggle. At this writing Paikaev was in detention for attempting to flee the country with a false passport.

Kidnappings continued. In December 2001 two Spanish businessmen held hostage for more than a year in the Pankisi Gorge were released, after payment of substantial ransoms. The media published allegations that senior Georgian law enforcement officials had colluded with the kidnappers. After the June 2002 kidnapping of British banker Peter Shaw, two government ministers acknowledged that law enforcement agents were most likely responsible. As of mid-November none of his kidnappers had been arrested in the wake of his November 6 escape. Under public pressure to end the kidnap of the brother of a popular soccer player, police used electric shocks to torture Badri Khundadze, an acquaintance of two suspects, in a vain attempt to discover their whereabouts.

The Ministry of Internal Affairs in January introduced a telephone hotline for torture complaints, but it did not appear to reduce the frequent occurrence of police torture. The Ministry of Justice forensic bureau confirmed that the police continued to use wind-up military field telephones as electric shock torture devices. Beginning in January, the Ministry of Justice instituted systematic medical

forensic monitoring of detainees transferred from police stations throughout eastern Georgia to its Tbilisi pre-trial detention facility. This provided the first basis for quantifying police torture and ill-treatment and violations of habeas corpus deadlines. Despite these advances, impunity for police torture and extortion remained widespread. Investigation into the death of Temur Mikia—a young man beaten and thrown from an upstairs window of the Poti police station in July 2001—was stalled, and the officers alleged to have killed him remained in their jobs. In June, *60 Minutes* exposed corruption in the Ministry of Internal Affairs narcotics department, but as of October a criminal investigation had not produced any results. The program had shown hidden camera footage of the department chief instructing an informant to plant narcotics on persons from whom bribes could be extorted.

On September 27 more than twenty police officers reportedly raided a local television station in Zugdidi, beating staff and smashing equipment. The station had cooperated with *60 Minutes* on a report about police involvement in gasoline smuggling from Abkhazia. On the same day, police allegedly mistreated the mother and ten-year-old son of the program’s Zugdidi correspondent, Emma Gogokhia, when they failed to find her at home. A group of neighbors reportedly prevented police from taking the boy away. After an internal investigation the deputy regional police chief was dismissed in November.

Law enforcement agencies and courts continued to afford de facto impunity to groups of civilian militants who intimidated and assaulted members of non-Orthodox religious faiths, particularly Jehovah’s Witnesses, Pentecostals, and Baptists. The authorities did nothing to counter a growing campaign of vilification and hostility against such faiths. In February a senior cleric of the Georgian Orthodox Church called for members of religious “sects” to be killed. A member of parliament, Guram Sharadze, mobilized a movement of supporters throughout the country to pursue a range of ultranationalist causes by demonizing Jehovah’s Witnesses, issuing a constant stream of bizarre and unfounded accusations against them.

In January, Vasili Mkalavishvili, a defrocked Orthodox priest, and Petre Ivanidze—responsible for organizing dozens of attacks on religious minorities in and around Tbilisi since 1999—were at last brought to trial, but for just five attacks. To date though, the trial disappointed hopes that justice would be served. Mkalavishvili’s followers were allowed to dominate the courtroom and intimidate the victims, primarily Jehovah’s Witnesses, who consequently feared attending subsequent hearings, until security was improved in October. In February the authorities had threatened to detain and forcibly bring victims to the trial, despite failing to ensure courtroom security. The trial was repeatedly postponed and, at this writing, proceedings on the merits had not commenced. In April a Tbilisi court lifted a restraining order on Mkalavishvili even though he and his supporters had perpetrated new attacks just prior to the trial and between hearings.

In one of their worst attacks, on December 23, 2001, Mkalavishvili and Ivanidze led more than one hundred followers in an assault on the evangelical “Word of Life” church, as it was meeting in central Tbilisi. The assailants beat people and stole equipment, money, and personal documents. Although police arrived quickly, they made no attempt to stop the beatings and thefts and made little attempt to investi-

gate. On January 25 Mkalavishvili and supporters massed outside the Stereo 1 television station, forcing it to withdraw an evangelical religious program, and on February 3 they burned thousands of bibles and other religious books after breaking into the Tbilisi warehouse of the United Bible Society. On July 1 Mkalavishvili's supporters were allowed to roam freely inside a Tbilisi police station and to assault a Jehovah's Witness and his son, whom they had falsely accused of throwing stones at their church.

Local authorities pressured Jehovah's Witnesses to cancel conventions scheduled to take place in August in Kaspi and near Gori. There were anonymous nighttime arson attacks on both convention sites, and on August 15 a mob raided the sites, vandalizing and looting buildings, making bonfires of religious literature, and badly beating a Jehovah's Witness. Police and civilian militants maintained a joint road blockade around Kaspi on August 16 to ensure the Jehovah's Witnesses' convention there did not proceed.

In several instances priests of the Georgian Orthodox Church also harassed religious minorities. On three successive days in early July two priests directed a crowd that laid siege to a house in Tbilisi where the congregation of a Pentecostal church was attempting to hold its regular service. On July 3 three carloads of men attacked a group of Catholics near the town of Kvareli an hour after two priests had demanded that the group leave the area. In September a priest in Sachkhere received Patriarchate backing in preventing a deceased Jehovah's Witness from being buried next to her husband in the town cemetery. Near Ozurgeti, priests allegedly exhorted a crowd to assault a breakaway Orthodox congregation that was building an alternative village church. A crowd destroyed the church on October 6.

The Georgian government offered a draft law on religion as an unconvincing remedy for religious violence. However, the draft provided for further discrimination against religious minority groups through a restrictive registration regime and a clause outlawing "improper proselytism." Police throughout the country who attended human rights seminars made clear that they expected the new law to give them legal grounds to restrict such religious groups as the Jehovah's Witnesses.

Against a background of growing poverty, and in contrast to its indulgence of popular mobilization against religious minorities, the government did little to encourage genuine participation in the political process. Registers used for the June 2 local elections were still uncomputerized and in a deplorable state, opening the way for widespread fraud. Recounts of the Tbilisi vote were still unresolved in November. The elections were strongly criticized by local and international monitors. Human Rights Watch's observation of polling in the town of Marneuli found flagrant fraud, facilitated by low voter participation at most precincts.

## DEFENDING HUMAN RIGHTS

July saw one of the fiercest assaults on a nongovernmental human rights organization (NGO) in Georgia since independence. On July 10 a group of about ten attacked the Tbilisi office of the Liberty Institute, a Georgian human rights NGO prominent in opposing religious intolerance. They severely beat its director, Levan

Ramishvili, and other staff, and smashed computers, furniture, and other equipment.

The government consulted with NGOs in designing a law enforcement reform program, but otherwise its attitude toward them grew less benign. In August the chairman of the government's audit chamber accused "certain NGOs and suspicious entities" of "blasphemous and anti-orthodox intentions." In a speech on April 24, President Eduard Shevardnadze implied that Georgian NGOs might be financed by international terrorists. Such tactics were used to justify the need for a law enabling government oversight of foreign grants to NGOs. Finance Minister Zurab Noghadeili's refusal to support this initiative is reported to have been a factor in his dismissal in early May. On September 24 the new finance minister established a unit to monitor foreign grants to Georgian NGOs.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

Georgia was one of the few countries of the former Soviet Union to issue standing invitations to U.N. human rights monitoring mechanisms. In March the U.N. Human Rights Committee reviewed Georgia's second periodic report. Chiefly, the committee expressed concern at the large number of deaths in police and prison custody, including from suicides and tuberculosis; widespread police torture; and criminal procedure that facilitated arbitrary detention and prevented suspects from filing a torture complaint with a court prior to trial. The committee set an extraordinary twelve-month deadline for Georgia to report on measures taken to rectify these abuses, including progress toward establishing an independent authority to investigate all complaints of ill-treatment.

Although the committee expressed deep concern about the treatment of religious minorities, it classified the violence against them merely as "harassment," and did not include it in the list of issues the Georgian government had to report on within twelve months.

### Council of Europe

A report by the European Committee for the Prevention of Torture (CPT) on its May 2001 visit to Georgian detention facilities, published in July 2002, exposed how loopholes both in the criminal procedure code, and in its implementation, facilitated ill-treatment and torture. The committee also cited Tbilisi's pre-trial facility No. 5 for unacceptable dilapidation, failure to prevent the spread of tuberculosis, and basement punishment cells that were uninhabitable. By September 2001 the government had implemented the committee's requirement that the facility's basement cells be de-commissioned.

During his April visit to Georgia the Lithuanian chairman of the Committee of Ministers publicly took the government to task for its failure to end religious violence.

In April the European Commission against Racism and Intolerance published its first report on Georgia, covering events up to June 2001. It blamed the authorities for permitting religious violence to win significant public support, and specifically criticized the Supreme Court's February 2001 decision to annul the registration of the Jehovah's Witnesses as "an encouragement" for extremists "to persevere in their attacks on religious minorities."

The Directorate of Strategic Planning published a report on its December 2001 mission to Georgia. The report combined with other efforts by the Secretary General's office to promote electoral and criminal procedure reform, and to remind Georgia of its obligation to provide for voluntary repatriation of Meskhetian Turks, deported from Georgia by Stalin in 1944.

Council of Europe observers made a strong statement expressing disappointment at the chaotic conduct of the June 2 local elections, and judging them "unable to provide for the basic conditions for electing genuine democratic local governments."

### **Organization for Security and Cooperation in Europe**

Organization for Security and Cooperation in Europe (OSCE) observers stationed along Georgia's border with the Russian republics of Chechnya and Ingushetia confirmed that Russia had bombed Georgian territory, in an August 23 raid that killed one and injured seven Georgian villagers.

The OSCE Mission to Georgia sponsored a pilot torture prevention project in Tbilisi, linking telephone hotlines in police stations to a rapid reaction group formed by the ombudsman's office.

### **European Union**

The European Commission assigned Georgia €1.9 million (U.S.\$2 million) within the framework of its revamped "European Initiative for Democracy and Human Rights" program, and in September called for project proposals in a range of thematic areas.

The commission's vehement reaction to the December 2001 murder in Tbilisi of Gunther Beuchel, its human rights project manager for Georgia, prompted the government to establish a new police department for combating crime against foreigners.

### **United States**

As part of its campaign against terrorism, the U.S. provided the Georgian military with U.S.\$64 million in assistance under the "Train and Equip" program to support counter-terrorism operations in the Pankisi Gorge. As of October, at least sixty U.S. troops were based in Georgia.

The U.S. government did not sufficiently question the arbitrary or brutal means and methods used by Georgian security forces in detentions and operations in the Pankisi Gorge. The U.S. failed to object to the detention on terrorism charges of

Islam Saidiev and Zurab Khangoshvili, although the sole basis for their arrest was information about their pilgrimage to Mecca, contained in a letter the U.S. embassy sent to the Ministry of National Security. *TIME Magazine* reported that Georgian forces carried out the April 28 illegal detention of three men and apparent extrajudicial killing of a fourth on the basis of intelligence provided by the U.S. Neither government refuted October reports that Georgia was extra-legally extraditing al-Qaeda suspects to the U.S.

At worst, these acts of commission and omission undermined other U.S. activity directed toward consolidating good human rights practices. At best, they amounted to a lost opportunity, as security assistance to Georgia made the government more sensitive to scrutiny by the U.S. of the situation. For example, criticism in the State Department's annual *Country Reports on Human Rights Practices* helped prompt a brief flurry of Georgian government activity, including a presidential decree on human rights in May.

The U.S. Commission on Security and Cooperation in Europe's May 15 letter to Shevardnadze, urging him to end religious violence, had a significant public impact. The commission maintained pressure by holding a hearing on the problem in September. To its credit, from mid-year the U.S. embassy in Tbilisi began making vigorous statements urging the Georgian authorities to act against religious violence, and to promote freedom of religion.

The State Department's second Trafficking in Persons Report, published in June, described Georgia as a country of origin and transit for women trafficked primarily to Turkey and Greece, failing to mention that surveys revealed the U.S. as the third most common trafficking destination. The report wrongly concluded that Georgia had made significant efforts to combat trafficking in 2002, citing in support government anti-trafficking initiatives that existed on paper only.

The U.S. Department of Justice provided valuable financial support for two potential catalysts for positive change in the criminal justice system: the forensic bureau of the Ministry of Justice and the secretariat of the presidential commission for reform of law enforcement agencies.

### **Russian Federation**

Beginning in February, the Russian government attempted to pressure Georgia to forcibly return Chechen refugees living on Georgian territory, despite the likelihood that they would face torture, "disappearance," and other persecution if they returned.

On several occasions through the year, aircraft emanating from and returning to Russian airspace bombed Georgian territory. On August 23 one of these attacks killed a villager south of the Pankisi Gorge and wounded seven others. In a statement on September 11 Russian President Vladimir Putin cited an October 2001 U.N. Security Council resolution requiring states to deny safe haven to terrorists, in justification of possible further military action against Georgia. The statement was the boldest to date in Russia's opportunistic endeavor to link the Russian operation in Chechnya and the global fight against terrorism, and deflect international attention from the political aspects of the Chechnya conflict.



## KAZAKHSTAN

### HUMAN RIGHTS DEVELOPMENTS

The human rights situation in Kazakhstan generated alarm as the government in 2002 struck out at critical media and opposition politicians in an apparent effort to shield itself from pressure for reform.

Kazakh government repression of independent media reached crisis proportions, as journalists were attacked and beaten, threatened with death, and jailed. Media outlets connected to President Nursultan Nazarbaev's political rivals, and journalists who attempted to expose official corruption, were particular targets of the crackdown.

In May, the twenty-five-year-old daughter of independent journalist Lira Baiseitova "disappeared" the day after the journalist published a controversial piece in the newspaper *SolDat* (Let Me Speak) regarding personal Swiss bank accounts allegedly held by the Nazarbaev family. In June, police informed Baiseitova that her daughter, Leila, had been arrested for heroin possession, but did not grant the two a visit. Days later, Leila Baiseitova died in police custody; Lira Baiseitova received conflicting reports about the cause of death, including a police claim that her daughter had hanged herself in her cell. Lira Baiseitova had herself been the victim of physical attacks in 2000 and 2001.

On August 28, unknown assailants beat independent journalist Sergei Duvanov unconscious; he was hospitalized for head trauma and other injuries. The attack was clearly aimed at silencing Duvanov and intimidating other independent journalists. On May 6, an Internet publication had posted a controversial article by Duvanov about corruption on the part of President Nazarbaev and his close circle. On July 9, officers of the National Security Committee (KNB) interrogated Duvanov about his Internet article and filed criminal charges against him for "violating the honor and dignity of the President." By October, a police investigation had failed to identify the assailants. On October 28, police arrested Duvanov on charges of sexual assault of a minor. Duvanov had been scheduled to leave the following day for the United States (U.S.), where he was to have given a series of lectures on the state of media freedoms in Kazakhstan.

The August assault on Duvanov came twelve days after a similar attack on Artur Platanov, a television reporter, who was beaten outside his home and suffered injuries requiring hospital treatment. Human rights groups reported that police identified the assailants as three former police officers. Platanov's recent reporting had addressed allegations of government corruption and the suspicious circumstances surrounding the death of Leila Baiseitova.

In May, unknown intruders to the *SolDat* premises beat and seriously injured employees, stole equipment, and threatened a repeat attack if the paper continued publishing. Authorities blamed "drug addicts" for the crime, and at this writing Human Rights Watch was not aware of any further state investigation into the inci-

dent. The paper is said to be affiliated with the opposition Republican People's Party, led by former Prime Minister Akezhan Kazhegeldin.

The same month a firebombing destroyed the offices of another newspaper, *Respublika*. Police reportedly failed to investigate the incident seriously, and instead briefly detained the paper's co-founder, Muratbek Ketebaev, on charges—later dropped—that he had hired people to carry out the firebombing; the case remains under investigation. Prior to the attack, the newspaper's editor, Irina Petrushova, had received a funeral wreath with her name on it, and had found a decapitated dog hanging outside the newspaper's office reportedly bearing a note saying "there will be no next time." *Respublika* journalists had been investigating allegations of government corruption, including the Nazarbaev family Swiss bank accounts story.

On July 4, Petrushova, who is not a citizen of Kazakhstan, received an eighteen-month suspended prison sentence for working in Kazakhstan illegally. Work permit rules for citizens of most countries of the former Soviet Union are usually enforced only with regard to sensitive government posts, and violations punished by a fine. According to the Reuters news agency, Petrushova left Kazakhstan at the end of August.

Also in 2002, the seven-year-old Rifma radio station, the first independent radio station in Aktiubinsk province, was closed after government officials successfully petitioned to have the broadcaster's license revoked for "deliberately and blatantly" violating the law on languages. By law, at least 50 percent of a station's programs must be in Kazakh. Authorities suspended the license of private television station Tan in March for alleged violations of the language law as well as "technical problems."

Opposition politician Mukhtar Abliazov, named in media reports as a shareholder and co-founder of Tan, and one of the co-founders of the nascent Democratic Choice of Kazakhstan (DVK) opposition party established in November 2001, was arrested on March 28. He was sentenced on July 18 to six years in jail on charges of abuse of office while serving as minister of energy from 1997 to 1999. Galymzhan Zhakianov, the other DVK co-founder, was sentenced on August 2 to seven years of imprisonment for alleged abuse of office while serving as governor of Pavlodar province. The two men and their supporters argued that the government fabricated the cases against them to remove them as serious challengers to Nazarbaev. Others viewed the case as another example of the selective prosecutions that target the dissident elite.

Senate elections held October 8 were allegedly marred by procedural violations. Authorities denied registration to the DVK candidate from Pavlodar, Gennadi Bondarenko.

President Nazarbaev continued to consolidate economic and financial power while severely curtailing public inquiry into the alleged misuse of government oil revenues. Government harassment of the independent media was partially attributed to revelations in late 2001 and early 2002 that the government secretly held approximately U.S.\$1.4 billion in a Swiss bank account under Nazarbaev's control. After repeated government denials, on April 4 Prime Minister Imangaly Tasmagambetov confirmed the existence of the account and explained how it was used. However, Tasmagambetov did not respond to parliamentary questions about

the existence of personal Swiss accounts in the name of Nazarbaev and his relatives.

A U.S. federal judge ruled on September 9 that the Kazakh government could not prevent a federal grand jury from reviewing some three hundred thousand pages of documents related to a corruption investigation involving Kazakh government officials and James Giffen, a close associate of Nazarbaev and financial advisor to the Kazakh government. The government had requested that the documents be suppressed on the grounds of sovereign immunity. The investigation stemmed from information that the U.S. Department of Justice (DOJ) had received from Swiss authorities in 2000 regarding the “alleged use of U.S. banks to funnel funds belonging to certain oil companies through Swiss bank accounts and shell companies... for ultimate transfer to... high-ranking officials of Kazakhstan.” The DOJ documented transfers totaling almost U.S.\$115 million from March 1997 to September 1998 allegedly from several international oil companies through Giffen to the president and former government officials.

The Kazakh government removed some of the most restrictive language in its law on religion, bringing it closer to international standards. For example, the registration requirement for those seeking to conduct missionary activity was lifted for Kazakh citizens.

However, police and prosecutors sought to punish those who engaged in religious activity but were affiliated with unregistered religious groups. For example, on February 15 police reportedly arrested Tursunbai Auelbekov for distributing Baptist literature in a market. The prosecutor intended to bring charges against Auelbekov, but desisted upon learning of his poor health; he was subsequently released. While in the majority of cases Baptist believers from unregistered groups were penalized with administrative fines, in October 2001 authorities sentenced Pastor Valeri Pak to five days of imprisonment for ignoring an earlier order to halt his church's activities. In a particularly disturbing case, on October 27, 2001 police in Kyzl-Orda province beat Asylbek Nurdanov, the leader of an unregistered Baptist church, and forcibly committed him to a mental institution; he was released on November 16.

Some of the harshest government action to repress religious freedom was reserved for members of Hizb ut-Tahrir (Party of Liberation) a non-violent group that advocates the re-establishment of the Islamic Caliphate or state. At least two dozen members of the group were detained in Kazakhstan in late 2001 and 2002 for distribution of Hizb ut-Tahrir leaflets. Uzbek citizens arrested for membership in the group were extradited to Uzbekistan, where they were sentenced to long prison terms. Others were fined or given prison sentences of up to four years, according to press reports. One alleged member, Kanat Beiembetov, died in custody as a result of ill-treatment by KNB agents on November 6, 2001, eleven days after his arrest. The officers responsible for his death were reportedly dismissed.

Kazakh courts continued to sentence people to death. As of June some forty people were reportedly on death row awaiting execution.

The government took several steps during the year to address a rapidly escalating HIV/AIDS epidemic, including a directive abolishing the long-standing practice of compulsory HIV testing for all persons in pre-trial detention. Unfortunately, by October the Ministry of Internal Affairs—which oversees such facilities—still

had not implemented this directive. Injecting drug users—the most heavily AIDS-affected population group in the country—and commercial sex workers continued routinely to face police abuse and lack of due process. These factors contributed to their lack of access to preventive HIV services. Persons living with HIV/AIDS continued to experience severe discrimination in access to health care, housing, and employment.

## **DEFENDING HUMAN RIGHTS**

In September 2002, the government created an ombudsman's office to monitor and take steps to remedy human rights violations. The potential effectiveness of the office appeared to be undermined from the outset, however, as founding legislation specified that the ombudsman would be prohibited from “interfering” in court proceedings or the routine operation of law enforcement agencies.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

Kazakhstan remained the only country in the region that was not a state party to the International Covenant on Civil and Political Rights or to the International Covenant on Economic, Social and Cultural Rights.

