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Local police protect
the building of the
wall in Usti nad Labem...



while some police
guard it at night.

Finally, the wall is complete.



photo credit: Ceske Noviny

Ghetto built in Czech Republic

by Erika B. Schlager

During this first, post-communist decade, the human rights situation for the Romani minority in the Czech Republic has declined at such a rate that the country has been routinely described by Romani activists as the worst place in all of Europe for Roma. (Out of a population of roughly 10 million in the independent Czech Republic, Roma are estimated at 200,000 to 300,000). While the Velvet Revolution and the end of communism made possible the restoration of democracy in Czechoslovakia, it also unleashed deeply held, long-standing prejudice against the Romani minority. The latest manifestation of this has been the construction of a wall in Usti nad Labem, segregating Romani residents from non-Romani residents.

Background

Almost immediately after the communist powers were forced to relinquish their total control on freedom of expression in Czechoslovakia, there were serious manifestations of profound hatred of Roma. Racist and fascist propaganda found new support. A right-wing extremist party, the Republican Party, called for ridding the country of Roma and, with an anti-German

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plank in its platform, made it into the parliament. Some cities adopted ordinances to deny Roma residency rights (although these were viewed as unconstitutional by the federal government). In March 1993, the Prosecutor-General proposed criminal legislation which would have enabled police to restrict the freedom of movement of “non-resident visitors” in cities; a report accompanying the draft legislation made clear that it was designed to get rid of Roma. With remarkably few exceptions, Czechoslovak political leaders were silent in face of these developments.

All this generally followed a pattern evident in most of the post-communist Central European countries. Two things, however, made the situation for Roma in the Czech Republic stand out in the region. First, upon the dissolution of Czechoslovakia, the Czech Republic adopted an exclusionary citizenship law that was designed to discriminate against Roma and which left tens of thousands of Roma stateless. Second, racially motivated violence against Roma (as well as others, including foreigners) rose at a dramatic rate: during this first post-communist decade, racially motivated murders of Roma took more lives in the Czech Republic than similar crimes in Bulgaria, Romania and Slovakia combined.

Although violence and citizenship discrimination against Roma were criticized by the OSCE High Commissioner on National Minorities, the Council of Europe, Members of the U.S. Congress, and the U.S. State Department, Czech Government officials generally re-

mained impervious to these objections—until August 1997, when the number of Czech Roma claiming asylum in Canada topped 2,000.

In fact, Romani asylum seekers from the Czech Republic (as well as Bulgaria, Poland, and Slovakia) had been quietly trickling into a number of Western countries for years. But the mass movement of Roma to Canada in late 1997 sounded a wake up call. Canada responded by reintroducing visa requirements for all Czech travelers; the European Union—seized with the prospect of a possible large-scale movement of Roma from Central and Southern Europe to EU countries—began to include Romani human rights issues in its discussions with five of the ten applicant countries (Bulgaria, the Czech Republic, Hungary, Poland, and Slovakia). In the fall of 1997, the Czech Government produced its first comprehensive report on the situation of Roma.

The Bratinka Report, as it was known, represented the efforts of a handful of people in the government led by Vaclav Klaus who seemed genuinely moved by the plight of the Czech Roma. Prime Minister Klaus, however, along with the vast majority of his Civic Democratic Party, consistently denied the scope of the problems faced by Roma. At the time of the Romani exodus to Canada, one mayor from Klaus’ party called for removing Roma from Prague; another called for providing “financial assis-

tance” for Roma to facilitate their move to Canada.

In any case, shortly after the Bratinka Report was issued, Klaus’ government fell. After a half-year with a caretaker government, June 1998 elections produced a minority government, led by Social Democrats.

Since then, there have been some positive developments. In particular, greater efforts have been taken to combat racially motivated crime, and an amendment to the Czech citizenship law was adopted in July 1999 which, if implemented, will enable many stateless Roma in the Czech Republic to regain citizenship. (See *CSCE Digest*, Vol. 22, No. 7, July 1999 for more details.)

The positive developments initiated by the Zeman government were, however, overshadowed by the construction of a segregation wall in Usti nad Labem on October 13.

A Ghetto In Usti

In May 1998, Usti nad Labem Mayor Ladislav Hruska announced plans to build a wall that would separate ethnic Czechs living on Maticni Street, whom he reportedly described as “decent” citizens, from Romani residents whom he described as “indecent.” Foreign journalists converged on Usti to report on the proposed wall, often comparing it to the Berlin Wall or to Nazi ghettos. Dozens of representatives from the diplomatic community in Prague and from international organizations, including the OSCE High Commissioner on National Minorities, the

Council of Europe, and the European Union visited the Czech Republic and condemned the mayor’s plans.

Notwithstanding this firestorm of international criticism, not one political party represented in the parliament was willing to condemn the wall for almost a year after the plan to build the ghetto was announced. Jan Ruml, a Freedom Party member speaking personally, President Vaclav Havel, and Human Rights Commissioner Petr Uhl were among the few Czech officials who opposed construction of the wall from the beginning.

With few domestic critics from mainstream politics, Usti officials remained committed to their plan to erect the wall. In mid-May 1999, they obtained a building permit for construction. Faced with the possibility that ground would actually be broken, the Czech cabinet passed a resolution, on May 26, opposing the wall. (Subsequent to the cabinet vote, regional authorities withdrew the building permit for the wall.) Human rights NGOs, however, were quick to criticize the government’s resolution, calling it too little, too late. From Barcelona to Berlin, from Skopje to Austin, the wall had become a symbol for every injustice Roma face.

Some Czech officials, however, seemed more frustrated by their international critics than by the racism driving the construction of the wall. At an OSCE-Council of Europe meeting on October 5, for example, Ministry of Foreign Affairs representative, Jiri Malenovsky, complained

that international observers have spent an inordinate amount time talking about a wall that had not yet been built.

In any case, the May cabinet resolution did nothing to deter Usti officials, who appeared more determined than ever to proceed with their plan. As construction appeared imminent, most of the parties represented in the parliament, including the Social Democratic Party, issued statements criticizing the wall; the Civic Democratic Party did not. On October 5, local officials moved to construct the wall, but were prevented from doing so by Romani protesters. On October 6, protesters (including at least one government official) took down a small part of the wall that construction workers had managed to put up. For several days, a tense stalemate followed, as Romani activists, community leaders and others blocked construction.

On October 13, at approximately 4 a.m., a cordon of some 80 police officers assembled at the site and stood guard while the wall was erected—using quick-drying cement. The Romani residents were finally walled off from the non-Romani residents of Maticni Street.

Parliament Reacts, But Wall Stands

After skirting the issue for seventeen months and now faced with a *fait accompli*, the Czech parliament met on the evening of October 13 and voted on a resolution to express opposition to the wall: 100 Deputies

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voted for the resolution (condemning the wall) and 58 voted against the resolution. Prime Minister Zeman, as well as Stanislav Gross (head of the Social Democrats), Jan Kasal (head of the Christian Democratic Party), Vojtech Filip (Head of the Communist Party), and Karel Kuhnl (head of the Freedom Union Party) voted for the resolution. Vlastimil Tlustý (head of the Civic Democratic Party) voted against the resolution condemning the wall. Civic Democratic Party member and Speaker of the Parliament Vaclav Klaus was absent for the vote.

In spite of this vote condemning the wall—or perhaps because of the fact that only 100 deputies of the 200-seat parliament clearly opposed it—

local officials in Usti have refused to remove the wall. The issue is now likely to go to Czech courts. It is unclear how long this may drag out and it is not clear what position the courts—which have often taken weak stands on human rights issues—will take.

Meanwhile, 40 percent of the respondents to a recent Czech opinion poll say the wall should stay. Residents of other Czech towns, including Vsetin, are reportedly considering building ghettos of their own, depending on what happens in Usti. The Czech Republic's Chief Rabbi has reportedly condemned the wall as the beginning of a ghetto "for people who suffered with us in Nazi concentra-

tion camps." The Czech Conference of Bishops issued a statement saying, "We believe that city officials did not intend, when making their decision, to create a symbol of racial division, but were solving social problems and eroded relations between people. It seems to us, that [the city] did not consider the future with its decision to build a [concrete] fence, which is today much more than at any other time in history a symbol of division, limitation and ghettos."

The wall remains under the protection of local police. □

1999 Publications

Listed below are the 1999 hearings, briefings, and reports of the Helsinki Commission which have been posted on the website and have been published in hard copy. Publications are posted first on the website at <http://www.house.gov/csce/>, and can be found under the "Publications" section. If you are interested in obtaining a hard copy of a publication, please e-mail your request to csce@mail.house.gov or write to: CSCE, 234 Ford House Office Building, Washington, DC 20515.