### **Organization for Security and Cooperation in Europe**

The Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights expert advisory panel on freedom of religion or belief reviewed Kazakhstan's new law on freedom of religion and religious associations and was successful in improving its protection of religious freedoms. Cooperation between the government and OSCE was commendable in this area.

The OSCE representative on freedom of the media issued a report in June expressing alarm at attacks on the media in Kazakhstan. He also spoke out strongly against the assault on Sergei Duvanov, calling for his attackers to be brought to justice.

### **European Union**

In July, the E.U. reported that its 2002 Cooperation Council meeting with Kazakhstan had emphasized respect for human rights as an “essential condition” for Kazakhstan-E.U. cooperation. The E.U. statement mentioned violent attacks on the media, and expressed concern regarding “the number of court cases against non-governmental media and opposition.” It also noted the need for a “transparent” judicial system to address the problem of corruption.

The E.U. encouraged Kazakhstan to ensure broader political pluralism, but the Kazakh government took no discernible action in response. The E.U. used an OSCE Permanent Council meeting in late July to express concern about the new law on political parties, saying that it “pose[d] a threat to political pluralism” and would “impede the full development of political parties in all sectors of Kazakh society.”

### United States

U.S. President George W. Bush reportedly raised human rights issues during his December 2001 meeting with President Nazarbaev. But since the White House made no public statement to this effect, Nazarbaev was able to use the meeting to show that he had unqualified U.S. support. At the close of the visit, the Bush administration promised to seek Kazakhstan’s “graduation” from the Jackson-Vanik amendment to the U.S. Freedom Support Act, which denies “most favored nation” trade status to countries that restrict freedom of emigration.

As the crackdown against the Kazakh media and political opposition intensified, the Bush administration’s frustration with the Kazakh government appeared to grow. In August, a State Department spokesman stated that “recent developments... pose a serious threat to the country’s democratic process” and promised that the U.S. would “raise these concerns at the highest levels with the Government of Kazakhstan.”

The U.S. risked sending mixed signals to Kazakhstan, however, by simultaneously pursuing closer military ties, culminating in a July agreement giving U.S. aircraft landing rights at Almaty airport.

In September, U.S. government officials took the lead in an international effort to convince Kazakh authorities not to extradite Gulgeldi Annaniyev, a Turkmen dissident in Kazakh custody, to Turkmenistan. Annaniyev was granted refugee status by the United Nations High Commissioner for Refugees (UNHCR) and was able to travel to Norway for medical treatment in early October.

## KYRGYZSTAN

### HUMAN RIGHTS DEVELOPMENTS

The events of 2002 provided further evidence that the government of President Askar Akaev had abandoned human rights commitments. It used lethal violence to break up demonstrations, jailed the president’s political rivals and independent-minded Muslims, and attempted to dismantle media freedoms. With its increasingly close relationship to the U.S. and heightened international profile, the government appeared confident that repressive measures would have no diplomatic consequence.

At least five demonstrators were killed and some ninety people injured, includ-

ing forty-seven police officers, when violence erupted during a protest on March 17 and 18 in the Aksy district of Jalal Abad province in southern Kyrgyzstan. Protesters demanded the release of Azimbek Beknazarov, a popular member of parliament. (See also below.) According to eyewitnesses, police and security forces opened fire on an unarmed crowd of hundreds to halt the demonstration, without first allowing sufficient time for those gathered to disperse. The Ministry of Internal Affairs claimed that demonstrators initiated the violence by throwing stones, and originally said that no charges would be brought against the officers. The use of live ammunition on unarmed civilians was explained as being due to a lack of supply of rubber bullets.

Parliament introduced a bill that would amnesty those responsible for the violence in Aksy, including officers who opened fire on demonstrators. In August, Akaev sent the bill back to parliament for revision. Following domestic and international pressure for accountability, a case was eventually opened. The trial of six police officers and local administrators accused of abuse of power for their role in the March Aksy incident began September 30 but was postponed the same day. Relatives and supporters of the policemen staged large-scale protest rallies demanding the defendants’ acquittal and that the court instead try the officials who gave the order to fire on the protesters. The hearing was repeatedly delayed until October 22, when a judge remanded the case for further investigation.

High-level government officials who supervised the forces—including the minister of internal affairs and the National Security Service (SNB) chief—were promoted to posts in the presidential administration following the shootings.

Persecution of Akaev’s political rivals continued. As of November, the government failed to release Feliks Kulov, former vice-president of Kyrgyzstan who was excluded from running against Akaev in the 2000 elections. He had been sentenced in 2001 to seven years in prison on politically motivated charges of abuse of office. In May 2002 he was convicted on additional charges of embezzlement and his sentence increased to ten years. On October 11, an appeals court in Bishkek upheld the sentence. Kulov’s imprisonment continued to generate public outrage and international protest in 2002, as did the arrest in January 2002 of Azimbek Beknazarov. The charges against Beknazarov stemmed from his alleged failure to investigate a murder in 1995, when he worked as a prosecutor in Jalal Abad province. Opposition activists believed his arrest was motivated by the government’s interest in silencing Beknazarov’s criticism of the decision to cede to China land that had been the subject of contention between the two states for years.

After the demonstrations in Jalal Abad province, Beknazarov was released from custody and, on May 24, a court handed down a one-year suspended sentence and stripped him of his seat in parliament. In June, an appeals court upheld the conviction but annulled the sentence, restoring his parliamentary mandate. Upon his release, Beknazarov reportedly stated that police had beaten him in custody and that his earlier denial of ill-treatment on national television had been coerced by security officials.

Police forcibly dispersed numerous protests in the capital, Bishkek, and detained peaceful demonstrators, including rights defenders and journalists observing the gatherings. Dozens of protestors were given short jail terms or forced to pay fines.

In a strike against media freedoms, in January Akaev issued Decree 20, which set out a series of bureaucratic obstacles to independent press and publishing. It was annulled on May 27, after an international outcry. While it was in effect, the decree required that all printing equipment, broadly defined to include even copy machines, be registered with the state and strictly monitored by state agencies.

The Kyrgyz government continued to make use of criminal libel laws and other politically motivated criminal charges to punish journalists for criticism of government policies or officials. In June, the Supreme Court upheld a 2001 verdict sentencing television journalist Samagan Orozaliev and his driver to nine and eight years in prison respectively on hotly contested charges of extortion and illegal weapons possession. Orozaliev had been investigating local corruption for a documentary film at the time of his arrest in 2001.

In May 2002 authorities also briefly detained Zharkyn Temerbaeva, a reporter for Radio Free Europe/Radio Liberty (RFE/RL) just prior to a planned protest she had come to observe. According to a report by PEN International, government authorities opened a criminal case against poet Asanbai Jusupbekov on February 21 for “spreading false information” for informing RFE/RL, after visiting Azimbek Beknazarov in detention, that the latter had been beaten in custody. PEN reported that Jusupbekov had gone into hiding.

The government intensified efforts to eliminate Muslim groups whose religious practices fell outside narrow state controls. Decree 20 appeared to be aimed also at restricting the exchange of information by members of such groups. The decree’s preamble stated that it was intended “to prevent subversive ideological and propagandizing activities by various extremist religious centers and [to prevent] . . . their informational impact . . .” To this end, the decree called on certain state agencies to regulate the number of religious groups and to counter the “unlawful activities of various religious movements.”

Police arrested and harassed dozens of independent Muslims, targeting in particular members of Hizb ut-Tahrir (Party of Liberation), a non-violent Islamic group that seeks to establish a Caliphate, or Islamic state, in Central Asia. The majority were charged under legal provisions prohibiting incitement of racial, ethnic or religious enmity and sentenced to several years in prison. On July 4, Abdulla Abduraulov and Shakat Islambaev, who had been detained for distributing Hizb ut-Tahrir leaflets in Osh province, were convicted on such charges and sentenced to five years in prison.

Authorities also conducted numerous search-and-seizure operations, during which they confiscated the group’s books, brochures and leaflets, and audio- and videocassettes. During one search in early February in Osh province, police claimed to find a cache of weapons in the home of a Hizb ut-Tahrir member Adkham Baltabaev, who was later released and fined 10,000 som (U.S.\$208). The weapons possession charge was presumably dropped.

In early September SNB chief Kalyk Imankulov made several unfounded statements attempting to link the Jalal Abad protests to the work of Hizb ut-Tahrir activists and accused the organization of destabilizing the country. He also claimed that the SNB had recently prevented a series of “terrorist acts” by confiscating a cache of weapons it allegedly found in a “hiding place” along with Hizb ut-Tahrir

leaflets. There were no known cases under investigation on these charges as of October 2002.

The government of Kyrgyzstan also continued to pursue its relentless campaign against the country’s Uighur minority. Uighur activists and local rights groups accused the Kyrgyz government of conducting a baseless smear campaign to brand Uighurs “terrorists” and “extremists.”

In past years, Kyrgyz authorities charged several groups of Uighur men with responsibility for violent acts, including a 1998 bus bombing. In an unusual twist, in late 2001 Kyrgyz authorities charged that an Uzbek man was in league with Uighur separatists when he allegedly shot to death a businessman prominent in Kyrgyzstan’s Uighur community. The Uzbek, Otabek Akhadov, was sentenced to death and three other men were sentenced to prison terms in what rights groups believed was a politically motivated case. In May 2002, two citizens of China were arrested for the same crime and handed over to Chinese authorities for prosecution in China.

Uighur separatists were initially blamed for the shooting deaths of an official from the Chinese embassy in Bishkek and his driver in June. At least one Uighur with Kyrgyz citizenship was briefly detained following the incident. In July, Kyrgyz authorities arrested and charged two Uighur men with the crime, but said they found it was in fact not political but the consequence of a commercial dispute.

The government of Kyrgyzstan took some steps to counter the trafficking of humans abroad. A government council on trafficking met for the first time in July. However, local press reports indicated that trafficking and specifically the use of companies registered in Kyrgyzstan as fronts for trafficking remained serious problems in 2002.

Following a June 2001 decree on mine clearance and mine awareness, the Kyrgyz Ministry of Emergency Situations began conducting mine awareness programs among high-risk populations in affected areas.

## DEFENDING HUMAN RIGHTS

State agents took an aggressive stance against rights defenders, subjecting them to harassment, intimidating surveillance, and arbitrary arrest and detention.

In January 2002, police searched the home of Bakhodir Akhmedov, deputy director of the Committee for the Rights of Muslims, and arrested him on charges that he had sixteen bullets in his oven. Akhmedov’s work, based in Jalal Abad province, focused primarily on defense of ethnic Uzbeks and non-violent independent-minded Muslims, a particularly unpopular group in Kyrgyzstan’s current political climate. In the months that followed his arrest, as the government intensified its campaign to arrest members of such groups, the charges against Akhmedov became increasingly outrageous. According to Russian rights group Memorial, in August, when state prosecutors were faced with a deadline to file charges against Akhmedov, they charged him with membership in the Islamic Movement of Uzbekistan, a militant group that had invaded Kyrgyz and Uzbek territory in years past. Akhmedov’s lawyer reported that the only support for the new allegations was



the testimony of ex-convicts from Uzbekistan. As of this writing, Akhmedov remained in custody awaiting trial.

Tursunbek Akunov, chair of the Human Rights Movement of Kyrgyzstan, was reportedly a particular target of police harassment during the Aksy protests in March, when police grabbed him from the crowd of demonstrators. Shortly after the shootings, the minister of internal affairs publicly blamed Akunov for the deaths of protestors.

Police again detained Akunov when they broke up a May 2002 protest outside parliament. Other defenders detained in that incident included Ramazan Dyryldaev, chair of the Kyrgyz Committee for Human Rights (KCHR), and Alexander Fomenko, Mamasadyk Jakyshev, and Kachkyn Bulatov, also of the KCHR. Dyryldaev also reported in September that he was under intensive and intimidating surveillance by authorities.

Among seven civilians charged in relation to the holding of the Aksy demonstrations was Kadyrkul Omurbekov, who had been working to defend the rights of victims and their relatives. After twelve days in custody, Omurbekov was released on September 19, pursuant to a government agreement to drop all charges against the demonstrators and their advocates.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### Organization for Security and Cooperation in Europe

Several Organization for Security and Cooperation in Europe (OSCE) seminars and conferences took place in Bishkek. A conference on freedom of belief and expression held February 15-16 focused on the need for greater dialogue between authorities and religious confessions in Central Asia, and for interfaith tolerance as a means to maintain stability.

OSCE leaders played a positive role by advocating increased dialogue between the Kyrgyz government and political opposition. During his visit to the country in May, Office for Democratic Institutions and Human Rights (ODIHR) Director Ambassador Gérard Stoudmann called on the Kyrgyz leadership to promote tolerance and build public confidence. The OSCE chairman-in-office also traveled to Kyrgyzstan in July for talks with President Akaev as well as meetings with civil society groups, including independent media outlets, human rights groups, and the leaders of opposition parties.

### European Union

The E.U.-Kyrgyzstan Cooperation Council met in July to discuss implementation of the Partnership and Cooperation Agreement (PCA). An E.U. statement following the meeting did not indicate whether the E.U. had directly challenged Kyrgyzstan on its rights record. It noted only that respect for human rights was a necessary condition for cooperation and that freedom of expression was among the factors of democracy, and “took note of the measures taken by the Government of Kyrgyzstan in the wake of the events in Aksy.”

## United States

The U.S.-Kyrgyz relationship changed significantly in late 2001 and 2002 as Kyrgyzstan agreed to host about one thousand U.S. troops—along with one thousand troops from other countries—at Manas airbase to facilitate military operations in Afghanistan. Now an important U.S. ally, Kyrgyzstan reportedly received U.S.\$49.9 million in assistance in 2002, including \$12 million for security programs, none of it tied to progress on human rights. The U.S. continued to provide Kyrgyzstan with non-lethal equipment and military training, and as the year progressed, security concerns dominated its relationship with Kyrgyzstan.

At the same time, U.S. policy-makers criticized Kyrgyzstan's backsliding on human rights, calling it, in the words of U.S. Deputy Assistant Secretary of State Lynn Pascoe, a country that “retreated from its early promise.” When President Akaev visited Washington, U.S. officials reportedly told him privately that his cooperation against terrorism did not give him a green light to undermine democracy. The joint statement issued at the close of Akaev's visit said that the two countries “reaffirm” their “mutual commitment” to promote human rights. At the same time, the U.S. failed to insist that Kyrgyzstan show tangible progress, such as the release of Feliks Kulov, prior to the visit, and reportedly failed to ask for specific human rights improvements during meetings between Akaev and President George W. Bush.

The United States also provided funds for the establishment of a printing press in Kyrgyzstan designed to help the country's independent media resist government harassment. As of November, however, the Kyrgyz government had refused to authorize the printing press.

## China

Kyrgyzstan's relations with China deeply affected the domestic political situation. In particular, the Kyrgyz government's controversial decision to cede a three hundred-square-mile strip of land to China sparked objection from parliamentarians and became a focal issue for mass protests across the country. China's influence with Kyrgyz authorities was particularly apparent in the Kyrgyz government's policy toward Uighurs. China reportedly encouraged Kyrgyz officials to use a firm hand with the Uighur minority and to pursue a series of arrests to quash any manifestation of Uighur separatism or ambitions for self-determination in China's Xinjiang province.

China and Kyrgyzstan undertook counter-terrorism training exercises along their border on October 1 under the auspices of the Shanghai Cooperation Organization (the joint security group previously known as the Shanghai Five).

## MACEDONIA

### HUMAN RIGHTS DEVELOPMENTS

Implementation of the August 2001 Framework Agreement for Peace (known as the Ohrid Agreement) brought Macedonia considerable change, including an amnesty for the insurgents, emergence of new political parties, and general elections that replaced the government of Prime Minister Ljubco Georgievski. Reforms required by the peace agreement began in earnest only in late 2001 with Parliament's approval of constitutional amendments recognizing Albanian as an official language and guaranteeing proportional access for ethnic minorities to public sector jobs, including in the police. Parliament adopted a further set of reforms giving ethnic Albanians and other minorities the right to use their own languages in state institutions. However, prior to its departure from office, doubts about the commitment of Georgievski's government to the Ohrid process affected overall stability for much of 2002, and the government's record was marred by its assaults on press freedom, harassment of human rights organizations, impunity for abuses committed during the conflict, and evidence of widespread corruption.

Although generally declining during the year, there was an upsurge in inter-ethnic and political violence and intimidation in the weeks preceding the mid-September 2002 general elections, underscoring the fragility of the peace deal. The elections took place with few incidents, however, and resulted in the "Together for Macedonia" coalition ousting the ruling parties. Led by the Social Democratic Union's Branko Crvenkovski, the coalition took 40.4 percent of the national vote, while the recently established Democratic Union for Integration (DUI), led by former Albanian rebel leader Ali Ahmeti, won the bulk of the ethnic Albanian vote. In early November, Parliament approved the new multiethnic government, headed by Crvenkovski and including five DUI cabinet members.

Mutual distrust still permeated relations in some communities, strained further by several isolated but serious attacks. Shootings, bombings, and kidnappings took place during the year, in particular in the northwest. One of the more serious incidents occurred in late August, when ethnic Albanian extremists kidnapped seven people, demanding the release of three suspects in the killing of two policemen that same week. Due to intervention by international mediators, all seven abductees were freed within a few days.

Macedonia's record on accountability for rights abuses remained poor, with the Georgievski government failing to address impunity for abuses committed during the 2001 conflict. The authorities flatly rejected the possibility that members of the security forces could be tried for serious violations of international humanitarian law. Meanwhile, in March, Parliament passed an amnesty law that covered all "criminal acts related to the 2001 conflict," including those committed by combatants of the ethnic Albanian insurgent group, the National Liberation Army (NLA). Most ethnic Albanians detained or convicted on charges related to the conflict were

either pardoned by President Boris Trajkovski or released under the amnesty. The international community gave strong support to the amnesty, which they saw as important for inter-ethnic peace and reconciliation. However, the law barred domestic courts from trying war crimes committed during the conflict, and therefore appeared to violate Macedonia's obligations under the Geneva Conventions. Human rights groups argued that the law's prohibition on domestic trials would ensure impunity for many serious violations, since the International Criminal Tribunal for the former Yugoslavia (ICTY) would be able to pursue only a few high profile cases.

Following the September 11, 2001 terrorist attacks against the United States, the Macedonian government repeatedly used anti-terrorist rhetoric, invented threats to score political points, and raised the specter of Islamic fundamentalism among Macedonia's Albanians. After police shot and killed seven foreign men on the outskirts of Skopje in March, the government cast the incident as a thwarted "terrorist attack" on Western embassies in the capital. The Ministry of the Interior attempted to link the men with the NLA and al-Qaeda, and called them "mujahideen" fighters. Suspicions emerged when official versions of the incident changed, and the ministry rejected a request for international forensic experts to examine the bodies. The *Wall Street Journal* later reported that the victims were Pakistani and Indian migrants traveling to Greece to seek employment. The government continued, however, to label them "terrorists."

During the year, journalists suffered threats and violent attacks, including a September 9 shooting in the *Global* newspaper's printing offices and the bombing of the newspaper editor's car a day later. Macedonia's first newspaper printed in both Macedonian and Albanian, *Global* had reported on corruption and incompetence among government officials. No one was injured in either attack, which editor Ljupco Palevski attributed to members of the Democratic Party of Albanians, an allegation that was denied by a party spokesman. Also in September, the Ministry of the Interior filed criminal libel charges against reporter Marjan Djurovski of *Start* magazine, which had published an article claiming the government might start a war in order to delay elections. Earlier that month, Interior Minister Ljube Boskovski had threatened to detain any editors for "spreading western scenarios in order to destroy the government." Other journalists were physically attacked in what they believed to be attempts to suppress their investigations into shady government practices. One of the most serious incidents took place in late September when persons suspected of being members of the "Lions," a special police force, attacked journalist Zoran Bozinovski late at night in the Tumba radio station. Bozinovski sustained a concussion, lacerations to the head, and several broken fingers. One person was subsequently arrested for his part in the attack. Investigation of the perpetrators was ongoing at the time of writing.

Police continued to perpetrate racially motivated abuses against Roma with impunity, and there were several reports of violent attacks against Roma by non-state actors. Discrimination against Roma in various fields of public life remained widespread. Refugee Roma from Kosovo were particularly vulnerable to abuse.

The government took steps against trafficking in human beings by passing a law criminalizing trafficking and signing an agreement with the International Organi-

zation for Migration (IOM) for the pre-screening of female undocumented migrants to identify victims of trafficking. The Ministry of the Interior opened a shelter for trafficked women and girls, which reportedly provided good accommodation but no information to the women on their legal rights. In addition, the shelter received only those willing to return to their country of origin. Those who did not participate in the IOM program were liable to deportation and renewed exposure to the trafficking cycle.

## DEFENDING HUMAN RIGHTS

The Macedonian Helsinki Committee (MHC) and other organizations became targets of government-orchestrated intimidation campaigns. The publication of MHC's 2001 annual report, which included accounts of violations by the Macedonian police, triggered accusations of treason and lack of patriotism by the government-controlled media. A statement from the Ministry of the Interior labeled Mirjana Najcevska, the MHC chairperson, "state enemy no.1" and "anti-Macedonian." In September, Najcevska was also verbally attacked by Minister of the Interior Boskovski following an MHC statement expressing doubts about the political impartiality of the police. Boskovski launched a similar smear campaign against the Brussels-based International Crisis Group and the author of its report on official corruption in Macedonia.

The Civil Society Resource Center (CSRC) provided free legal representation to 150 asylum seekers, including in three cases before the European Court of Human Rights. It also provided legal aid to victims of torture, police abuse, and other human rights violations. A network of nongovernmental organizations coordinated by the CSRC worked with the Office of the United Nations High Commissioner for Refugees to find solutions to the situation of thousands of former Yugoslav citizens (including many ethnic Albanians) who had not been granted Macedonian citizenship after independence, despite their established residence in the country.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

The international community continued to monitor closely and react to threats to peace and stability in Macedonia. Unfortunately, considering only short-term security, it repeatedly sacrificed justice and accountability for the serious crimes committed by both sides in the armed conflict. The international community should have supported and monitored fair domestic war crimes trials in Macedonia, as a complement to international justice before the ICTY.

### United Nations

In late 2001, the ICTY initiated two separate war crimes investigations into the Macedonian conflict and in 2002 opened three new investigations. The ICTY had not issued any public indictments as of this writing.

## Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) supported reforms required by the Ohrid Agreement. The organization trained a multiethnic police force: as of mid-year, over six hundred police cadets had completed basic training under the program. The OSCE's Skopje mission was reportedly taking steps to enhance its limited human rights monitoring capacity. In the largest election observation mission ever deployed in Europe, the OSCE sent approximately eight hundred international observers to Macedonia for the September 15 elections. The observers judged the elections to be largely free and fair.

## Council of Europe

The Committee for the Prevention of Torture (CPT) visited Macedonia in July to assess the treatment of persons detained by law enforcement agencies. The country also remained subject to the Parliamentary Assembly's post-monitoring dialogue and a delegation of parliamentarians visited the country ahead of the September elections. In contrast to the majority of international bodies, the Council of Europe expressed reservations about the amnesty law, noting that an amnesty preventing domestic prosecutions for violations of international humanitarian law would be counter-productive. As of this writing, the Macedonian government was almost four years overdue in submitting its initial report under the Framework Convention for the Protection of National Minorities.

## European Union

The E.U. was supportive of the reform process but expressed concern at the pre-election violence. The E.U. warned the Macedonian government that the increased violence cast doubts on Macedonia's ability to form closer ties with the E.U. and the North Atlantic Treaty Organization (NATO). A €530,000 (U.S.\$520,000) grant from the European Commission supported a national census sought particularly by ethnic Albanian political leaders, who claimed government figures understated the real size of their community. Resolving this long-standing controversy was a critical element of the Ohrid Agreement, providing for the proportional representation of minorities in public administration and other areas of public life. Disagreements between Greece and Turkey continued to delay the establishment of the E.U.'s European Rapid Reaction Force (ERRF) and thus postponed the ERRF taking over the Macedonian mission from NATO. An April report on Macedonia's implementation of its commitments under the Stabilization and Association Agreement with the E.U. listed several human rights concerns. Among "key areas needing attention in the next twelve months," the report identified improved implementation of the Ohrid Agreement, including the census; stronger legal and constitutional guarantees on free expression; intensified police training in human rights; and promotion of civil society.

### United States

The U.S. government supported the reforms enacted pursuant to the Ohrid Agreement, particularly the return of multiethnic police to former conflict areas and the passing of a new local government law. The U.S. also resumed its bilateral multiethnic police training program in the country. In the aftermath of September 11, the U.S. special envoy to Macedonia warned the authorities not to exploit international anti-terrorism efforts in order to renege on their Ohrid commitments. The U.S. State Department's 2002 trafficking in persons report moved the country from a Tier Two standing to Tier One, denoting general compliance with minimum standards for the elimination of trafficking.

## RUSSIAN FEDERATION

### HUMAN RIGHTS DEVELOPMENTS

Russia's new criminal procedure code entered into force in 2002, marking a fundamental break with the Soviet legacy in due process rights. But serious human rights problems eclipsed this important achievement. Federal forces continued to brutalize civilians in the ongoing armed conflict in Chechnya, now in its fourth year. In late October, Chechen rebel fighters took more than seven hundred people hostage at a Moscow theater, demanding the withdrawal of Russian troops from Chechnya. Three days later, Russian special forces liberated over six hundred hostages in a raid that resulted in the deaths of 128 hostages and about fifty hostage takers.

Freedom of expression came under attack, with the government undermining the independent media and the security services persecuting journalists and scientists. State authorities did little to address racist assaults, and in some areas regional authorities led attacks on ethnic minorities. The government also failed to make any advances in addressing police torture and endemic abuses in the armed forces.

Little changed in the dynamics of the Chechnya conflict, with the Russian government insisting it was winding down but media reporting an average of twenty-five Russian soldiers killed each week. Chechen rebel forces assassinated dozens of local civil servants and religious leaders for their cooperation with the Russian government, and in numerous sweep operations Russian troops committed serious human rights violations. In a worrying departure from earlier years, the Russian authorities pressured several thousand internally displaced Chechens to return home, sparking fears that up to one hundred thousand remaining internally displaced persons (IDPs) would soon face the same fate.

New rounds of Russian sweep operations affected central and eastern Chechnya in late 2001 and early 2002, with some villages targeted repeatedly over several months. During these operations, Russian troops detained numerous men, often

arbitrarily, and looted civilian homes. Detainees routinely faced ill-treatment and torture, and many subsequently "disappeared."

The operation in Starye Atagi in early March was particularly notorious. Russian forces detained dozens of men and drove them off in military vehicles with obscured number plates; ten of the detainees subsequently "disappeared." While the sweep was ongoing, villagers discovered seven burned corpses. Investigators' failure to conduct a full forensic examination of these bodies left relatives of the ten "disappeared" not knowing whether their family members were among them.

In response to renewed international criticism, on March 27 the commander of the United Group of Forces in Chechnya issued an order instructing soldiers to identify themselves when entering houses on sweep operations, and requiring military vehicles to have clearly marked identification numbers. The order also said that local officials must be present during sweep operations to ensure that they were conducted properly. This was meant to provide better protection for civilians during sweep operations, but during subsequent such operations commanders made no attempts to enforce it. During an April 11-15 sweep in Alkhan-Kala, Russian troops denied repeated requests from the head of the village administration to observe the operation. According to the Russian human rights group Memorial, troops detained, tortured, and then released at least fifteen men. The next day, officials pressured the head of the Alkhan-Kala administration into signing a statement that the operation had been conducted without violations. Another day later, the soldiers returned to search for the fifteen people they had detained earlier: They extrajudicially executed two of the men on the spot; the others went into hiding.

In March and April, five women told Human Rights Watch about sexual violence they suffered during military operations. Three of the women attempted to report the assaults to the authorities, only to have local police and prosecutors refuse to investigate their complaints.

Russian troops detained a Chechen applicant to the European Court of Human Rights (ECHR), who then "disappeared." On June 2, about thirty soldiers searched the home of Said-Magomed Imakaev in Novye Atagi and detained him. Imakaev's wife immediately started a search, but the authorities denied ever detaining him. The "disappearance" happened four months after Imakaev and his wife had filed an application with the ECHR regarding the "disappearance" of their son, Said-Khussein, in 2000.

The Russian government continued to resist establishing a meaningful accountability process for abuses committed against civilians in Chechnya, and the majority of investigations into such abuses remained suspended. In an unprecedented disclosure about how such investigations are conducted, the Russian government informed the ECHR of steps taken to investigate the "disappearance" of Said-Khussein Imakaev. Investigators questioned two individuals, one of whom was his mother, and wrote three letters to police and security officials requesting information about the case. When the latter replied that they had no information, officials suspended the investigation. The procuracy's work on this case substantiated fears that its other investigations into "disappearances" were equally superficial.



The only trial of a high-ranking officer, Yuri Budanov, dragged on throughout the year. Budanov was charged with the April 2000 murder of Kheda Kungaeva, an eighteen-year-old Chechen woman. In July, prosecutors asked the court to drop murder charges against Budanov, citing a finding by a forensic psychiatrist that Budanov had been temporarily insane at the time of the murder. The court ordered a new psychiatric examination, and the trial resumed in October.

In July, local officials cut off gas, electricity, and water supplies at two IDP camps in Znamenskoe, Chechnya, and took down the tents. The IDPs were told they could resettle in temporary facilities in Grozny and other cities, many of which at the time were uninhabitable. After the resignation as president of Ingushetia of Ruslan Aushev, who had championed the rights of the internally displaced, security conditions for them in Ingushetia worsened. Police in Ingushetia started detaining IDPs on suspicion of rebel collaboration, and several of them subsequently “disappeared.” In June, authorities cut off electricity, gas, and rations in smaller settlements for IDPs in Ingushetia in an attempt to pressure them to return to Chechnya. In September, officials warned they would close the Aki-Yurt camp by October 31, giving the two thousand IDPs living there the option of either living in uninhabitable shelters in Ingushetia, or returning to Chechnya.

Chechen rebels staged a mass hostage taking at a Moscow theater in October, threatening to kill all seven hundred hostages if Russia refused to withdraw its troops from Chechnya. In the three days before Russian special forces launched their rescue operation, the rebels killed several hostages. In planning and executing the rescue raid, Russia’s leadership did not ensure adequate medical care to released hostages, leading many to believe that some of the 128 hostage deaths could have been prevented.

Rebel fighters were also thought to be responsible for dozens of assassinations of civil servants and others who cooperated with the Moscow-appointed administration of Chechnya. Mines laid by rebel fighters on roads claimed the lives of federal soldiers and also of numerous civilians.

Despite repeated government statements in support of a free press in Russia, independent media continued to face significant pressure, which limited ordinary Russians’ access to information. Several critical independent media outlets faced libel suits and financial and legal challenges over ownership in which the federal government denied playing a role. A number of journalists were murdered or otherwise physically attacked.

In late 2001, a minority shareholder of TV-6, an opposition-minded national television station owned by exiled industrial magnate Boris Berezovskii, filed suit to liquidate the television station’s parent company. A Moscow court ruled in favor of the plaintiff, and by the end of January TV-6 went off the air. The shareholder was LUKOIL-Garant, a major Russian oil company partially owned by the Russian government. A year earlier, Gazprom, another partially government-owned company, had used its stake in the popular independent television station NTV to force a change of its editorial staff. Many of NTV’s journalists had subsequently moved to TV-6.

Later in the year, TV-6 returned to the airwaves after it won a new license. Media observers, however, pointed out that in order to get the license TV-6 had entered

into an alliance with establishment politicians that could threaten the station’s independence and objectivity.

Two libel suits threatened the survival of *Novaia Gazeta*, a twice-weekly newspaper known for its aggressive investigative journalism. The newspaper published a disclaimer regarding the disputed articles to avoid paying U.S.\$1.5 million in damages, which would have forced it to close. One of the articles implied that a judge was corrupt; the other involved a bank, which claimed it lost a lucrative business deal as a result.

According to the Glasnost Defense Foundation, a press watchdog, fifteen journalists had been murdered, and sixty-eight had survived violent attacks, as of late September; in the vast majority of cases, the circumstances surrounding the attacks were unclear. The organization also estimated that at least several small local papers had to close because of new burdensome tax regulations or their inability to pay damages awarded in libel suits.

Several journalists and scientists remained in custody, charged by the Federal Security Service (FSB) with espionage. The charges were based on secret regulations and related to work the accused had done with open sources. In a worrying new development, the Supreme Court in two instances ruled in favor of the FSB and failed to protect the rights of the defendants.

In December 2001, a Vladivostok military court sentenced military journalist Grigorii Pasko to four years in a maximum security prison for espionage. The court had thrown out nine of the ten charges, but found Pasko guilty of intending to hand the Japanese newspaper *Asahi Shimbun* handwritten notes he had taken at a closed meeting at the headquarters of the Far East Fleet in 1997. On appeal, Pasko’s lawyers argued that their client was convicted on the basis of secret regulations, and that investigators had failed to provide any evidence of the alleged intent. In June, the Supreme Court upheld the conviction. In previous years, Pasko had published articles on nuclear waste dumping and other controversial issues.

Igor Sutiagin, an arms researcher for the USA and Canada Institute, remained in custody throughout the year. In December 2001, the Kaluga Province Court found that the FSB’s charges against him were not specific and that Sutiagin had thus been deprived of his “constitutional right to defend himself,” but instead of acquitting Sutiagin the court remanded the case to the FSB for further investigation. The FSB had arrested Sutiagin in October 2001 and charged him with eight counts of espionage. Sutiagin maintained he used only open sources in his work.

In 2001, the FSB charged Valentin Danilov, a physicist from Krasnoyarsk university, with espionage for allegedly giving documents divulging state secrets to a Chinese company. Danilov’s lawyers and colleagues maintained that the documents had been declassified ten years previously and that the FSB’s charges were based on secret regulations. In September 2002, Danilov was released from custody due to a serious heart condition, but the charges against him remained.

In September 2001, a group of attorneys appealed to the Supreme Court to challenge one of the secret decrees that the FSB has used in several groundless espionage cases. In March 2002, the court struck down the decree as unconstitutional, but in May the Supreme Court’s presidium reinstated it.

Severe abuses remained endemic in Russia’s armed forces, as illustrated by thou-

sands of complaints conscripts sent to soldiers' mothers organizations. While the government announced plans for a long-term, radical overhaul of the military, it failed to take steps to address current abuses.

Throughout the armed forces, second-year conscripts humiliated, ill-treated, and sometimes tortured first-year conscripts through violent hazing. Because officers tolerated hazing and other abuses, throughout the year hundreds—if not thousands—of conscripts with nowhere to turn for redress fled their units to escape harm. In a typical case, soldiers at a base near St. Petersburg forced nineteen-year-old Aleksei Dryganov to beg for money and wait on them, and beat him when he refused. Dryganov suffered a head injury when an older soldier hit him with a fire extinguisher. After attempting suicide, he fled the base.

In many units, conscripts were systematically undernourished. Fed mainly on watery cabbage soup and porridge, many conscripts received meat, fresh vegetables, or fruit during their service only if sent by their families. Frequently, conscripts were given too little time to eat and could not finish meals. Few conscripts received adequate medical care in their units. Many had problems gaining access to military doctors, and care was often inadequate and not timely. Numerous conscripts told Human Rights Watch that fellow soldiers threatened them with abuse if they sought medical help. Conscripts being treated in sick bays and military hospitals were not spared from hazing.

As reports of abuses in the armed forces made many young men wary of performing military service, draft boards in Moscow encountered difficulties meeting conscription quotas. As a remedy, throughout the year they detained perceived draft dodgers and forcibly brought them to military recruitment offices. Draft boards sent them on to military units on the day of detention, effectively stripping them of their right to appeal the conscription.

In July, Russia adopted a law regulating conscientious objection. Delayed in parliament for years, the law set out a three-and-a-half-year period of alternative service, and a three-year period for those willing to perform alternative service on military bases; conscripted military service is for two years. The law was set to enter into force on January 1, 2004.

In December 2001, President Vladimir Putin signed into law a new criminal procedure code that had been stalled in parliament since the mid-1990s. The code, which entered into force on July 1, transferred from the procuracy to the courts authority to issue arrest and search warrants, which many expected would result in better protection against arbitrary detention. Although the code initially deferred this provision's entry into force until 2004, the Constitutional Court ruled that it had to be implemented immediately.

The new code also eliminated provisions that had allowed courts to remand criminal cases to the procuracy for additional investigation, which often resulted in defendants spending years in pre-trial detention. In an important step toward ending torture practices, the new code stipulated that testimony obtained during pre-trial investigation in the absence of defense counsel is not admissible evidence if not confirmed in court. The code further gave defense lawyers the right to independently collect evidence, and envisaged the introduction of jury trials across Russia from January 1, 2003.

However, certain provisions of the new code gave rise to concern. Detainees must still obtain a referral from an investigator or judge for a forensic medical examination—a requirement that complicates securing medical evidence of police torture. Given the prevalence of police torture, the introduction of a simplified form of plea bargaining raised fears that police and prosecutors would abuse it by compelling detainees to sign confessions, or by promising release from appalling conditions in pre-trial detention.

The government again failed to adopt a comprehensive plan to address police torture. It also blocked attempts by several lawmakers to define torture as a distinct crime in the criminal code, and to introduce a draft law allowing for unannounced inspections of detention facilities by independent monitors. A coalition of Russian nongovernmental organizations stated in a May submission to the United Nations (U.N.) Committee against Torture that they continued to receive numerous credible complaints about torture and ill-treatment at police precincts, and argued that the courts continued to rely heavily on such evidence; that the procuracy did not duly investigate allegations of torture and prosecuted few police officers for it; and that victims did not receive proper redress.

Prisoners' rights groups reported that the total number of inmates in Russian prisons and pre-trial detention facilities decreased, but that overcrowding, unsanitary conditions, and disease epidemics remained a severe problem. The AIDS Foundation East-West estimated that almost thirty-five thousand of Russia's 950,000 inmates were living with HIV, a drastic rise from fifteen thousand in 2001.

The year was also marked by an explosion of skinhead attacks on ethnic minorities, and an ugly campaign against them by the authorities in the southern region of Krasnodar. Skinheads killed several members of ethnic minorities and beat dozens of others in Moscow and other Russian cities. In a particularly egregious assault in September, a group of skinheads in St. Petersburg beat an Azeri watermelon vendor to death with iron bars. As of this writing, it was unclear what progress police had made in the investigation. Police generally did not take adequate steps to investigate such crimes, denying racial motivation unless presented with strong supporting evidence such as video footage of the crime. In May, a booby-trapped sign reading "Death to Jews" exploded near Moscow when a woman tried to remove it. In subsequent weeks numerous similar signs were found throughout Russia.

In Krasnodar, governor Alexander Tkachev announced a campaign against ethnic minorities and said he would create such an intolerable atmosphere for them that they would leave of their own initiative. The Center for Development of Democracy and Human Rights and Memorial reported that regional officials repeatedly threatened to deport ethnic minorities, and actively sought to strip them of income and access to medical care and education.

## DEFENDING HUMAN RIGHTS

There were several attacks and cases of kidnapping of human rights defenders and representatives of humanitarian organizations. On July 23, armed men wear-

ing masks abducted Nina Davydovich, head of the humanitarian group Friendship, from her car in Chechnya. On August 12, masked gunmen pulled Peter-Arjan Erkel of Médecins sans Frontières from his car in the outskirts of Makhachkala, Dagestan, and took him away. As of October 2002, the fate and whereabouts of both aid workers were unknown. On September 1, a group of ten Ingush policemen in Karabulak, Ingushetia, assaulted Imran Ezhiev, chair of the Russia-Chechnya Friendship Society. Luiza Betergerieva, an activist with the same group, was killed at a checkpoint near Argun on December 13, 2001 when Russian forces opened fire on her vehicle.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

In January, U.N. High Commissioner for Refugees Ruud Lubbers visited Ingushetia to inspect living conditions of internally displaced Chechens. Following his trip, he called on the Russian government to improve security inside Chechnya by ending sweep operations and by cutting the number of roadblocks. He also called on the Russian government to start peace talks with the Chechen leader, Aslan Maskhadov.

That same month, the U.N. Committee on the Elimination of Discrimination against Women criticized Russia for failing to conduct proper investigations into, or hold perpetrators accountable for, rape and other sexual violence against women in the armed conflict in Chechnya. The committee urged Russia to investigate and punish sexual violence against women and girls in custody, adopt human rights education programs for the armed forces, and implement swift disciplinary measures for military and law enforcement personnel.

For the first time in three sessions, Russia escaped formal criticism of its conduct in Chechnya at the U.N. Commission on Human Rights. A resolution, brought to a vote when European Union-led negotiations about a consensus-based chairman's statement failed, was narrowly defeated.

The Committee against Torture considered Russia's third period report in May. It expressed deep concern over "numerous and consistent allegations of widespread torture ... by law enforcement personnel," reports of widespread hazing and other forms of torture and ill-treatment in the armed forces, a "persistent pattern of impunity" for torture, and reports of torture and ill-treatment in Chechnya. It recommended a series of steps to address these problems, including incorporating the definition of torture into domestic law.

In June, Olara Otunnu, the U.N. secretary-general's special representative for children and armed conflict visited Chechnya. Following his trip, he stated that more than three thousand children had died as a result of the conflict and that many more were falling victim to landmines. He called on both sides of the conflict to end the use of landmines, and on Russia to observe the principle of voluntary return of displaced persons, approximately half of whom were children. The Russian government on several occasions canceled long-overdue visits by the special

rappporteur on violence against women and the representative of the secretary-general on internally displaced people, citing security concerns.

The Russian government again failed to invite the special rapporteurs on torture and extrajudicial executions to visit Chechnya.

### Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) Assistance Group continued to work in Chechnya throughout the year, receiving victims of human rights violations at its offices in Znamenskoe and making on-site visits to gather information about abuses. The Assistance Group filed confidential bi-weekly reports to OSCE member states.

Inexplicably, in December 2001 the OSCE Permanent Council acceded to Russian demands to change the open-ended nature of the Assistance Group's mandate. Set to expire December 31, 2002, as of this writing it remained unclear whether the Assistance Group would continue to work in Chechnya beyond that date.

### Council of Europe

Most Council of Europe institutions continued to monitor the situation in Chechnya, but their efforts yielded few tangible results.

The Council of Europe's agreement with Russia to second experts to the office of the Russian president's special representative for human rights in Chechnya was extended throughout the year. However, as the position of special representative remained vacant for months, the experts spent several months of the year at Council of Europe headquarters in Strasbourg. An extended mandate for the experts which the Council of Europe managed to agree on with Russia covered areas such as cooperation in the field of education and reform of the judiciary, raising concern that the crucial accountability component might become diluted as a result of these changes.

The Parliamentary Assembly (PACE) continued to monitor closely the situation in Chechnya. In January, it asked the Russian government to provide by April 10 a detailed list of investigations into violations against civilians; toward the end of April the Russian government provided partial statistical information of only limited use. PACE rapporteur Lord Judd carried out several trips to the region, repeatedly criticized Russia for continuing abuses and the lack of accountability, and expressed concern about the forced IDP return.

Human Rights Commissioner Alvaro Gil-Robles issued a constructive report in May which expressed concern about continuing reports of forced "disappearances" and about the near-total lack of access to justice for those detained during sweep operations. The report recommended that the procurator general take steps to remedy this situation.

Various Council of Europe institutions responded to the June 2 "disappearance" of ECHR applicant Said-Magomed Imakaev. The court immediately requested information about the "disappearance" from the government. The secretary general's office raised concern about the case in a letter to the Russian

authorities, and the PACE rapporteur raised it in meetings with Russian officials in July.

The ECHR issued its first ruling in a case filed against Russia. In *Burdov v. Russia*, the court found that Russia had failed to execute a domestic court ruling to pay compensation, and awarded the applicant compensation. In a second, momentous ruling, in *Kalashnikov v. Russia* the court found that conditions in pre-trial detention may amount to degrading treatment: The conditions at issue were severe overcrowding and an unsanitary environment in detention combined with the length of the period of detention.

### European Union

The E.U. again failed to take a strong united stance on abuses in Chechnya. Poor preparation by the Spanish Presidency (first half of 2002) and an apparent lack of political will in a number of member states gave the E.U. a false start at the U.N. Commission on Human Rights. As a result, commission action on Chechnya started far too late. When negotiations with the Russian side on a chairman's statement backfired and a resolution was finally introduced, the E.U. failed to make the necessary efforts to seek support for the resolution from third countries before it went to vote.

In August, French President Jacques Chirac, previously a strong critic of the Chechnya war, appeared ready to mute his criticism after an informal meeting with President Putin. Increasingly close relations between the Russian president and the leaders of the United Kingdom, Italy, and Germany also undermined a strong joint E.U. position on Chechnya.

### United States

President Putin's repeated attempts to justify his policies in Chechnya by casting them as part of the U.S.-led war on terrorism presented the U.S. with a special obligation to speak unequivocally about continuing abuses there. At times, the U.S. government did so, but many opportunities were missed to take a strong stand, and the U.S. increasingly allowed the war on terrorism to interfere with a consistent, principled policy. In his final summit meeting with President Putin in 2001, President George W. Bush stated: "I emphasized to Vladimir Putin that the war on terror is not, and cannot be, a war on minorities. It's important to distinguish between those who pursue legitimate political aspirations and terrorists." In January, State Department spokesman Richard Boucher stressed that "massive human rights violations" were taking place. But in subsequent meetings with Putin, Bush failed to press publicly for an end to human rights abuses in Chechnya. In June, he described Putin as someone "who understands the threat of terror, because he has lived through terror," a statement widely interpreted as an endorsement of Russia's official view that the war in Chechnya is primarily a fight against terrorists. The Bush administration continued to emphasize alleged links between Chechen fighters and al-Qaeda, but also the need for the Russian government to seek a political solution to the conflict.

The increasing tendency to show solidarity with Russia's imputed aim of "fight-

ing terrorism" in Chechnya, instead of stressing the essentially political nature of the conflict, was reflected in the administration's reluctance to allow Russia's abusive conduct to have any consequence either in bilateral relations or in international fora. Nowhere was this more evident than at the U.N. Commission on Human Rights, where, in contrast to 2001, the U.S. failed to make necessary efforts to garner support for a resolution on Chechnya introduced by the E.U.

To its credit, the administration took a strong position on media freedoms in Russia, raising the issue at every opportunity. During his May trip to Moscow, Bush met with civil society and human rights leaders, stressing U.S. support for the rule of law, a strong, independent media, and ethnic and religious tolerance.

The U.S. government ranked Russia as one of nineteen countries in the world failing to take effective measures to combat trafficking in persons. Lacking a law on trafficking, the Russian government did not prosecute traffickers or vigorously investigate trafficking cases. The ranking set Russia up for a suspension of all non-humanitarian aid to the country in 2003 if its record did not improve.

### RELEVANT HUMAN RIGHTS WATCH REPORTS:

*Conscription Through Detention In Russia's Armed Forces*, 11/02

*The NATO Summit and Arms Trade Controls in Central and Eastern Europe*, 11/02

*Briefing Paper for the United Nations Committee against Torture Regarding Torture in the Russian Federation*, 5/02

*Last Seen...: Continued "Disappearances" in Chechnya*, 4/02

*Memorandum to the United Nations Commission on Human Rights on the Human Rights Situation in Chechnya*, 3/02

*Swept Under: Torture, Forced Disappearances, And Extrajudicial Killings During Sweep Operations In Chechnya*, 2/02

## TAJIKISTAN

### HUMAN RIGHTS DEVELOPMENTS

Tajikistan's new role in the global campaign against terrorism drew greater international concern to the country and created opportunities for some important human rights reforms. But it also strengthened President Emomali Rakhmonov's de facto single-party rule. While the government took some positive steps in response to international pressure, it also kept the political opposition under tight rein. Authorities partly used the pretext of the war against terrorism to marginalize the northern province of Sugd and to increase control over peaceful religious believers and leaders.



Restrictions on freedom of expression eased in August when authorities granted operating licenses to three independent radio stations based in the capital, Dushanbe: Asia-Plus, Asia FM, and Vatan. In June, the procuracy announced that it would drop criminal charges—including public slander of the president and sedition—against exiled *Charogi Ruz* (Light of Day) editor Dodojon Atovullo. Authorities assured international organizations and Atovullo that he would be permitted to return safely to Dushanbe and resume publication of his newspaper, known for its unrelenting criticism of the Rakhmonov government.

Despite these changes, the majority of severe media restrictions remained firmly in place. The sole state-owned publishing house in Dushanbe conducted pre-publication censorship, authorities threatened and harassed journalists following publication of material considered critical of government policy or influential government figures, and cumbersome licensing procedures for media outlets continued to be enforced. In September, state television Kuliab correspondent Suhrob Farrukhshoev was fired after publishing a freelance article on the spread of typhoid in Kuliab, President Rakhmonov's home region. Television management told Farrukhshoev that they were following orders issued to them by the Kuliab local administration. Journalists also continued to practice consistent self-censorship, sometimes to an extreme degree. The May 31 edition of the Russian-language *Biznes i Politika*, for example, appeared with a blank space when two paragraphs reportedly critical of the work of law enforcement agents were removed. Newspaper employees explained that they themselves had expunged the paragraphs to avoid potential problems with law enforcement.

On October 28, three journalists working for independent television stations SM-1 and TRK-Asia in Khujand were forcibly conscripted by local military officials after the airing of a program that claimed that the military employs gangs to fulfill draft quotas. The journalists were Akram Azizov and Nasim Rahimov, SM-1 employees, and TRK-Asia collaborator Yusuf Yunusov.

Sugd province was a particular target of repression. The government, citing the war against terrorism, persecuted its opponents, subjected religious leaders to more intense surveillance, and handed down lengthy prison sentences to members of Hizb ut-Tahrir, an organization that advocates re-establishment of the Islamic Caliphate, or state, by peaceful means.

On June 11, former governor of Leninabad (now Sugd) province Abdujalil Hamidov was sentenced, along with eighteen others, to fifteen years of imprisonment during a closed trial on charges including embezzlement and attempted assassination of Rakhmonov. The prosecution linked some of the defendants to the Islamic Movement of Uzbekistan (IMU), and the trial was the government's latest attempt to eliminate Hamidov's family as a political force. Hamidov is a relative of Abdumalik Abdullajonov, former prime minister of Tajikistan and former leader of the northern-based opposition National Revival Movement (NRM). In exile since the mid-1990s, Abdullajonov stands accused of masterminding an unsuccessful 1998 rebellion in Sugd; his brother, Abdugani, was unfairly convicted in 1999 on charges of having participated in the 1998 rebellion, and another brother, Abdulkhafiz Abdullaev, was sentenced to death in a closed 1998 trial for attempted assassination of the president, and reportedly executed. Hamidov's trial was con-

ducted mostly in prison, international observers were denied access to it, and many sources reported that, stricken with cancer, Hamidov had made a confession under duress. Death sentences were passed on at least four of Hamidov's co-defendants, despite unclear charges surrounding their convictions. Diplomatic and other international sources reported the death in detention of another of the nineteen defendants during the trial, although official medical documentation of the cause of death—allegedly cancer—was unavailable.

Following the lead of other Central Asian governments, Tajik officials in 2002 claimed that Hizb ut-Tahrir had previously been financed by al-Qaeda and the Taliban, and they referred increasingly to the group as a major security threat. The government maintained that a majority of Hizb ut-Tahrir members resided in Sugd, where Tajikistan's Uzbek minority is primarily based. Media and diplomatic sources reported increased numbers of arrests of Hizb ut-Tahrir members compared to previous years, with up to sixty arrests since the beginning of 2002. Local monitors and journalists alleged that Hizb ut-Tahrir members had unfair trials and were abused in detention. Trials produced sentences of up to eighteen years of imprisonment.

More pressure was directed at Sugd in July, when during a visit there Rakhmonov explicitly noted that three Tajik citizens detained by the United States (U.S.) at Guantánamo Bay were Sugd residents. He subsequently criticized local authorities for failing to curb the activities of "extremist" Islamic groups, including the construction of unsanctioned mosques. He also accused the Islamic Renaissance Party (IRP) of propagating "religious extremism." Shortly afterwards, governmental religious and Islamic councils were for the first time instructed to assess Islamic leaders' knowledge of Islam and of state religion laws. By October, the authorities had shut down at least thirty-three of a reported 152 mosques in Isfara district in Sugd, and had dismissed numerous imams allegedly on grounds of IRP membership (the IRP enjoys significant support in Isfara district). Rakhmonov further announced in July that the law on religion would be revised to require re-registration of mosques.

Authorities took steps to identify and hold accountable perpetrators of political killings, but resultant trials mostly led to death sentences. In May, eighty-two members of the armed band of former United Tajik Opposition (UTO) field commander Rakhmon Sanginov were brought to trial for murder, hostage taking, banditry, and robbery. One of the group's members, Rakhmatullo Tagoev, was on July 22 sentenced to death during a closed court session. On March 27, four men charged with the 2001 murder of Deputy Interior Minister Habib Sanginov were sentenced to death, and three others to prison sentences ranging from sixteen to twenty-five years. Human Rights Watch obtained eyewitness testimony of the torture in detention and coerced confessions of three of those convicted, including Kiomidin Mirzoev. In August, the Supreme Court sentenced to death Umedjon Davlatov for the 1998 murders of local and international United Nations officials and of Garm district chairman Sergei Davlatov in 2000; two co-defendants received respectively sixteen and twenty years of imprisonment.

The government continued to deliver death sentences at an alarming rate, with an average of at least five per month during the first half of 2002. Amnesty Interna-

tional charged that death sentences were handed down in unfair and secret trials, and executions often conducted in secrecy. Local and international organizations gathered information on the consistent use of torture to extract testimony from criminal suspects, in particular those charged with capital crimes.

The government maintained political control by obstructing the registration and activities of opposition political parties, denying registration altogether, and by refusing to register opposition election candidates. In October, the Democratic Party of Tajikistan (DPT) announced a boycott of Sugd province by-elections after the Central Electoral Commission denied an independent candidate, a member of the DPT, registration on the grounds of faulty registration documents. The DPT claimed that electoral commissions frequently registered only members of the presidential People's Democratic Party of Tajikistan (PDPT). When the PDPT candidate received an overwhelming majority of the vote against the remaining IRP candidate, the IRP rejected the results and accused local authorities of obstructing its candidate's campaign efforts. The newly-founded Unity Party of Tajikistan submitted registration documents to the Ministry of Justice in April, but at this writing was still not registered, and the Social Democratic Party also continued to be denied registration, for a third year.

On a positive note, in July jurisdiction over penal institutions was transferred from the Ministry of Internal Affairs to the Ministry of Justice. And in August, the right to freedom of movement was enhanced when the government abolished the exit visa requirement for travel abroad.

By September, more than 9,200 displaced Afghans who since late 2000 had been living on the Pianj river islands on the border with Afghanistan were "returned" to Afghanistan proper. They had endured harsh and sometimes life-threatening conditions on the islands, after the Tajik government had denied them entry at the frontier. Despite protests from the United Nations High Commissioner for Refugees (UNHCR) and diplomatic missions in Dushanbe, the Tajik authorities forcibly repatriated nine Afghan men in August and September 2002. Eight of them were deported on grounds of holding insufficient documentation.

In September, the Tajik government stated its intent to comply fully with its obligations as a state party to the 1997 Mine Ban Treaty. Its noncompliance hitherto involved failing to submit annual transparency reports and, most importantly, acquiescing to the planting of antipersonnel mines inside Tajikistan by Russian forces. Uzbek-laid antipersonnel mines continued to kill and injure civilians and livestock in Tajikistan in 2002.

## DEFENDING HUMAN RIGHTS

In March, the government established a national Human Rights Commission, headed by Deputy Prime Minister Saidamir Zuhurov, a former minister of security. Zuhurov's background raised doubts about whether the commission would provide genuine human rights protection; in September, for example, Zuhurov asserted that Hizb ut-Tahrir, targeted for severe repression throughout the region, represented a greater threat to the country than external invasion.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

Tajikistan granted the use of airports in Dushanbe and Kuliab to the international coalition against terrorism for military operations in Afghanistan; in response, international aid—including to the military—grew, as did attention to the country. The U.S. and France deployed troops to Dushanbe and to Kuliab airport, while the United Kingdom, France, and Japan opened embassies. At the same time, international attention to human rights problems lessened. When high-level political leaders and donors made repeated visits to the country, they referred to Tajikistan's new political stability, but neglected to highlight torture and ongoing political and religious persecution. This international policy only served to embolden the government's repression.

The European Commission (E.C.) Technical Assistance to the Commonwealth of Independent States (TACIS) project resumed work in the country after a four-year suspension following the 1997 death of a European Union (E.U.) expatriate employee in a hostage release operation. TACIS was to devote particular resources to Tajikistan's eventual ascension to the World Trade Organization. Taken together, credits promised by the U.S., the E.U., the Asian Development Bank (ADB), and the European Bank for Reconstruction and Development rose from U.S.\$51 million in 2001 to \$322 million in 2002. Switzerland also tripled its aid to just under \$9 million.

## United Nations

The U.N. Office of Peace-Building (UNTOP) brought together government officials, political parties, journalists, and others in political discussions in fifty-seven districts and towns. The office's human rights program included support for national capacity building and human rights education, but human rights monitoring continued to be excluded from the human rights officer's brief. At the time of writing, UNTOP was to begin police training programs. The office continued to devote significant resources to attracting international aid for Tajikistan, including for the reintegration of former combatants into civilian life.

In at least four cases during the year Tajikistan carried out death sentences despite the U.N. Human Rights Committee having requested a stay of execution. In addition to facilitating the return of more than 9,200 Afghan displaced persons to Afghanistan, UNHCR and the International Organization for Migration facilitated the voluntary repatriation of close to seven hundred Afghan refugees, and the return of some 250 Tajik refugee students from Pakistan to Tajikistan.

## Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) maintained offices in Dushanbe, Khujand, Shaartuz, Dusti, Kurgan-Tiube, and Garm. Their work throughout the year included human rights training for law enforcement personnel, training on human rights monitoring, conferences on international crimi-

nal justice standards and discrimination against women, and a project on human trafficking. The OSCE conducted limited trial monitoring of cases involving torture.

### United States

With U.S. troops deployed in Dushanbe and Kuliab in support of the counterterrorism campaign, the U.S. consequently pledged long-term support, and provided military and military-technical cooperation. On January 9, as a reward for Tajikistan's assistance in the war on terrorism, the U.S. State Department announced the removal of arms sales restrictions imposed on Tajikistan in 1993. The State Department said it would review requests to buy arms on a "case-by-case basis." Numerous high-level governmental officials paid visits to the country, but avoided references to human rights violations in their public comments. The U.S. appeared to minimize attention to human rights in Tajikistan, in contrast to other Central Asian countries. The State Department's *Country Reports on Human Rights Practices for 2001* gave a generally accurate account of the human rights situation, however.

The U.S. delivered credits totaling a minimum of just over \$29 million in food aid and agricultural supplies, monies for infrastructure projects in Khatlon province and the Rasht (formerly Garm) Valley.

### International Financial Institutions

Following the delivery of aid tranches in 2001, the International Monetary Fund in February rebuked Tajikistan for providing incorrect data to the fund on the country's external debt, but continued to hold discussions with the government to increase its support to Tajikistan. The ADB gave U.S.\$2.9 million for poverty reduction, \$5.3 million for earthquake disaster recovery, and \$5 million for landslide relief. In May, the E.C., in recognition of Tajikistan's worst drought in seventy-five years, gave €10 million (U.S.\$9.85 million) for drought assistance.

### RELEVANT HUMAN RIGHTS WATCH REPORTS:

*Dangerous Dealings: Changes to U.S. Military Assistance After September 11, 2/02*

## TURKEY

### HUMAN RIGHTS DEVELOPMENTS

At last European Union (E.U.) pressure for Turkey to meet its political and human rights criteria for membership began to produce substantial results. In February and August, the government passed legislative packages that provided improved access to legal counsel for police detainees, abolished the death penalty, and permitted broadcasting and education in minority languages. The August legislation was pushed through by the then-ruling coalition partners Democratic Left Party and Motherland Party, but fiercely opposed by the third partner, the extreme right-wing Nationalist Action Party, which condemned the E.U.'s demands for change as identical to those of illegal armed organizations. The legislative changes left serious constraints on free expression unaddressed, however, and torture continued to be widespread.

In November, the conservative and religious Justice and Development Party (AKP) won the general election. AKP party leader Recep Tayyip Erdoğan was excluded from the election and could not be appointed prime minister because he had been stripped of political rights after serving a ten-month prison sentence imposed for a non-violent speech made in 1997.

The state of emergency was lifted in the provinces of Tunceli and Hakkari in July, and in the last two provinces, Diyarbakır and Şırnak, in November. The mainly Kurdish southeast had been under martial law or state of emergency since 1978.

In August, the Turkish parliament voted to abolish the death penalty for peacetime offences. The sentences of eighty-seven prisoners on death row were commuted to life imprisonment. Turkey carried out its last judicial execution in 1984.

Parliament tentatively reformed laws inhibiting freedom of expression, but courts still imprisoned those who insulted state institutions or addressed sensitive questions about Kurdish minority rights or the role of the military or religion in politics. Ahmet Ünlü was imprisoned on a two-and-a-half-year sentence in January for "incitement to religious hatred" for comments he made describing the 1999 earthquake as a "heavenly warning" to a society that had departed from Islamic principles. Kurdish villager Tayyar Taş was arrested in July for "insulting" the military by accusing them of burning his village. He was released in September but his trial continued.

Minority languages, particularly Kurdish, were a controversial issue. From December 2001 onward, police detained more than a thousand school and university students for submitting petitions calling for optional courses in Kurdish. Prosecutors indicted hundreds of the students on charges of supporting an armed gang, claiming the students' campaign for Kurdish language courses was run by a new illegal movement called Kurdistan Freedom and Democracy (KADEK), formed in April out of the dissolved Kurdish Workers' Party (PKK). In April, Diyarbakır State Security Court handed down a suspended sentence of forty-five months of impris-

onment to minibus driver Sulhattin Önen for repeatedly playing a cassette tape of a song in Kurdish. The court was unswayed by the fact that the tape was legally authorized for publication.

The August legislation lifted restrictions on minority language courses and broadcasting, including in Kurdish. The change seemed to represent a new respect for linguistic diversity, but the reforms were hedged with qualifications that could block effective implementation. Kurdish still could not be taught in universities, or broadcast by independent radio or television stations.

Restrictions on other aspects of free expression remained. Governors throughout the country continued to ban plays, films, and exhibitions, while courts confiscated many newspapers and scores of books for "separatism." State educational institutions continued to apply the ban on women wearing the headscarf for religious reasons. Thousands of female students were denied access to high school and university education because they wore the headscarf. Teachers and doctors were also dismissed for wearing the headscarf on duty.

Torture and ill-treatment remained widespread in police stations and gendarmeries, facilitated by the continued practice of holding detainees without access to legal counsel. Those detained for common criminal offenses had a legal right to see a lawyer throughout police custody but this was commonly denied. The provision that those detained for offenses under the jurisdiction of state security courts could legally be held without access to a lawyer for four days was in place until February, when this was reduced to two days.

Even after this change, many detainees reported torture by beating, sexual violence, death threats, hosing with cold water, and electric shocks. Blindfolding also continued unchecked. Victims included people detained for common criminal offenses and women, many of whom reported rape or other sexual violence. One detainee, accused of supporting an illegal organization, reported that during four days' interrogation without access to legal counsel at Istanbul Police Headquarters in March, she was blindfolded, stripped naked, sprayed with cold water through a hose forced into her vagina, and forced to sit in excrement. In the same month, another female detainee reported that during interrogation for her alleged links with an illegal armed organization police officers at the Anti-Terror Branch of Mardin Police Headquarters stripped her naked, hosed her with cold water, and inserted a truncheon in her anus. Medical reports were consistent with her allegations of torture.

Again, victims of torture and other human rights violations encountered many obstacles to obtaining a remedy through Turkish courts. In January, the public prosecutor dismissed formal complaints made by eight male prisoners that gendarmes anally raped them with truncheons on arrival at Kandıra F-type Prison in December 2000. According to the plaintiffs' lawyer, the prosecutor did not question some of the plaintiffs or consult medical reports. Several potential prosecutions were blocked under the Law on the Prosecution of Civil Servants, permitting local governors, even though they are not members of the judiciary, to halt prosecutions. Courts continued to prefer to convict torturers on the less serious charge of ill-treatment. In April, Istanbul Criminal Court found two Istanbul Anti-Terror Branch officers guilty of hanging Abdurrahim Demir by the arms and squeezing his

testicles, beating him on the soles of the feet, and giving him electric shocks. The court decided that this was merely ill-treatment. Since convictions for ill-treatment (unlike those for torture) were covered by a conditional amnesty, the officers had their sentences suspended.

Tension continued in the new F-type prisons, where prisoners remanded or sentenced for offenses under state security court jurisdiction were held in one- and three-person cells, replacing the large ward-based prisons traditional in Turkey's prison system. Prisoners continued to hunger-strike in protest against killings by security forces during the original violent transfers in December 2000, the strict regime in F-type prisons, and the restricted opportunities for association with other prisoners. At the time of writing, fourteen hunger-strikers had died during 2002, bringing the total number to sixty-four since the 2000 transfer. Relatives and lawyers reported that prisoners were suffering health problems associated with small group isolation, including sensory loss, skin complaints, tinnitus, stomach disorders, and severe mental disturbance. The Justice Ministry announced but failed to implement a program in F-type prisons of out-of-cell activities and a weekly period of five hours' association.

Violence by armed illegal political organizations continued to abate, but there were isolated reports of attacks on civilians. In June, the Workers' and Peasants Liberation Army of Turkey (TIKKO) reportedly abducted and killed Muharrem Hiz from Sırçalı village, Tokat province.

Most villagers forcibly displaced from their homes in the southeast during the 1990s were unable to return, despite increased stability in the region. In some cases local governors obstructed returns, villagers were turned back by gendarmerie, or found that neighboring paramilitary village guards had occupied their lands. The government's Return to Village and Rehabilitation Project moved so slowly and was so poorly designed and funded that it offered little benefit to the displaced.

Asylum seekers arriving in Turkey were frequently denied proper protection. Under a geographical reservation to the 1951 Refugee Convention, Turkey continued to recognize only refugees from Europe. Non-European asylum seekers were required to register with the police, who were then supposed to carry out an assessment to determine whether their claim to require asylum was well-founded. The assessment did not include the minimum safeguards required by international law for fair refugee status determination. Only those who passed this police assessment were referred to the offices of the United Nations High Commissioner for Refugees (UNHCR), and those who were recognized as refugees by UNHCR then had to await resettlement to a third country, sometimes for lengthy periods during which many remained at risk. During 2001, the Turkish authorities reported that they had arrested ninety-four thousand migrants who were transiting or being smuggled across the country, at great hazard to their own lives, including many would-be asylum seekers entering from Iran and northern Iraq and heading toward the more secure protection afforded by Western European states. According to the United States Committee for Refugees, many such migrants, often arrested during urban sweeps, were summarily returned to Turkey's neighbors, and around a hundred clear cases of refoulement (forced return to a country where one's life or freedom is threatened) were documented during 2001.



The August reform legislation added Turkish criminal code provisions that imposed heavy prison sentences for the smuggling or trafficking of persons, but Turkey continued to lack services for victims. Turkey provided no shelter or protection to trafficking victims, deporting all foreigners found in commercial sex work without screening to identify trafficked persons. Turkey signed the Trafficking Protocol supplementing the Convention Against Transnational Organized Crime, but at this writing, the government had not ratified the protocol. Despite a 1998 law creating protection orders, domestic violence continued unabated. Women for Women's Human Rights, a nongovernmental organization in Turkey, called violence against women "one of the most widespread violations of human rights in Turkey." Honor killings also threatened women throughout Turkey. In March, twenty-year-old Pınar Kaçmaz died when her father and brother riddled her with bullets in a southeastern Turkish city. According to news reports, the police had arrested Kaçmaz's father after she had reported that he threatened her life, but he was released pending trial.

Landmines laid by the government along the borders, and by both sides in the conflict between the security forces and the PKK, killed eleven people, including four children. Following Turkey's 2001 declaration that it would join the Ottawa Convention banning antipersonnel mines, it took important steps toward accession but had not completed procedures by late October.

## DEFENDING HUMAN RIGHTS

Turkish human rights defenders still faced numerous hazards in their work. They were subjected to a hail of judicial investigations and prosecutions under the repressive and unwieldy law on associations, as well as the Anti-Terror Law, the Law on Demonstrations, and various articles of the criminal code. At this writing, Istanbul Human Rights Association (HRA) members faced eighty-eight ongoing trials, most relating to press statements protesting violations. The lawyer Osman Baydemir, president of Diyarbakır HRA, faced thirty-one ongoing trials carrying a possible total of nearly ninety years of imprisonment. Police and local governors repeatedly prohibited or intervened to disperse meetings and peaceful demonstrations by human rights organizations.

In June, Dr. Alp Ayan and Mehmet Barındık of the Izmir Treatment Center of the Turkish Human Rights Foundation were sentenced to a year's imprisonment for making a press statement critical of the Justice Ministry's handling of the F-type prison crisis. The defendants appealed.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

Several years after his first request for a visit, U.N. Representative of the Secretary-General on Internally Displaced Persons Dr. Francis Deng, was finally permit-

ted to visit Turkey in May. In a brief public statement in June, Dr. Deng called on the government to formulate a clear, transparent policy on return and encouraged the government to involve intergovernmental organizations and civil society in the process.

The special rapporteur on extrajudicial, arbitrary, and summary executions, Asma Jahangir, published a report on her February 2001 visit to Turkey, noting that there were violations of the right to life even while she was in the country. The rapporteur made inquiries into the "disappearance" of Serdar Tanış and Ebubekir Deniz, officials from the People's Democracy Party (HADEP) after they had presented themselves at the Silopi district gendarmerie in Şırnak in January 2001, and she reported that she "did not get a sense that the civil authorities had sufficient power to investigate the District Gendarmerie Commander."

With respect to "honor" killings, the special rapporteur criticized the provisions of the penal code reducing the sentence of the perpetrators of such crimes to a token punishment if the court considers that there was "grave provocation." She noted that the longstanding conflict in the southeast had overshadowed and marginalized the issue of women's right to life in that region.

The rapporteur concluded that state agents had been able to commit extrajudicial executions, confident that their crimes would not be investigated. She recommended that the government set up a high-level commission with strong powers to undertake fact-finding in cases where people have allegedly been killed by the security forces.

### Council of Europe

The Committee for the Prevention of Torture (CPT) visited Turkey in March and September, and maintained its vigilance concerning conditions in F-type prisons as well as torture in police custody. In its report on the March visit, the CPT criticized the Justice Ministry's decision to make access to weekly association conditional on participation in the program of out-of-cell activities and recommended that the link be dropped. In September, the justice minister removed the formal condition, but problems in implementation persisted.

The CPT indicated that it had received "a considerable number of allegations of ill-treatment" in Diyarbakır during its March visit and attributed this in great part to police interference with detainees' right to legal counsel. The CPT discovered that almost all of those detained at the Anti-Terror Branch and the Narcotics Section at Diyarbakır Police Headquarters in the nine months prior to its visit (amounting to hundreds of detainees) were recorded as having waived their right of access to a lawyer.

The European Court of Human Rights (ECHR) issued judgments against Turkey in more than forty cases. The cases involved the imprisonment of people for their non-violent opinions or after unfair trials, as well as unlawful killings and arbitrary house destruction by the Turkish security forces.

In May, the Committee of Ministers publicly and strongly urged Turkey to comply with its "repeated demands" to respond to the July 2001 ruling of the ECHR, which found that Kurdish former parliamentary deputies Hatip Dicle, Orhan

Doğan, Selim Sadak, and Leyla Zana had been sentenced to fifteen years of imprisonment in 1994 after an unfair trial. The government of Turkey failed to comply with the committee's demands. In fact, a provision of the August legislation deliberately blocked the possible release of the deputies. The new legislation required Turkish courts to review verdicts that the ECHR finds violate the European Convention on Human Rights, but a proviso denied this right to past applicants to the ECHR, who included the four jailed former parliamentarians.

In July, the Committee of Ministers adopted a further resolution calling on Turkey to take steps to respond to the succession of judgments at the ECHR concerning killings, torture, "disappearances," and destruction of property committed by the Turkish security forces.

The Parliamentary Assembly (PACE) retained its human rights monitoring mechanism for Turkey. In March, John Connor, the rapporteur of the PACE Committee on Migration, Refugees and Demography, published his report on his October 2001 visit to Turkey to examine the situation of internally displaced people. The rapporteur called for the government to increase the pace of returns and to involve the displaced, as well as international humanitarian organizations and local municipalities, in preparing and implementing return and reintegration projects. Connor's recommendations broadly reflected the committee's 1998 recommendations, which the Turkish government had largely ignored.

### European Union

The process of Turkey's accession to the E.U. remained the most important catalyst of reform in Turkey. The E.U.'s progress report for 2001 had made it clear that Turkey was lagging behind in its efforts to meet the E.U. accession conditions of "democracy, the rule of law, human rights and respect for and protection of minorities." Civil society bodies ranging from human rights organizations to the employers' federation, TUSIAD, as well as President Ahmet Necdet Sezer, put considerable pressure on the government to produce results. Parliament finally enacted the February and August legislation in order to maintain the credibility of its candidacy for E.U. membership. The E.U. Presidency gave a warm welcome to the August abolition of the death penalty and language reforms, but on an appropriate note of skepticism, added that Turkey should implement the changes as soon as possible in order to demonstrate the genuine character of the reforms. The October regular report on Turkey's progress toward accession pointed to the need for further progress in protecting freedom of expression, combating torture, and reducing the influence of the military.

### United States

Turkey remained a critical U.S. ally in the war against terrorism, taking the lead of international peacekeeping forces in Afghanistan. The U.S. was a strong public supporter of Turkey's application for membership in the E.U. and persistently used quiet diplomacy to encourage the reforms necessary for that application to progress.

The State Department's *Country Reports on Human Rights Practices for 2001* surveyed continuing abuses, including restrictions on speech, the press, and the wearing of the headscarf; "disappearances"; and extrajudicial killings. The report stated that torture remained widespread, attributing slight declines to the decreased use of incommunicado detention and the reduction in the number of detentions. Human Rights Watch's inquiries and those of the CPT cited above suggested that detention without access to counsel remained the general rule.

Turkish Justice Minister Hikmet Sami Turk responded to the State Department report saying that it contained "extremely unfair allegations" and said that the Foreign Ministry would take initiatives to correct suggestions that some minorities were exposed to discrimination.

The State Department's annual trafficking in persons report gave Turkey its lowest ranking, concluding that Turkey made almost no efforts to combat trafficking. In August, however, the U.S. ambassador to the Organization for Security and Cooperation in Europe (OSCE) described the new anti-trafficking law, which contained no measures to protect adult or child victims of trafficking, as "a major step forward in the Turkish government's anti-trafficking policy and enforcement."

### RELEVANT HUMAN RIGHTS WATCH REPORTS:

*Turkey: Close Scrutiny of Elections Warranted (Briefing Paper)*, 10/02

*Displaced and Disregarded: Turkey's Failing Village Return Program*, 10/02

*Hits and Misses on Turkey's E.U. Accession Targets: Backgrounder on the European Union Regular Report on Turkey*, 10/02

*Questions and Answers: Freedom of Expression and Language Rights in Turkey*, 4/02

*Human Rights Watch Analysis of the 2001 Regular Report on Turkey*, 12/01

## TURKMENISTAN

### HUMAN RIGHTS DEVELOPMENTS

Turkmen authorities continued to violate basic rights, crush all dissent, and further isolate the country from the rest of the world.

President-for-life Saparmurat Niazov did not relent in his total control over politics and society. A significant development in this regard was the government's unprecedented campaign promoting the *Rukhnama* (Book of the Soul), authored by Niazov. Study of the *Rukhnama* became compulsory in all state institutions and schools, and knowledge of it became an entry requirement for university students and a certification requirement for teachers, doctors, and other professionals.

In a new manifestation of Niazov's personality cult, the names of months were

changed to, among others, *Rukhnama*, Gurbansoltan-eje (after Niazov's mother), and other names honoring Niazov.

In late 2001 and early 2002, a number of high-level officials went into exile and declared their opposition to Niazov. In response, in January Niazov launched a campaign against corruption among the elite, a thinly-veiled attempt to root out real and imagined opposition to him. Members of the newly exiled opposition were charged in absentia, including former Foreign Minister Boris Shikhmuradov. Inside the country about two hundred people, most of whom had worked in management or accounting in the civil service or state enterprises, were arrested, some on fabricated charges.

In February, Niazov signed a decree excluding state officials convicted after 1999 from pardon or amnesty for five years after their conviction. As a result, dozens of civil servants who had been amnestied in the past two years were returned to prison.

On March 4, Niazov announced the creation of a commission to investigate crimes and human rights violations committed by agents of the Committee for State Security (KNB, or secret police). By May, the commission had uncovered five murders, sixty-nine cases of arbitrary detention and searches, twenty-two cases of torture, and many instances of crimes such as extortion, embezzlement, and drug trafficking. According to government sources, more than sixty KNB officials—including most of the central leadership and heads of regional departments—were forced to resign, and twenty-two were prosecuted. Among them were former KNB Chair Mukhamet Nazarov and two of his deputies, who received prison sentences of eighteen to twenty years.

On September 27, Russian police arrested Murat Garabaev, a former Central Bank of Turkmenistan official accused of embezzling U.S.\$41 million, in response to an extradition request from Turkmenistan. In the following weeks, police in the capital, Ashgabad, arrested Garabaev's mother, sister, and uncle, and confiscated his mother's house; as of this writing they remained in custody. Russian authorities extradited Garabaev, who holds Russian citizenship, on October 24. Authorities also arrested family members of two other suspects in the case, Arslan Kakaev and Annadurdy Khojiev.

On April 12, Niazov signed a decree amending the criminal procedure code to transfer to the Cabinet of Ministers sole authority to issue arrest warrants. The government explained this extraordinary perversion of due process as necessary to combat abuse by law enforcement agencies.

The campaign against the KNB had no impact on the human rights situation, as the government continued to suppress all other civic freedoms. Mukhammetkuli Aimuradov, sentenced in 1994 to eighteen years of imprisonment on groundless charges of attempting to overthrow the government, remained in prison in a high-security facility in Turkmenbashi.

On November 15, 2001, the authorities introduced limits on local access to certain Russian-language web sites, and from December 2001 through February 2002 the government further tightened control over Internet use as the opposition-in-exile posted several new websites. According to local activists, in September 2002 the KNB began to check computers at all governmental and some nongovernmental institutions to ferret out opposition material. They arrested Batyr Kurbanov, the

owner of a computer store in Ashgabad who had distributed among friends materials about Turkmenistan downloaded from foreign web sites; as of this writing he remained in custody.

In March, customs officers at Ashgabad airport confiscated part of a delivery of the Russian newspaper *Komsomolskaia Pravda*, which contained a travel story about Turkmenistan, and KNB agents also allegedly attempted to confiscate the issue in question from subscribers who had already received it; failing that, the agents attempted to compel subscribers to sign statements promising not to reveal the article's contents. In May, subscription to *Komsomolskaia Pravda* was prohibited. According to Russian media, in mid-July Turkmen authorities stopped deliveries of all Russian periodicals, claiming they were too costly.

On July 6 and 7, the Russian television company Ren-TV aired a show critical of Turkmenistan that was carried by local cable television providers. In response, Niazov ordered a shake-up at Turkmen cable providers, especially with regard to program content. For a period from July 15, cable television was almost entirely shut off, and when later restored it carried no further Ren-TV programs.

In May, the daily newspaper *Neitralnyi Turkmenistan* (Neutral Turkmenistan) canceled its employment contract with its Dashauz correspondent, Elena Mitiaev, after learning that she had intended to attend a seminar in Sweden on democracy and journalism.

As in previous years, the Russian Orthodox Church and Sunni Islam were the only religions permitted in Turkmenistan. Responding to international pressure, on January 8 authorities released Shageldy Atakov, a Baptist minister sentenced in 1999 to four years of imprisonment on trumped-up criminal charges. Secret police subsequently banned him from meeting with other Baptists and from leaving the Kaakhka city limits.

Atakov's release did not signal a letting up of government persecution of unregistered religious organizations. On November 15, 2001, police detained forty-one people gathered for a Word of Life church service. Nearly all the worshippers were fined, two were given brief prison terms, and three—including Word of Life Pastor Vladimir Shamrai—were deported to Russia.

From November 2001 through February 2002, police dispersed Adventist, Baptist, and Jehovah's Witness prayer gatherings in Ashgabad, Nebitdag, Khazar, and Turkmenabad. Dozens of worshippers were interrogated and faced verbal abuse and threats by police while in custody; several were beaten.

Authorities threatened to confiscate the homes of worshippers who made them available for prayer gatherings by unregistered religious groups. In at least one case they carried out the threat, evicting Marina Izmakeva, an Adventist, from her apartment; she subsequently left for Russia.

In May, after a protestant group in Denau received a delivery of religious materials, the KNB called group members for questioning. They were compelled to renounce their faith and swear on the *Rukhnama* their loyalty to President Niazov. After at least three refused, gas and electricity to their homes was cut off, and authorities threatened to cancel their residence permits. In July, the KNB attempted to compel two Baptist families in Turkmenbashi to leave the country, claiming their residence permits had expired in 2001.

On July 2, a court again sentenced Nikolai Shelekhov, a Jehovah's Witness, to an

eighteen-month prison term for conscientious objection to military service. Sheleknov had been convicted under the same charge but released under an amnesty in 2001.

At least four Jehovah's Witnesses continued to serve prison sentences handed down between 1999 and 2001 on trumped-up charges. Two of them—Kurban Zakirov and Iazmumed Annamamedov—were transferred to a prison with harsher regime. According to Jehovah's Witness sources, in August Annamamedov was hospitalized for injuries he sustained from constant beatings.

Prison conditions in general remained harsh, and the government used amnesties to relieve overcrowding. About nine thousand of Turkmenistan's estimated 18,500 prisoners were released under a December 2001 amnesty. By summer 2002, though, the prison population again reached seventeen thousand. Niazov announced his intention to release the majority under a prison amnesty to be issued in December.

Ethnic minorities faced worsening discrimination, particularly in education. Russian- and Uzbek-language school instruction was drastically reduced. The government continued to forbid ethnic minorities from forming cultural or other public organizations.

Travel to and from Turkmenistan remained strictly limited, as did freedom of movement within the country. Beginning January 1, citizens no longer required exit visas for foreign travel, but some individuals were arbitrarily banned from travelling abroad. Border officials repeatedly told these individuals that authorities had compiled a list of 2,500 people forbidden from foreign travel.

The government introduced a number of measures aimed at limiting cross-border travel, including the levy of a U.S.\$6 fee for Turkmen citizens wishing to cross the borders to Uzbekistan and Iran. In January, protesters in Dashauz district demanded an end to the new restrictions, and on February 22 hundreds of Uzbek citizens blocked railroads to protest the new visa fee, which was prohibitively high by local standards. Turkmen authorities also began using live ammunition on those illegally seeking to cross the border. In December 2001, border guards in northern Turkmenistan threatened to use firearms to disperse some two hundred people attempting to cross the border to visit a cemetery.

To carry out Niazov's reconstruction plan for Ashgabad, authorities continued to bulldoze residents' homes arbitrarily and without adequate compensation. On January 10, police threatened to arrest about a hundred women to stop them from holding a protest against continuing demolitions. In one Ashgabad neighborhood, the homes of six relatives of exiled opposition leader Avdy Kuliev were destroyed; no other homes in the neighborhood were affected.

## **DEFENDING HUMAN RIGHTS**

The repressive environment in Turkmenistan continued to prevent nongovernmental human rights organizations from forming.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

Turkmenistan has failed to file a single report to U.N. treaty bodies. In March, the U.N. Committee on the Elimination of Racial Discrimination reviewed Turkmenistan's implementation of the convention relying exclusively on information from various intergovernmental and nongovernmental sources. The committee acknowledged Turkmenistan's grave violations of civil and political rights, as well as social, economic, and cultural rights. It expressed concern that the state's policy of promoting Turkmen identity leads to discrimination against ethnic minorities, while religious minorities face discrimination because of the state's refusal to register religions other than Russian Orthodox Christianity and Sunni Islam. The committee called on the government of Turkmenistan to cooperate with the U.N. by providing the long overdue reports.

As of October, the Office of the U.N. High Commissioner for Human Rights was still awaiting a response from Turkmen authorities to its March 2002 proposal for an assessment mission to the country.

Turkmenistan made available to the U.N. its air space and land corridors for the delivery of humanitarian aid to Afghanistan. Subsequently, President Niazov called on the U.N. to support his proposal for a gas pipeline through Afghanistan.

U.N. Secretary-General Kofi Annan's visit to Turkmenistan in October 2002 yielded no public comment on the state of human rights in the country.

### **Organization for Security and Cooperation in Europe**

For the fifth year in a row, the Turkmen government failed to sign a substantive Memorandum of Understanding with the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights, on the conditions under which the OSCE had agreed in 1998 to establish a center in Ashgabad.

The OSCE welcomed the January 2002 abolition of Turkmenistan's exit visa regime, a step that then-OSCE Chairman-in-Office Mircea Geoana had pressed for during his meetings with President Niazov in June 2001. In April, the OSCE severely criticized Turkmen authorities for harassment of the media. In a letter to Foreign Minister Ravshid Meredov, the OSCE representative on freedom of the media denounced the "absolute lack of any freedom of expression in your country, a situation unseen in the OSCE region since the establishment of this Organization."

The OSCE continued its series of informational seminars, held in Ashgabad and other cities, aimed at making the people of Turkmenistan better acquainted with the OSCE's activities and projects in the country.

### **European Bank for Reconstruction and Development**

In July, the European Bank for Reconstruction and Development (EBRD)



adopted a minimal country strategy for Turkmenistan, citing the authorities' failure to make any perceptible progress toward political pluralism, civil and human rights, and market reforms. The bank resolved to limit its engagement in the country to the promotion of private sector activities, and to support these only where it could be shown that the proposed investments were not effectively controlled by the state.

### United States

Turkmenistan's cooperation in providing humanitarian aid to Afghanistan during the 2001-02 U.S.-led military operation against the Taliban raised slightly Turkmenistan's profile vis-a-vis the U.S. government. In addition to praising Turkmen cooperation, the U.S. supported President Niazov's May proposal to revive plans to construct a trans-Afghanistan pipeline to bring Turkmen gas to Pakistan and other South Asian countries.

At the same time, U.S. government agencies voiced criticism of Turkmenistan's human rights record. The State Department's annual report on human rights practices, released in March, accused the government of committing serious human rights abuses and severely restricting political and civil rights, including freedom of speech and religion. Recognizing Turkmenistan's particularly harsh restrictions on freedom of conscience and belief, the United States Commission on International Religious Freedom (USCIRF) reported in March that the conditions of religious freedom in Turkmenistan were "extremely poor" and plagued by "ongoing, egregious and systematic violations." The report called Turkmenistan "one of the most totalitarian states in the world today." In an unusually strong recommendation, the USCIRF called on the U.S. government to halt non-humanitarian aid, with the exception of anti-terrorism assistance, to Turkmenistan until conditions improved. In October, the USCIRF recommended that the Bush administration designate Turkmenistan a "country of particular concern for religious freedom" pursuant to the International Religious Freedom Act (IRFA). As of this writing, no decision had been made on "country of particular concern" designations.

## UKRAINE

### HUMAN RIGHTS DEVELOPMENTS

Despite progress in recent years, the human rights situation in Ukraine in 2002 remained uneven. Numerous irregularities were reported during the March parliamentary elections. Virtually all major media owners depended on state ties for survival and were thus subject to censorship. Opposition media and activists continued to face harassment. Prison conditions and torture in detention received attention from the national ombudsperson, but remained serious problems.

Racism, trafficking in persons, and discrimination against women, migrants, refugees, and persons living with HIV/AIDS persisted.

National and regional parliamentary elections in March reflected the mixed human rights situation. The European Union and the Organization for Security and Cooperation in Europe (OSCE) noted Ukraine's progress toward complying with international standards for democratic elections. Yet despite certain positive developments, including greater transparency, international observers noted significant flaws. Shortcomings in the campaigning period involved abuse of state resources by incumbent candidates and preference given to certain candidates in the use of state facilities.

Observers also noted an imbalance in the distribution of election commission chairperson positions, with some 70 percent being drawn from pro-presidential parties. In Lugansk, public employees were threatened with dismissal for refusal to sign a "social agreement" that committed them to vote for a pro-presidential party. The campaign was marred also by the murder of Mykola Shkibliak, a prominent Social Democratic Party (United) candidate, on the eve of the elections. On election day OSCE observers reported other incidents of violence, intimidation, and inappropriate influencing of voters.

The state of independent media continued to deteriorate throughout 2002. Although a broad range of media provided a diversity of political views during the parliamentary campaign, most media failed to provide impartial and fair coverage. Ukraine's six national television channels were either state-owned or controlled by persons close to the president. As a result, opposition parties frequently faced obstruction in accessing local and national media, and major television and radio outlets offered disproportionately more and only positive coverage to pro-presidential political figures.

Independent media sources and journalists faced government harassment and legal pressure in the form of tax inspections and arbitrary licensing procedures. Four television stations lost their broadcasting licenses in 2002, including Studio 1+1, which continues to broadcast pending a final court decision.

Journalists complained of political censorship. In early October, staff of UNIAN, an independent news agency, posted a statement denouncing the "fierce pressure" they encountered since the appointment of a new executive director. Censorship on television stations led many prominent newscasters to resign and motivated journalists to sign statements denouncing political pressure and organize a trade union to combat official coercion. Journalists and editors also reported physical violence. Police officers beat and detained Oleh Zavada for taking photographs during opposition protests in October.

The murders of investigative journalists Georgiy Gongadze in 2000 and Oleh Breus and Ihor Aleksandrov in 2001, remained unsolved despite continued international demands for transparent and timely criminal investigations that would involve international commissions of inquiry. Authorities repeatedly attempted to obscure their failures to properly investigate the Gongadze case. In January, the deputy prosecutor general claimed, falsely, that the Council of Europe had declined to create an international commission of inquiry. Increasing international pressure led the government to accept foreign technical assistance in examining evidence,

but prosecutors subsequently refused to cooperate with United States (U.S.) Federal Bureau of Investigation (FBI) homicide experts dispatched to Ukraine in April. In September, the parliament's ad hoc commission for investigating Gongadze's disappearance recommended that criminal charges be brought against President Leonid Kuchma and other top officials in connection with the crime, based on tape recordings of a meeting at which Kuchma allegedly asked security officials to "take care" of the journalist. Based on these allegations, the Kyiv Court of Appeals opened a criminal case against Kuchma in mid-October.

On September 16, major opposition groups organized anti-Kuchma protests throughout the country to mark the second anniversary of Gongadze's disappearance and to call for the president's resignation. Local authorities in Kiev attempted to prevent the demonstrations from being held in the center of the city, and prevented thousands from participating by denying entrance to cars and buses arriving from outside of the capital. A government memo issued to national media outlets recommended that television and radio sources avoid broadcasting information about the demonstrations and press conferences held by opposition parties. On the morning of the demonstrations, all six national television stations were off the air for "maintenance." Following the demonstrations, several thousand riot police armed with shields and rubber truncheons beat and arrested dozens of protesters who had set up a tent camp in front of the president's office.

Torture and ill-treatment by law enforcement officials continued as in recent years. The Ukrainian Office of the Commissioner for Human Rights reported that 30 percent of prisoners were victims of torture and perpetrators rarely faced prosecution. In a rare exception to the general rule of impunity, the Mozola family, with extensive help from the Ukrainian ombudsperson, won damages in a case against the state security services for the death of their son by torture in pre-trial detention in 1996. There also continued to be widespread reports of bullying and hazing of military conscripts.

Arbitrary detention and excessively long periods of pre-trial detention remained serious problems. Poor prison conditions—overcrowding, malnutrition, and insufficient access to health care—have led to inmate violence, a death rate ten times that of the population at large, and high rates of tuberculosis among inmates. In its review of Ukraine's fourth periodic report in November 2001, the United Nations (U.N.) Committee against Torture noted many ongoing deficiencies in the penal system, including the lack of clarity regarding the time when a detained person may exercise the rights to counsel, medical examination, and contact with a family member.

Ukraine's minority populations faced racism, discrimination, and intolerance. Crimean Tartars, deported during the Soviet era but recently returned to Ukraine, succeeded in gaining citizenship but still encountered obstacles in access to jobs and housing and in securing official recognition of their language. The results of the March elections saw Crimean Tartar candidates elected to governing bodies, thereby improving the previously weak Crimean Tartar political representation. Roma continued to battle discrimination resulting in socioeconomic disadvantage, high unemployment, insufficient political representation, and racially motivated police harassment.

In January, Ukraine acceded to the 1951 U.N. Refugee Convention and its 1967 Protocol. Throughout 2001-2002, Ukraine detained hundreds of undocumented migrants—including would-be asylum seekers—arrested in transit to Western Europe in the newly established Pavshino camp on its western border. This detention was under inhumane conditions and the authorities lacked funds to repatriate detainees who expressed the desire to return home. According to the U.S. Committee for Refugees, Ukrainian border guards allowed only three of 4,620 apprehended foreigners, many of whom were Afghans fleeing the Taliban, to lodge asylum claims during 2001.

Ukraine continued as both a country of origin and transit for large numbers of trafficked persons. In its 2002 trafficking in persons report, the U.S. State Department placed Ukraine on the list of countries not yet in compliance with the minimum standards for the elimination of trafficking, despite some official efforts to improve the situation. In May, the government approved a comprehensive program for 2002-05 designed to combat trafficking through increased criminal investigative efforts, and to improve services for victims including counselling and shelter.

In November 2001, parliament passed a new law on the prevention of domestic violence that offered a broad definition of domestic violence and recognized marital rape as a crime. In June the U.N. Committee on Elimination of Discrimination against Women credited Ukraine for adopting the new law but expressed concern about the prevalence of violence against women and the need for improved measures for prosecution and victims' services.

According to the United Nations Development Programme (UNDP), women constituted 80 percent of the unemployed due mostly to discrimination in hiring and disproportionate lay-offs, including illegal dismissals during maternity leave. Women made up more than half of university graduates, and three-fourths of unemployed women held university degrees. For those in the work force, women's salaries equalled only 73 percent those of men in comparable positions.

A U.N. report released during the International AIDS Conference in Barcelona said Ukraine had one of the fastest growing HIV/AIDS epidemics in the world, and concluded that the disease had spread beyond injecting drug users into the general population. The disease was virtually unheard of in Ukraine as late as 1994, but by 2002 as many as four hundred thousand persons were estimated to be living with HIV/AIDS. The government declared that it would make fighting AIDS a priority. However, a widespread lack of information on HIV transmission and a long history of marginalization and criminalization of drug users motivated discrimination against persons living with the disease, as reported by the international press and NGOs.

Ukraine continued to be implicated as a major weapons supplier to human rights abusers, areas of violent conflict, and embargoed countries. Ukraine's submission to the U.N. arms register showed that it sold attack helicopters to, among others, Algeria, Angola, Chad, Guinea, and Sri Lanka in 2001. A U.N. report issued in October 2001, documented that Ukraine served as the point of origin for weapons funnelled to embargoed Liberia. In September 2002, the U.S. recognized as authentic a tape recording of President Kuchma approving the sale of sophisticated air defense radar systems to Iraq in 2000. In October, legislation to control the

arms trade was introduced in parliament. To date, arms trade control measures remained elaborated only in ad hoc presidential and cabinet decrees.

## **DEFENDING HUMAN RIGHTS**

Ukraine's diverse civil society included human rights, ethnic, religious, and women's groups. Some groups have reported problems with local authorities over registration and taxation. The ombudswoman actively investigated human rights abuses and highlighted poor prison conditions.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

In considering Ukraine in late 2001, the U.N. Human Rights Committee continued to prioritize threats to freedom of expression and information. It also recommended that authorities ensure that national minorities enjoy use of their own language. The Committee on the Elimination of Racial Discrimination, which reviewed the country in August 2001, noted continuing stereotyping and racial profiling, including arbitrary arrests and illegal detention targeting in particular the Romani population, and called for the development of effective disciplinary measures for officials committing human rights violations.

### **Organization for Security and Cooperation in Europe**

In a February visit Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities Rolf Ekéus encouraged Ukrainian authorities to address discrimination against Roma, refugees, and immigrants. The OSCE representative on freedom of the media called on authorities to conduct a thorough investigation into the disappearance and murder of Gongadze. The OSCE project coordinator in Ukraine provided trainings on the observance of human rights in Ukrainian courts and worked closely with authorities to create an administrative court system and improve legislation to combat the trafficking of persons.

### **Council of Europe**

The chairman of the Committee of Ministers visited Ukraine in December 2001 to examine progress made by Ukraine in meeting its Council of Europe commitments. The chairman noted some positive results, particularly given that in April 2001 the Parliamentary Assembly (PACE) had recommended Ukraine's exclusion for failure to honor its obligations. However, the chairman and the PACE both stressed continuing shortcomings, including the unresolved cases of murdered journalists and the lack of an independent judiciary able to enforce the rule of law.

In February, the PACE called on the Ukrainian authorities to release fifteen individuals still being held in pre-trial detention since their arrest during anti-presidential demonstrations in March 2001. A European Commission against Racism and Intolerance report, published in July, highlighted continued direct and indirect discrimination, particularly by police, against Crimean Tartars, Roma, immigrants, and refugees, and recommended a number of measures to be taken to address the shortcomings identified. Such measures included the adoption of a comprehensive anti-discrimination law and awareness-raising among both state authorities and the general public about issues relating to racism and discrimination and relevant international standards.

Ukraine finally agreed to the publication of the Committee for the Prevention of Torture's (CPT) 1998-2000 reports. The reports cited numerous allegations of physical ill-treatment of detainees, criticized the poor conditions of holding facilities, and expressed particular concern over the treatment of prisoners sentenced to life imprisonment. The CPT visited Ukraine again toward the end of 2002.

### **European Union**

In its annual report on human rights the E.U. stated concerns about the problematic environment for the media in Ukraine and stressed the need to ensure a secure environment for journalists. In its 2002-03 National Indicative Programme for Ukraine, the E.U. highlighted the strengthening of independent mass media, the judiciary, and public administration, and the reduction of poverty as key priorities, together with border security and trade issues. The European Initiative for Democracy and Human Rights identified Ukraine as a focus country for 2002-04.

A joint statement issued on the occasion of the E.U.-Ukraine summit in July "welcomed progress made by Ukraine toward meeting OSCE and Council of Europe standards," "agreed that the strengthening and stability of institutions guaranteeing democracy, rule of law and market economy is of vital importance for Ukraine's development and for an intensified relationship with the E.U.," and "confirmed [the two parties'] joint desire to further reinforce our strategic partnership aimed at promoting stability and prosperity in Europe as well as the strengthening of democracy, respect of human rights, rule of law and market economy." However, responding to President Kuchma's expression, at the World Economic Forum in September, of Ukraine's E.U. membership ambitions, E.U. Commissioner for Enlargement Günter Verheugen stated that Ukraine's accession was not likely.

### **United States and the North Atlantic Treaty Organization**

In advance of a North Atlantic Treaty Organization (NATO) delegation's visit to Kiev in July, President Kuchma announced Ukraine's desire to seek full membership in the alliance, although no substantive changes in the existing distinct partnership were made. Ukraine's relations with NATO and the U.S. deteriorated in September, however, after the U.S. confirmed earlier that month that President Kuchma had approved the sale of radar systems to Iraq in 2000. In order to avoid further harm to the NATO-Ukraine relationship, the alliance refused to invite

Kuchma to participate in the meeting of the NATO-Ukraine Council at NATO's Prague summit in November by downgrading scheduled meetings to the foreign minister level. The U.S. suspended U.S.\$54 million in aid to the central government and said it would consider further measures pending the outcome of an investigation. The U.S. also initiated a full review of U.S. policy toward Ukraine and worked to downgrade Ukraine's participation in the Community of Democracies.

#### **RELEVANT HUMAN RIGHTS WATCH REPORTS:**

*The NATO Summit and Arms Trade Controls in Central and Eastern Europe,*  
11/02

## **UZBEKISTAN**

### **HUMAN RIGHTS DEVELOPMENTS**

Human rights abuses on a massive scale continued in Uzbekistan in 2002. The closer relationship with the United States (U.S.) that developed after the September 11, 2001 terrorist attacks on the U.S.—including the provision of air bases for U.S. troops—pushed Uzbekistan to make some gestures to show progress on human rights. However, these did not amount to any fundamental improvement. The government systematically violated the rights to freedom of religion, expression, association, and assembly. There was no independent judiciary, and torture was widespread in both pre-trial and post-conviction facilities.

The government's campaign against independent Muslims continued in 2002 with hundreds of new arrests of people whose Islamic beliefs, practices, and affiliations fell beyond strict government controls. That the government did not intend to relent in its campaign became clear in April, when President Islam Karimov announced that Uzbekistan would continue its fight against Hizb ut-Tahrir (Party of Liberation), an organization that advocates the re-establishment of the Islamic Caliphate, or state, by peaceful means. The authorities also continued to arrest pious Muslims it labeled as "Wahhabis." The government retrospectively justified its five-year campaign against independent Islam by referring to the "war against terrorism," failing to distinguish between those who advocate violence and those who peacefully express their religious beliefs. While authorities withheld comprehensive statistics on prisoners held on religious and political charges, conservative estimates put the total number between 6,500 and 7,000.

As in previous years, police arrested and tortured independent Muslims, and courts dismissed torture allegations and sentenced defendants—including minors—to long prison terms. By November 1, Human Rights Watch had documented 167 cases of people convicted or arrested awaiting trial in 2002, but the true

number was believed to be far higher. Among those convicted was Hamidulla Abdullaev, tried in March in Tashkent, the capital, along with four others for alleged membership in Hizb ut-Tahrir. Ignoring Abdullaev's court testimony that police had beaten him for two days, the judge sentenced him to seven years of imprisonment.

Another Hizb ut-Tahrir conviction was that of Musharraf Usmanova, the widow of Farhad Usmanov, who died from torture in custody in 1999 after police arrested him on charges of possession of a Hizb ut-Tahrir leaflet. On April 14, police officers raided Usmanova's home and detained her. For seven days, police failed to inform Usmanova's relatives of her whereabouts in custody, and then held her incommunicado for about two more weeks. At trial Usmanova was accused of heading a Hizb ut-Tahrir women's group. On July 16, the Tashkent Municipal Court convicted her on the basis of testimony consisting of rumor and statements that witnesses retracted in court, citing pressure by law enforcement agents. It handed her a two-year suspended sentence.

Just days after Usmanova's conviction, her sister-in-law, Dildora Akzamova, was detained and "disappeared" for seven days before being confirmed in the custody of the National Security Service (NSS), and she was then held incommunicado for about two more weeks. At the time of writing, Akzamova was awaiting trial, also for allegedly heading a Hizb ut-Tahrir women's group.

At the end of July, police detained another Tashkent woman—whose husband was in jail for Hizb ut-Tahrir membership—four times within four days, questioning her about her meetings with human rights and media organizations.

In 2002, authorities began to target another group of independent Muslims—those who study the works of Turkish Islamic scholar Bediuzzin Said Nursi. In June, a closed military court convicted twelve alleged Nursi followers on a variety of charges, ranging from "organizing a criminal society" to "distributing materials that threaten public security." The primary accusation was that they read, possessed, or distributed books by Nursi. Ten of the defendants received prison sentences ranging from fifteen to eighteen years; the other two were sentenced to five years each.

In January, the authorities claimed that 860 religious and political prisoners had been released under a 2001 amnesty. However, many of those released were subjected to persistent police harassment and were required to report regularly to police and sign statements promising not to attend meetings or protests and rejecting their religious faith.

Some released under the amnesty were rearrested. Among them was Ibodat Sultanova, who had complained to Human Rights Watch of constant police harassment. On September 13, a court sentenced her to seven years of imprisonment for "spreading religious extremist materials." The evidence against her in court showed that she had helped to distribute money to needy families whose male relatives were in prison for their ties to Hizb ut-Tahrir. In April, Merziot Usmanov was also rearrested and in July was sentenced to eight years of imprisonment on charges of "extremism."

Uzbek authorities continued to threaten family members of suspects to coerce the latter's cooperation with the police. At the September trial of Iskander Khudoberganov, his father testified to the Tashkent Municipal Court that police had



detained him and another son in order to coerce Iskander's appearance for questioning. He also told the court that police had tortured Iskander's co-defendant in front of him, threatening "to do the same thing to me and my son." As of this writing, Iskander Khudoberganov's trial, on charges of "religious extremism," murder, and terrorism, was ongoing.

In January, four police officers were convicted and sentenced to twenty years of imprisonment for torturing to death Ravshan Haitov, an alleged member of Hizb ut-Tahrir, in 2001. In June 2002, three NSS officers were also sentenced to four to sixteen years for the 2001 torture death of Alimukhammad Mamadaliev in Margilan. Although some in the international community interpreted these trials as a sign of the government's willingness to prosecute torturers, many other deaths arising from suspicious circumstances in custody, and countless reports of torture, remained uninvestigated.

On October 9, 2002, two days after his arrest on suspicion of involvement in a robbery, Izatullo Muminov died in police custody in Tashkent. Police reportedly claimed that he hanged himself, but circumstances surrounding the death indicated that he may have died as a result of torture. At the time of writing the authorities had not made public any postmortem examination results.

On February 7, police reportedly brought Ikrom Aliev, a religious prisoner who had been held in Navoi prison, home to his family; he died two days later. Relatives told a local rights activist that Aliev was paralyzed on his right side, had a large swelling on his head, and was unable to speak. The authorities reportedly told the relatives that Aliev had tuberculosis, but on admission to hospital, doctors confirmed that he had been beaten on the head with a heavy object.

On May 26, Husnidin Hikmatov—sentenced in 2001 to seventeen years of imprisonment for Hizb ut-Tahrir membership—died two days after being released from Jaslyk prison, from injuries reportedly sustained after a severe prison beating. In April, he had reportedly become seriously ill after severe beatings and was given no medical attention for several weeks before being transferred to the Tashkent prison hospital.

On August 8, the bodies of Muzafar Avazov and Husnidin Alimov, both religious prisoners, were brought from Jaslyk prison to Tashkent for burial. Avazov's body showed signs of apparent torture, including burns on the legs, buttocks, lower back and arms, a large, bloody wound to the back of the head, and bruising on his hands, which had no fingernails. The authorities claimed that the injuries and deaths were caused by a fight with cellmates.

Prison conditions remained atrocious. Prisoners suffered torture as well as lack of food, medical attention, heating, and other basic needs. Religious and political prisoners suffered particularly harsh treatment. According to the testimony of relatives and several letters smuggled out of prison facilities, religious prisoners were forced to write statements renouncing their faith, to ask President Karimov for forgiveness every day and to sing the national anthem. Prisoners who refused were punished with beatings, rape, solitary confinement, and denial of food and water.

Human Rights Watch received a letter in June 2002 that was smuggled out of a facility in Kashkadaria province alleging that eighteen prisoners there were raped by officials in the first half of 2002. In December 2001, according to relatives,

authorities in one prison beat a prisoner for attempting to fast during Ramadan. He was then reportedly placed for fifteen days in a cell flooded with water up to his knees and with no heat, in freezing temperatures.

In addition to the four deaths from treatment in post-conviction prisons listed above, local rights activists documented at least sixteen deaths in custody, officially attributed to tuberculosis. At least two of those who died were also tortured. According to official reports, Mirkamol Solikhojaev, a religious prisoner serving a twelve-year sentence, died on February 28. Family members said that he had been systematically beaten with clubs and barbed wire in prison, leaving puncture wounds in his legs as a result. Similarly, Dilmurod Juraev died in February while serving a sixteen-year sentence for his Hizb ut-Tahrir affiliation, and family members stated that he had been beaten and subjected to electric shock.

Several Christian groups also faced harassment, including detention, fines, refusal to register groups, and, in the case of Jehovah's Witnesses, imprisonment for fifteen days for holding illegal religious meetings. At the time of writing, criminal prosecutions against three Jehovah's Witnesses for their religious activities were ongoing. Proselytism remained illegal.

In consistent strikes against freedom of assembly, Uzbek authorities harassed, detained, and put under virtual house arrest those who tried to stage protest gatherings. Relatives of imprisoned independent Muslims attempted throughout the year to hold small demonstrations in Tashkent, Margilan, Karshi, and other cities to protest prison conditions. On each occasion, police would detain the protesters—usually several dozen women with their children—and hold them for fifteen days on minor charges.

Often police would detain the women before they arrived at the protest site. On May 20, police refused to let several women leave their homes, in what appeared to be an attempt to prevent the women from attending a protest. On July 24, approximately thirty women tried to protest in Tashkent and were immediately detained, some before they arrived at the protest site. Several were sentenced to fifteen days of detention.

Other groups who tried to protest were also harassed and detained. On July 2, police in Tashkent forcefully snatched placards from a group of people protesting human rights abuses and then detained two protesters, who were released several hours later. Police threatened to charge one of them with "religious extremism," if he continued to organize protests. On August 27, police immediately detained about six people gathered outside the Ministry of Justice to protest the general human rights situation. Among them was Olga Krasnova, who was beaten on her legs, back, and arms before being released some hours later. Two others were taken to the Tashkent psychiatric hospital for compulsory treatment and remained in detention at the time of writing.

On August 28, Sotevoldi Abdullaev was briefly detained along with two human rights defenders when he also attempted to hold a protest outside the Ministry of Justice, calling for an inquiry into his son's 1999 death in custody. Two days later, police again briefly detained him, together with two human rights defenders, as he attempted to hold a press conference.

The government's gestures toward political pluralism did not amount to signif-

icant advances. The Birlik (Unity) party succeeded in holding a series of regional meetings without government interference. However, former and current Birlik members remained on police lists and were required to report regularly to police and to sign statements explaining their current activities. The party remained unregistered. In May, the banned opposition party Erk (Freedom) had to cancel a regional gathering, the first attempted in years, when police detained its leader Atanazar Oripov. Police released Oripov only after those gathered for the meeting had dispersed.

On May 13, pre-publication censorship was officially lifted after the chief censor, Erkin Komilov, was fired and the State Inspectorate for the Protection of State Secrets was disbanded. However, two days later, the authorities summoned Tashkent newspaper chief editors and told them that they now had responsibility for censorship. One newspaper editor reportedly responded by employing staff from the old state inspectorate.

Subsequently, several articles on such topics as unemployment and poverty that would not previously have been published appeared in some newspapers. However, in at least one case the presidential administration summoned the editor of a newspaper and pressured him to stop publishing such material.

According to the Committee for the Protection of Journalists, Madzid Abdu-rahimov of the national weekly *Yangi Asr*, and Muhammed Bekjanov and Iusuf Ruzimuradov of the banned opposition newspaper Erk remained in jail for their professional work, on a variety of trumped-up criminal charges.

Uzbekistan's borders with Kyrgyzstan and Tajikistan remained mined, as a result of Uzbek government policy to deter the threat of Uzbek armed groups based outside the country. Several deaths of adults and children as a result of Uzbekistan's mines were reported in the media in Tajikistan and Kyrgyzstan.

Just over four thousand mountain villagers remained in resettlement centers in open desert plains, four hundred kilometers from their homes near the Tajik border. The Uzbek government had forcibly displaced them in 2000 and 2001, as it sought to eliminate any possible support base for Islamic Movement of Uzbekistan (IMU) fighters and to create a *cordon sanitaire* along the Tajik border. They were refused permission to visit their homes, many of which were torched by Uzbek law enforcement agents. Residents of resettlement centers in Sherobod and Shurchi were living in conditions of extreme poverty in the summer of 2002, while barely tenable conditions in all of the centers were expected to dramatically worsen in the winter. At least seventy displaced villagers, unfairly sentenced in 2001 to lengthy prison terms on charges of collaboration with the IMU, languished in prison.

In August, the Uzbek authorities deported several Afghan nationals with mandate refugee status, including several minors, to Afghanistan, breaching the international obligation against refoulement. The Office of the United Nations High Commissioner for Refugees wrote to the authorities protesting the deportation. In April, Uzbek authorities reportedly extradited a Turkmen national to Turkmenistan, where he was immediately imprisoned. He had reportedly fled Turkmenistan in 1997, after facing persecution for his Uzbek ethnicity and trumped up charges of corruption.

Female suicides surged in 2002, with 322 women committing suicide in the first four months, according to the Institute for War and Peace Reporting. In May, Dilbar Guliamova, the deputy premier, made an unprecedented statement attributing 99 percent of female suicides to domestic violence. In spite of a law making it a crime to "drive someone to suicide," only twelve of those 322 cases led to trials.

Trafficking in persons also continued, but the magnitude of the problem remained unclear. In May, a U.S. district court in Texas found Sardar Gasanov, a former United Nations program officer and Tashkent native, and his wife guilty of "alien smuggling for profit." Gasanov and his wife had trafficked three women from Uzbekistan to the U.S. and forced them to dance nude in clubs. The couple was convicted after two of the women appealed to the FBI for assistance.

## DEFENDING HUMAN RIGHTS

In a positive development, the government registered the Independent Human Rights Organization of Uzbekistan (IHROU) on the eve of a visit by President Karimov to the U.S. in March, the first time it had registered a local independent human rights organization. But no other human rights groups were registered since, and one group's application was rejected in October. Throughout the year, the government harassed, threatened, and detained human rights defenders in an attempt to restrict information on human rights abuses.

At least six defenders from the Human Rights Society of Uzbekistan (HRSU) and one from IHROU were arrested in 2002. On September 17, Yuldash Rasulov, a member of the HRSU's Kashkadaria branch, was sentenced to seven years of imprisonment for spreading "religious extremist" materials. Police arrested him on May 24 in Karshi and brought him to Tashkent where he was held in incommunicado detention for approximately a month. In a statement to Human Rights Watch, he reported that police tortured and threatened him, forcing him to sign a self-incriminating statement. Evidence of torture raised in court was ignored. In what may have been an attempt to deflect international attention from the case, authorities claimed, shortly after Rasulov's arrest, that he recruited young men for the Taliban, but the court dropped such charges.

On June 5, a Tashkent court confirmed an April lower court decision to subject HRSU member Elena Urlaeva to forced psychiatric treatment. The order was executed on August 27, when Urlaeva was arrested and placed in a locked ward in the main psychiatric institution in Tashkent. After Human Rights Watch visited Urlaeva on August 30, her access to visitors, including her family, was restricted. In 2001, the government had forcibly committed Urlaeva to a mental institution, and released her only after an international outcry. In 2002, Urlaeva was under constant pressure from the authorities not to organize and participate in public protests against government rights abuses.

On September 4, police arrested Jakhangir Shosalimov, a member of the IHROU, after he had helped a journalist to interview victims of police violence in a Tashkent market. According to IHROU, he received a fifteen-day jail sentence for breaching public order.

In the same week, about thirty police surrounded the house of Tursunbai Uta-muratov, head of the Karakalpakstan section of the HRSU, and then arrested him and searched his house. He was accused of tax evasion, but, according to the HRSU, was targeted for his efforts to publicize local corruption.

On September 16, three HRSU members, Jura Muradov, Norpulat Rajapov, and Musulmon Khomroev, from the Nishan district of Kashkadaria, were sentenced to between five and six years of imprisonment for hooliganism, robbery, and property damage. According to the HRSU, the three had exposed corruption in a local collective farm, to which authorities responded by accusing them of abusing the director of the farm and damaging his property. Their trial began in late June, but soon went into recess with the defendants apparently believing the charges had been dropped. However, according to the HRSU, a day before the three were due to attend a regional meeting of Birlik, they were detained, taken to court, denied counsel, and sentenced.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

In May, the U.N. Committee against Torture considered Uzbekistan's report on compliance with the Convention Against Torture. Using unusually strong language, the committee called on the Uzbek government to review all convictions handed down since 1995 that were based solely on confessions, recognizing that they may have been coerced through torture. The committee expressed concern about the "numerous, ongoing and consistent allegations of particularly brutal acts of torture by law enforcement personnel." It also pointed out that Uzbekistan failed to provide requested statistics on detainees and death penalty executions.

In late June, the Uzbek government issued a long-overdue invitation to the U.N. special rapporteur on torture to visit Uzbekistan in August. The special rapporteur was unable to visit at such short notice and the Uzbek authorities appeared to fail to communicate with the special rapporteur in a timely manner to arrange a date for the visit, jeopardizing the visit for 2002. During his visit to Tashkent in October, U.N. Secretary-General Kofi Annan raised the need for the Uzbek government to cooperate with the special rapporteur.

### European Union

The E.U.-Uzbekistan Cooperation Council met in January 2002 to discuss implementation of the Partnership and Cooperation Agreement (PCA). The PCA requires that partner states guarantee basic civil and political rights, but the E.U. appeared to have missed the opportunity to obtain a commitment from the Uzbek government on specific improvements. Both parties agreed to strengthen their political dialogue and trade and investment cooperation, as well as to develop activities to fight drug trafficking and terrorism. The E.U. welcomed Uzbekistan's announced measures to liberalize the economy, in particular to move toward con-

vertibility of the Uzbek currency, and announced a doubling of its annual aid to Uzbekistan.

In September, the council of the E.U. called for an independent investigation into the August deaths in custody of Muzafar Avazov and Husnidin Alimov. It also called for the resumption of International Committee of the Red Cross (ICRC) visits to prisons, citing concern that Uzbek authorities were not meeting ICRC universal criteria for such visits.

## Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) office in Tashkent undertook training sessions for prison officials, human rights activists, and lawyers. In September, it held a conference on freedom of the media and corruption, as well as a roundtable for government officials on freedom of religion, as a lead up to a regional conference on the same. The OSCE mission chief regularly raised human rights concerns in meetings with the Uzbek leadership, though the mission did not make public the results of such meetings.

The director of the OSCE Office for Democratic Institutions and Human Rights sent the government a strongly-worded letter dismissing as "extremely unlikely" the official version of the deaths of Avazov and Alimov and urging a "prompt, impartial and full investigation" into the deaths.

### United States

The new U.S. relationship with Uzbekistan, combined with the severity of its persecution of independent Muslims, made this country a key test for U.S. human rights policy following the attacks of September 11. In some respects, human rights issues were given a high profile in the U.S.-Uzbek bilateral relationship, rather than disappearing from the agenda as some observers initially feared. President George W. Bush and Secretary of State Colin Powell raised the need for progress on human rights in their meetings with the Uzbek leadership, and U.S. diplomats on the ground followed up on key issues. U.S. pressure contributed to some modest gains, including the registration of the IHROU.

During President Karimov's March visit to the U.S., he signed a U.S.-Uzbek Joint Declaration, committing Uzbekistan to ensuring a strong and open civil society, respect for human rights, free and fair elections, political pluralism, and independence of the media and courts. In July, Congress enacted legislation making supplementary aid to the Uzbek government conditional upon "substantial and continuing progress" in meeting the human rights and democracy commitments in the joint declaration.

The U.S. failed to take advantage of many opportunities to use its influence with Uzbekistan, however, and sometimes exaggerated Uzbekistan's progress in meeting its human rights commitments. In August, the State Department prematurely certified that Uzbekistan was making the progress demanded by the supplemental aid legislation, allowing for the release of \$16 million in military and security assistance. It made no visible effort in July and August to use the law to leverage addi-

tional progress to meet the law's requirements, despite several key human rights setbacks during those months.

Prior to the August supplemental appropriation, Uzbekistan was scheduled to receive \$173 million in U.S. assistance, of which \$61.3 million was security related. Citing "serious human rights violations by members of Uzbek security forces," an amendment to the U.S. Foreign Appropriations Act required the administration to report every six months on all military and security assistance to the government.

As of this writing the U.S. had not made a determination as to whether Uzbekistan should be designated a "country of particular concern for religious freedom" under the terms of the 1998 U.S. International Religious Freedom Act.

### **European Bank for Reconstruction and Development**

The European Bank for Reconstruction and Development's (EBRD) decision to hold its 2003 annual meeting in Tashkent continued to spur controversy in both governmental and nongovernmental fora. In May, Human Rights Watch joined fifty-three other nongovernmental organizations in writing to the bank's president, Jean Lemierre, to express concern about the impact that holding the meeting in Tashkent could have on human rights in Uzbekistan and on the bank's credibility as an institution committed to democracy, human rights, and the rule of law. A June report by the Parliamentary Assembly of the Council of Europe on the activities of the EBRD expressed hope that the bank would use the meeting to improve the human rights situation in the country, as did a July U.S. Senate report.

The bank maintained that the meeting was "Uzbekistan's opportunity to impress through progress." At the close of the 2002 annual meeting in Bucharest in May, Lemierre noted that Tashkent's selection was "an incentive to make progress, and not an endorsement." As of this writing, Human Rights Watch was not aware of any specific efforts by the bank to encourage such progress.

### **International Monetary Fund**

After suspending lending to Uzbekistan in 1996 and essentially withdrawing from the country in 2001, the IMF decided to return in 2002, reportedly under pressure from the U.S. In January, the IMF launched a Staff Monitored Program (SMP) set to run from January 1 to August 31, but it set no political conditions and, according to experts in the field, even set the economic standards very low. The main objective was to eliminate the multiple exchange rate, which was supposed to be completed by the end of June. However, in September the IMF confirmed that this had yet to be accomplished.

### **RELEVANT HUMAN RIGHTS WATCH REPORTS:**

*Religious Persecution of Independent Muslims in Uzbekistan*, 8/02

*Dangerous Dealings: Changes to U.S. Military Assistance After September 11*, 2/02

## **FEDERAL REPUBLIC OF YUGOSLAVIA**

### **SERBIA AND MONTENEGRO**

#### **HUMAN RIGHTS DEVELOPMENTS**

A major restructuring of the Yugoslav federation was under way in 2002, although by November it had not come to a formal conclusion. On March 14, the authorities in the two constituent republics agreed to create a new state under the name of Serbia and Montenegro. The new arrangements confirmed the exceptionally high level of autonomy that both republics already enjoyed. But the agreement slowed the drive to independence favored by a narrow majority of the Montenegrin electorate. Montenegrin officials stated that they entered into the agreement under pressure from the European Union and with an understanding that the agreed constitutional framework was provisional. As of November, the Serbian and Montenegrin sides had therefore been unable to agree on a system for electing the future parliament and had therefore failed to produce a constitutional charter that would finalize the restructuring.

In October parliamentary elections in Montenegro, the moderates with a long-term goal of independence for Montenegro won an absolute majority of seats against the parties advocating closer ties with Serbia and the pro-independence radicals. Presidential elections in Serbia, held in September and October, failed to produce a winner because the second round turnout was below the 50 percent threshold required by the election law.

Progress on accountability was slow, both with regard to the surrender of indictees to the International Criminal Tribunal for the former Yugoslavia (ICTY) and the tribunal's access to archives and witnesses in the Federal Republic of Yugoslavia (F.R. Yugoslavia). As of November 2002, only one individual, Bosnian Serb Ranko Cesic, accused of war crimes in a detention camp in the Bosnian town of Brcko in 1992, had been arrested and transferred to The Hague during the year. Five indictees surrendered voluntarily: Dragoljub Ojdanic and Nikola Sainovic, indicted for war crimes in Kosovo in 1999; Milan Martic, indicted for the cluster bomb shelling of civilian objects in Zagreb in 1995; Mile Mrksic, former Yugoslav army commander accused of crimes against humanity for the alleged killing of at least two hundred non-Serbs near the Croatian city of Vukovar in 1991; and Momcilo Gruban, a wartime shift commander in the Bosnian Serb-run prison camp near Prijedor.

On April 11, the Yugoslav parliament adopted a law on cooperation with the ICTY. Contrary to Yugoslavia's United Nations (U.N.) obligations, a provision in the law stated that it would apply only to individuals against whom indictments had already been issued at the time it came into force. The law also contained a number of ambiguities regarding procedures for cooperation with the ICTY.



For months the authorities failed to facilitate access for ICTY investigators to Yugoslav archives and potential witnesses. By mid-year this began to change, although at the time of writing the tribunal did not yet completely have the access it had requested. In July and August, the government freed a number of police officials from the obligation to guard state secrets while giving testimony in the trial of Slobodan Milosevic. (See below.) The government also allowed limited access to the requested archives.

In February, a Serb government official acknowledged to the media, under condition of anonymity, that Ratko Mladic, ICTY indictee and the former commander of the Bosnian Serb army, had been protected by the Yugoslav army up to that time. On the record, Serbian officials throughout the year denied knowledge of Mladic's whereabouts or, in the alternative, argued that an attempt to arrest him would trigger civil war in the country. A dozen other ICTY indictees were believed to live in the country during the year.

Four domestic war crimes trials were held in 2002. On July 8, the district court in Prokuplje, Serbia, sentenced Ivan Nikolic, a former Yugoslav army reservist, to eight years in prison for the killing of two Kosovo Albanian civilians in May 1999. On September 10, the high court in Bijelo Polje, Montenegro, sentenced Nebojsa Ranisavljevic to fifteen years of imprisonment for participation in the abduction and killing of nineteen Yugoslav Muslims at a train station in Strpci (in the border area between F.R. Yugoslavia and Bosnia and Herzegovina) in 1993. On October 11, the military court in Nis sentenced two Yugoslav army officers and two privates to five and seven years, and three and four years of imprisonment respectively, for the killing of two ethnic Albanian civilians in April 1999. Finally, in October the trial began in Prokuplje against Sasa Cvjetan, a former reservist in the anti-terrorist unit of the Serbian police, accused of killing nineteen Kosovo Albanian civilians in March 1999.

The police and judiciary failed to act to resolve a number of other war crimes cases, in which a significant body of evidence was known to exist. These included the case of mass graves in Serbia, exhumed in 2001, in which up to six hundred bodies of Kosovo Albanians had been buried.

As of November, the truth and reconciliation commission, established in 2001 by Yugoslav President Vojislav Kostunica, had failed to hold any hearings on war crimes and other abuses committed during the 1990s in Serbia and other parts of the former Yugoslavia. The slow progress was in part due to the commission's limited budget of only U.S.\$20,000. The courts in Serbia and Montenegro failed to resolve any of the high-profile cases of political assassination that were committed or attempted during the rule of Slobodan Milosevic.

The authorities did not use police violence against the political opposition, but during the year police abuses against ordinary citizens were still commonplace. The Serbian Ministry of Interior either ignored allegations of police torture and ill-treatment made in the media and human rights reports, or claimed that it had no knowledge of the alleged events. Of the eight known court decisions since October 2000 dealing with torture and ill-treatment by the police, all but one of a dozen convicted law enforcement officers received sentences of less than eight months in prison, even where the torture resulted in serious bodily injuries. The exception was

an August 2002 court decision in which one accused policeman was sentenced to eighteen months of imprisonment.

Serbian human rights groups and media registered a dozen serious cases of police torture between December 2001 and October 2002. The abuses often occurred in police stations, when officials attempted to compel detainees to admit to theft or other crimes. As a consequence of the abuse, in one case the victim underwent brain surgery (Nenad Tasic, tortured in August in Vranje); other victims suffered a ruptured eardrum (Nemanja Jovic from Belgrade), bruised ribs (Marko Brkic from Novi Sad), and other physical injuries.

On July 18, the Serbian parliament amended the law on the judiciary to strengthen the role of parliament in the selection of judges, at the expense of an independent body of experts, the High Judicial Council. The new provisions left the council its role in nominating judicial candidates but, in cases where parliament rejects the nomination, gave the decision on alternative candidates to parliament's judicial committee. The amendments also excluded the High Judicial Council from the procedure for the election of the presidents of the courts.

On February 26, new legislation in Serbia replaced the death penalty with a maximum prison sentence of forty years. In June, Montenegro also abolished death penalty.

Although the Yugoslav constitution and law on the army allowed for alternative military service in civilian institutions, the army continued to reject all requests by conscientious objectors for service in humanitarian, health, or other similar institutions.

While most of the media operated freely during 2002, the cabinet of the Serbian Prime Minister Zoran Djindjic effectively shaped the editorial policy of the two main private television stations in F.R. Yugoslavia, Television BK and Television Pink, through behind-the-scenes pressures.

The governments of Serbia and F.R. Yugoslavia failed to protect freedom of expression when extreme nationalists repeatedly disrupted an exhibition of war photographs by American artist Ron Haviv. The exhibition mostly consisted of images documenting war crimes in Bosnia, Croatia, and Kosovo. The nationalists' threats and violence, which no government official denounced, forced the organizers to close down the exhibition in Uzice, Kragujevac, and Cacak. Only in Cacak were misdemeanor charges brought against the perpetrators, resulting in three minor penalties.

On February 13, the federal parliament adopted a Law on the Rights and Freedoms of National Minorities. The law was prepared with the assistance of the Council of Europe and the Organization for Security and Cooperation in Europe, and it provided for broad protection of minority rights. The treatment of Hungarians, Bosniacs, Croats, and Albanians in Serbia (outside of Kosovo) was satisfactory in 2002, but police brutality against Roma continued to take place, and discrimination against Roma in various fields of public life remained widespread. Prosecutors continued to dismiss complaints of discrimination or simply failed to take any action to address them, and legal provisions against discrimination remained inadequate. Thousands of Roma families, many of them displaced from Kosovo, continued to live in makeshift settlements in the vicinity of towns,

without electricity, running water, or sewers, or access to public health and education services. Authorities attempted on several occasions to evict the families from one such settlement in Belgrade, without providing them with adequate alternative accommodation. In September and October, the affected Roma staged large protests in Belgrade, and the authorities postponed the eviction until such time as alternative accommodation could be found, but by mid-November the companies owning the land plots evicted all displaced Kosovo Roma from the settlement, using threats and employing excavators to destroy the Roma shacks.

Over half a million refugees and displaced persons continued to live in Serbia and Montenegro. Statistics from the U.N. High Commissioner for Refugees (UNHCR) for February 2002 showed that two hundred thousand displaced persons from Kosovo lived in Serbia and thirty thousand in Montenegro; it was generally acknowledged that the actual numbers were higher. Half of the displaced persons were unemployed, and many lacked appropriate housing or access to public health and education services. Almost four hundred thousand Serbs and Montenegrins from Croatia and Bosnia lived as registered refugees in F.R. Yugoslavia. They were free to opt for Yugoslav citizenship without renouncing their Croatian or Bosnian citizenship first, but the procedure was slow, generally taking from six to twelve months. The Serbian government announced in September that it would carry out a revision of status for the minority of refugees who lived in collective centers (municipal and socially owned buildings now housing refugees), with the aim of canceling refugee status for those who had repossessed their homes and apartments in their countries of origin.

Yugoslavia was repeatedly named in connection with illegal arms sales. In September, the United States government and the NATO-led Stabilization Force in Bosnia obtained information indicating that a large quantity of military components and tools produced in Republika Srpska (in Bosnia and Herzegovina) had been exported to Iraq through a Yugoslav state-owned firm based in Belgrade. In October, a ship that departed from a Montenegrin port was intercepted off Croatia's coast and was found to contain more than two hundred tons of an explosive substance, believed by Croatian police sources to be destined for Iraq (which is subject to a mandatory U.N. arms embargo). That same month, U.N. experts reported that a Belgrade-based arms dealer supplied weapons from old Yugoslav stocks to Liberia, in violation of a U.N. arms embargo on that country.

## DEFENDING HUMAN RIGHTS

The Humanitarian Law Center, with offices in Serbia and Montenegro, was a reliable source of information on police abuses, violations of Roma rights, and domestic war crimes trials. The Council for Human Rights, in the southern town of Leskovac, reported on the police violence that was particularly widespread in that part of Serbia. The Helsinki Committee for Human Rights in Serbia, Belgrade Center for Human Rights, Lawyers Committee for Human Rights, and several other groups sustained their high-quality work promoting human rights. In both

Serbia and Montenegro, the governments prepared draft laws to establish an ombudsman. The laws had not been adopted as of November.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

In a report presented on March 25 to the U.N. Commission on Human Rights, Jose Cutileiro, special representative on the situation of human rights in Bosnia and Herzegovina and F.R. Yugoslavia, criticized police ill-treatment in Serbia and the lack of implementation of government plans for national minorities in Montenegro.

On February 12, the trial of former Yugoslav President Slobodan Milosevic began at the ICTY. Milosevic stood accused of command responsibility for crimes committed against non-Serbs in Kosovo, Bosnia, and Croatia. Between February and September, the prosecutor presented evidence of alleged crimes against humanity and war crimes committed in 1999 in Kosovo. On September 26, the presentation of evidence for crimes in Croatia and Bosnia began. Milosevic was conducting his own defense, and he often used the significant latitude the trial chamber allowed him in the cross-examination of witnesses to make arguments only vaguely related to the charges contained in the indictment.

Six other individuals were transferred from F.R. Yugoslavia to the custody of the ICTY in 2002 (see above), but trial had not begun in any of these cases as of November. The tribunal provisionally released two indicted Yugoslav citizens, Pavle Strugar and Miodrag Jokic, after receiving guarantees from the Yugoslav government that the two would appear for trial.

### Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) mission to F.R. Yugoslavia organized, jointly with the Serbian Ministry of Interior, multiethnic police trainings aimed at establishing an ethnically mixed police presence in the area of Presevo, Bujanovac, and Medvedja, the three municipalities in southern Serbia with a significant Albanian minority. The OSCE also monitored and positively evaluated the July 28 municipal elections in this area. In June, it organized a conference focusing on domestic war crimes trials. The session concluded with an observation that there were "substantial problems within the judiciaries now that should be addressed if the administration of justice is to meet international standards and the standards set out in the European Convention on Human Rights." The OSCE mission in Belgrade assisted the Serbian authorities in the reform of media and the judiciary. In Montenegro, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) focused on the October 20 parliamentary and presidential elections. In a report issued in August, the ODIHR gave a negative assessment of the new legislation on the elections and the media, which had been enacted by an ad hoc coalition of pro-Serb parties and the pro-independence radicals. On ODIHR's advice, the elections took place under the old legislation in place

at the time the elections were called, supplemented by a limited number of additional rules that the major parties adopted by consensus in September. ODIHR concluded that the elections were conducted generally in accordance with international standards.

### **Council of Europe**

The Parliamentary Assembly of the Council of Europe (PACE) recommended membership for F.R. Yugoslavia at its plenary session in September. In connection with its vote the PACE outlined a list of commitments on which progress would be scrutinized post-accession, in areas including cooperation with the ICTY, domestic war crimes trials, police abuse, and discrimination against Roma. The Committee of Ministers declined at its November session, however, to formally invite F.R. Yugoslavia to become a Council of Europe member, because Serbia and Montenegro had failed to produce a constitutional charter of a new state.

In a recommendation on the situation of refugees and displaced persons in F.R. Yugoslavia, adopted in June, the PACE expressed concern about “the still unresolved question of refugees and internally displaced persons” in the country and called for renewed efforts on the part of the international community and the authorities of F.R. Yugoslavia to address the problem.

On December 19, 2001, the European Court of Human Rights declared inadmissible for lack of jurisdiction the application by six Belgrade families against the seventeen member states of NATO that are also parties to the European Convention on Human Rights. The complaint concerned the April 23, 1999 bombing by NATO during the Kosovo conflict of the Belgrade headquarters of Radio-Television Serbia, in which relatives of the applicants had been killed. The court found that the deceased were not within the jurisdiction of the respondent states, due to the NATO states’ lack of effective control of Serbia at the time the bombing took place.

### **European Union**

In the course of 2002, the E.U. acted as a mediator in negotiations between the Serbian and Montenegrin authorities over constitutional reform. Montenegrin officials occasionally accused the E.U. of bias in favor of Serbia. E.U. High Representative for Foreign Policy and Security Javier Solana, and his special envoys, visited Yugoslavia on a number of occasions and participated in the negotiations. European Commissioner for External Relations Chris Patten also met with Serbian and Montenegrin officials on July 3 in Belgrade. He announced that financial assistance to Yugoslavia would increase from €195 million (U.S.\$192 million) in 2002 to €255 million (\$251 million) in 2003.

In an April 4 Stabilization and Association Report, the European Commission identified police reform, eradication of corruption, improvements in freedom of expression, and cooperation with the ICTY as the main outstanding issues that the authorities needed to address. The E.U.’s failure to insist on Yugoslav cooperation with the ICTY, however, prompted ICTY Prosecutor Carla Del Ponte in April to urge stronger E.U. pressure.

### **United States**

On May 21, U.S. Secretary of State Colin Powell lifted a freeze on financial assistance to F.R. Yugoslavia, after receiving assurances from Yugoslav officials that they would cooperate with the ICTY. U.S. economic pressure was instrumental in the adoption of the ICTY cooperation law and other measures taken by Belgrade to improve cooperation with the ICTY. At the same time, in August the U.S. requested that the Yugoslav government enter into an agreement with the U.S. whereby Yugoslavia would commit itself not to transfer U.S. citizens accused of war crimes to the International Criminal Court. Individual Yugoslav officials either opposed the request in strong terms or stated that Yugoslavia would take a stance identical to that of the E.U. No such agreement with the U.S. had been signed as of this writing.

## **KOSOVO**

### **HUMAN RIGHTS DEVELOPMENTS**

Kosovo’s first post-conflict general elections, held in November 2001, were largely peaceful and fair. Ibrahim Rugova’s Democratic League of Kosova (LDK) won a significant lead over the other parties, but not enough for a majority in the 120-seat Assembly. Thirty-five seats, including twenty guaranteed by the Constitutional Framework, went to the Kosovo Serb “Return” Coalition and five other minority parties. The successful conduct of the election was overshadowed, however, by difficult subsequent negotiations among the LDK, the Democratic Party of Kosova (PDK), and the Alliance for the Future of Kosova. It took until the end of February 2002, and three abortive parliamentary votes, for the parties to agree on Rugova’s election as president of Kosovo and the appointment of Bajram Rexhepi, a physician and former PDK mayor of Mitrovica/Mitrovice, to head the new government.

In February, the U.N. secretary-general appointed German diplomat Michael Steiner as his new special representative in Kosovo. In April, Steiner presented the U.N. Security Council with an “exit strategy” that contained a series of benchmarks to be met before Kosovo’s final status would be decided and the international mission terminated; these included respect for the rule of law, freedom of movement, and the right of all Kosovars to return to their homes. Questions about Kosovo’s final status—that is, its future relationship with Serbia—continued to affect the overall stability of the province and led to the first tensions between the newly elected institutions and the U.N. Mission in Kosovo (UNMIK).

Municipal elections held in October 2002 were judged “within European standards” by international monitors, but were marred by the killing of Ukë Bytyçi, the LDK mayor of Suva Reka/Suhareke, the day after the ballot. The majority of Kosovo Serb voters boycotted the elections, in a blow to U.N. efforts to integrate them into the local political processes.

The year saw, for the first time since 1999, a significant decline in the number of life-threatening attacks against minority communities. In order to remove psychological barriers to free movement, the Kosovo peacekeeping force (KFOR) replaced checkpoints and other static security arrangements around minority areas with mobile patrols. Serbs and other non-Albanians began to venture out of their enclaves onto the main roads and into towns. Despite these improvements, however, minorities—including Roma and other non-Albanians as well as Serbs—generally faced a precarious security environment. The greater mobility made them subject to persistent intimidation and harassment, such as stone throwing, vandalism, and verbal abuse. In October, a large Albanian mob attacked a bus carrying Serb pensioners in the town of Pec/Peja and injured several UNMIK police officers escorting it.

Realities and perceptions of insecurity, as well as scarce donor commitment, affected the return of refugees and internally displaced Kosovars. The number of returns remained low, despite statements of support by the new local institutions and an UNMIK campaign to inform potential returnees about improving circumstances in the province. UNMIK faced repeated threats of mass returns from groups of displaced Kosovo Serbs, and pressures by the Belgrade authorities to build large, segregated enclaves for returning minorities. Kosovo Roma refugees in Macedonia protested unbearable camp conditions and complained that the international community was neglecting their plight. Ethnic Albanian local officials in Kosovo, on the other hand, continued to resist significant minority returns, despite their proclaimed support for the process.

With the exception of the high-profile Milosevic trial at the ICTY, there was little progress toward accountability for war crimes committed during the conflict, clearly undermining the processes of refugee return and reconciliation. Neither the Serbian authorities nor UNMIK took effective steps to hold accountable lower-level Serbs for crimes committed against Albanians; at the same time, no Albanians were indicted for war crimes against Serbs, Roma, and other civilians. The ICTY prosecutor said in October that investigations of ethnic Albanian suspects were being hampered by witnesses' reluctance to confirm their earlier statements and appear in court. The number of war crimes convictions handed out by the Kosovo courts remained insignificant, with most trials ending in acquittals or convictions for lesser crimes.

Although the U.N. stepped up efforts to hold accountable those responsible for post-war ethnically motivated crimes, most such perpetrators remained at large. In December 2001, the Supreme Court ordered the release of three Kosovo Albanians implicated in the February 2001 bombing of a bus full of Serb civilians. The U.N. administrators complied, after having held the suspects for months in extrajudicial detention in defiance of similar court orders; they claimed "it had not been possible to transform the [relevant] intelligence . . . into evidence that would secure their conviction in a court of law." To address such problems, the UNMIK Department of Justice and the UNMIK police set up specialized structures to gather and analyze evidence in sensitive cases.

While police statistics showed a general decrease in violent crime during the year, KFOR troops and the UNMIK police faced some of the most aggressive con-

frontations since their deployment. The attackers were often Serb and Albanian extremist groups that had been tolerated for too long by the peacekeeping mission. The hottest security spot continued to be northern Mitrovica/Mitrovice, where the February arrest of two "bridge watchers" (a violent gang supposedly organized to protect the town's Serbian population from Albanian attacks) triggered a wave of growing vandalism against the international forces. On April 8, when UNMIK police arrested a bridge gang leader, a rioting crowd responded with hand grenades and gunfire, leaving twenty-two police officers injured.

Later in the year, the UNMIK police made a failed attempt to arrest Milan Ivanovic, the extremist leader of the Serb National Council for northern Kosovo, who was reportedly caught on tape attacking the police during the April riots. When Ivanovic fled to Serbia, the Belgrade authorities not only refused to hand him over, but also urged him not to surrender. This was only the most blatant refusal by Belgrade to stop supporting Kosovo Serb radicals and illegal parallel institutions (including parallel courts and security structures) that undermined UNMIK's authority, individual rights, and the Serb minority's reintegration into a multiethnic Kosovo. After months of international pressure, Ivanovic surrendered to UNMIK police in October and was released on bail by an international judge.

Kosovo Albanian leaders' support for the rule of law was tested throughout 2002 as UNMIK police conducted a series of arrests of former Kosovo Liberation Army (KLA) members. At least four different groups, including several active members of the Kosovo Protection Corps (KPC), were charged with serious crimes against fellow ethnic Albanians allegedly committed during and after the armed conflict. In November 2001, Gani Ymeri, a senior KPC officer, was arrested for the alleged kidnapping and attempted murder of a Kosovo Serb family in the last days of the conflict; investigations into the case were ongoing as of October 2002, but Ymeri had in the meantime been released on bail.

The arrests of Kosovo Albanians met with negative reaction from the Albanian public, frustrated by the judiciary's ongoing failure to address the crimes they had suffered as well. Each of the high-profile arrests was followed by protests, which turned violent in February and August, but subsided with time. However, the August detention of former KLA commander Rustem Mustafa, on reported charges of wartime murder and torture of fellow Albanians, triggered a barrage of accusations against UNMIK by the media and politicians associated with the rebel movement. The Kosovo government issued an official statement charging that the KLA leaders' arrests were politically motivated. Such attitudes put unacceptable pressure on the pending judicial proceedings and prejudged their outcome.

Women's groups welcomed the inclusion of rape charges in the Milosevic indictment on Kosovo, as amended in October 2001. In 2002, Kosovar Albanian victims of rapes committed during the 1999 campaign of "ethnic cleansing" gave testimony on those charges at the ICTY, facing Milosevic in the courtroom.

The UNMIK police estimated that 104 establishments operated with trafficked women and girls forced into prostitution throughout the province. Despite efforts to train prosecutors and judges, both still failed to observe elements of a new anti-trafficking regulation designed to protect trafficking victims. The lack of witness



protection for victims who agreed to testify against their traffickers remained a major concern. This, coupled with bribery and intimidation of the judiciary, frustrated police efforts to crack down on traffickers, who continued to operate with widespread impunity.

### **DEFENDING HUMAN RIGHTS**

Human rights groups did important monitoring, reporting, and advocacy in the province, although they were constrained by the security situation and, on occasion, the international administration. In January, Serb “bridge watchers” in Mitrovica/Mitrovice seized two vehicles and harassed staff members of the Humanitarian Law Center. The center said that the bridge gang consistently prevented its staff from crossing into the northern part of town to observe trials. The Council for the Defense of Human Rights and Freedoms protested against the refusal of the Pristina/Prishtina prison authorities to grant them access to detainees.

Ombudsperson Marek Antoni Nowicki, who was reappointed for a second term, made good headway toward the consolidation of the ombudsperson institution and started preparations for its gradual handover to local leadership. The ombudsperson’s second annual report was highly critical of UNMIK’s human rights record, citing, among other things, its arbitrary restrictions of liberty and property rights, violations of basic suffrage, and failure to make legislation available in local languages.

### **THE ROLE OF THE INTERNATIONAL COMMUNITY**

As new crises unfolded around the world, the international community began to show signs of peacebuilding fatigue in Kosovo. This led to calls for a speedier handover of authority to local institutions, but also raised concerns that a premature disengagement would be counter-productive for regional peace and stability.

#### **United Nations**

The U.N. mission strengthened its efforts to steer Kosovo toward a path of democracy, rule of law, and economic recovery. More than three years into its international administration, however, the mission continued also to restrict and derogate from basic rights, invoking vague justifications of internal emergency and threats to international peace and security. One instance of such arbitrariness was the decision—taken without any due process—to bar three party leaders from contesting the November 2001 election.

On a number of occasions, members of the peacekeeping mission violated fundamental rights and set negative precedents for the rule of law in Kosovo. In one egregious example, in February an Austrian officer of the UNMIK police, along

with two local subordinates, beat an ethnic Albanian detainee for three hours, made him dig his own grave, and forced him to walk through a Serb village wearing a sign that read: “I kill all Serbs!” The officer was detained and stripped of his U.N. immunity, but was then illegally whisked out of Kosovo by the Austrian authorities, who, as of this writing, refused to send him back for prosecution in Kosovo. UNMIK served an indictment to the Austrian government, but no trial date had been set as of late October.

A lengthy report by Mental Disability Rights International revealed that patients at Kosovo’s psychiatric facilities were routinely subjected to physical and sexual violence, arbitrary committal, and grossly inadequate treatment. According to the rights group, UNMIK was informed of the abuses, but did little to guarantee the patients’ physical integrity and basic rights.

### **Organization for Security and Cooperation in Europe**

The Organization for Security and Cooperation in Europe (OSCE) Mission in Kosovo continued to play an important role, in particular through its monitoring and reporting on the situation of minorities, the judicial system, and property rights. A detailed analysis of seventeen war crime trials, published in September, found serious deficiencies in their prosecution and adjudication. These included lack of evidence gathering capacities, insufficient support for judges and prosecutors, ignorance of international humanitarian law, and poor legal reasoning in general.

### **North Atlantic Treaty Organization**

In May, the North Atlantic Treaty Organization (NATO) announced a reduction of its thirty-eight thousand-strong presence in Kosovo by around five thousand troops, stressing that this reflected the improved security situation rather than a waning commitment to the region. The NATO-led KFOR continued to violate habeas corpus rights by detaining individuals without charge and without bringing them promptly before a judge. An OSCE report charged that neither international law nor the security situation on the ground supported such practices.

### **European Union**

The E.U., Kosovo’s biggest donor, announced in September a significant reduction in future aid to the province—€50 million (U.S.\$48.3 million) for 2003, down from €134 million (\$129.6 million) in 2002. E.U. officials said they were shifting focus from physical reconstruction aid to the strengthening of Kosovo’s institutions. The E.U. supported UNMIK’s efforts to uphold the rule of law and condemned the government’s allegations of bias regarding the arrests of former KLA commanders.

**United States**

The United States pushed for accelerated efforts to reach sustainable self-government in Kosovo, while encouraging the E.U. to take the lead in assisting and integrating the region. The State Department's second report on trafficking in persons included only a cursory statement on the Kosovo situation, even though its annual human rights report found that trafficking "was a serious and growing problem" in the province.

**RELEVANT HUMAN RIGHTS WATCH REPORTS:**

*Human Rights Concerns in the Federal Republic of Yugoslavia, 7/02*