Hearing: *Whither Human Rights in Russia?* (January 15, 1999)

Report on Macedonia's Parliamentary Elections of October and November 1998 (February 1999)

Report on Elections in Bosnia-Herzegovina, September 12-13, 1998 (February 1999)

Hearing: *The Road to the OSCE Istanbul Summit and Human Rights in the Republic of Turkey*
(March 18, 1999)

Report on The Presidential Elections in Kazakstan (April 1999)

Hearing: *The Long Road Home—Struggling for Property Rights in Post-Communist Europe*
(March 25, 1999)

Hearing: *Belarus—Back in the USSR?* (April 27, 1999)

Hearing: *The State of Human Rights and Democracy in Kazakstan* (May 6, 1999)

Hearing: *Accountability for War Crimes: Progress and Prospects* (May 11, 1999)

Report on the Legal Status of Religious Groups in the United States: A Brief Overview (June 1999)

Hearing: *Religious Freedom in Western Europe: Religious Minorities and Growing Government Intolerance* (June 8, 1999)

Report on Armenia's Parliamentary Elections (September 1999)

Report on Kazakstan's Parliamentary Elections (October 1999)

Faltering democratization in Croatia

by Robert Hand

On October 21, Commission Chairman Rep. Christopher H. Smith (R-NJ) brought the issue of democracy in Croatia to the floor of the House of Representatives, describing Croatia as “a sophisticated, well-educated society” that hopes to become a more integrated player in European affairs, and desires increased freedom and prosperity in their society. There is concern that Croatia has not been successful in fully developing democratic institutions which respect the rule of law and tolerate social diversity.

Croatia has been burdened by the years of turmoil following the collapse of Yugoslavia: the months of military conflict in 1991; the occupation of considerable territory by Serb militants; and the continued presence of many ethnic Croat refugees from Bosnia-Herzegovina who are still unable to return to their original home. In fact, Smith was in Vukovar in 1991 while the city was under siege where he saw the terrible situation in Croatia firsthand.

Nevertheless, Chairman Smith indicated that these tragedies can no longer be used as excuses to hamper the democratization of Croatia. Croatia has stabilized in the past few years, and many analysts agree that Croatia is now in the midst of a transition. Although this transition could lead to a stronger democracy, Smith drew attention to the present Croatian leadership who defy democratizing forces: “Unfortunately, as this transition moves forward, it meets greater resistance from those who have become entrenched in, and enriched by, the power they hold.”

Chairman Smith pointed to two main ways the current leaders of Croatia are frustrating the development of true democracy: (1) the exploitation of nationalist sentiments among the Croat population and (2) the manipulation of the political system for the advantage of the ruling party. The ruling party has also created a “diaspora” representation for those ethnic Croats outside of Croatia’s borders, practically guaranteeing the nationalist ruling party additional parliamentary seats. Furthermore, in an obvious move to play on popular sentiment and to affect voter turnout, parliamentary elections have been scheduled over the Christmas holiday season.

The leaders of Croatia have manipulated the political process for their benefit, first of all, by toying with election proceedings. Besides manipulating elections, the current Croatian regime also maintains control by retaining a rather tight grip on Croatia’s media. Hundreds of law suits, both criminal and civil, have been raised by the authorities against journalists and publishers who have been critical of government officials. Resistance to democratization is also evident in the exploitation of the nationalist passions of the Croats, primarily through obvious discrimination against the Serb population in Croatia. Serbs once represented over ten percent of Croatia’s population; however, in the midst of the violence of 1991 and 1995, many Serbs fled from Croatia. Now, many Serbs are finding it difficult to return to their homes. Those Serbs who have been allowed to re-

turn often find it difficult to reclaim their property or to receive government assistance. At times, Serbs even face direct, physical harassment, which Chairman Smith believes is indirectly incited by statements from government officials who seem willing simply to turn their heads away from such abuse. The current Serb legislators in the Sabor declared in a letter to Croatian President Franjo Tudjman that attempts to hinder Serb representation in parliament are “illogical,” especially in light of the recent reintegration of eastern Slavonia, which retains a high concentration of Serbs. Nevertheless, Croatian leaders seem determined to withhold proper representation and citizenship from many Serbs, and sometimes other minorities, in the state of Croatia while simultaneously extending voting rights to ethnic Croats in the “diaspora,” especially in Bosnia-Herzegovina, merely on the basis of ethnicity or blood ties.

Croatian officials also exploit nationalist sentiments by refusing to extradite certain persons indicted for war crimes by the International Tribunal in the Hague. In early August, Chairman Smith, Co-Chairman Senator Ben Nighthorse Campbell (R-CO), and Ranking Members Senator Frank R. Lautenberg (D-NJ) and Rep. Steny H. Hoyer (D-MD) sent a letter on human rights and democratization to the Croatian Ambassador to the United States Ambassador Miomir Zuzul that said this resistance is “reprehensible, and if it continues, warrants a strong response by this Congress.”

(Aaron Mercer contributed to this article.) □

Kazakstan's parliamentary election

by Michael Ochs

On October 10, 1999, Kazakstan held elections for seats in the parliament's lower chamber (*Majlis*). For the first time, political parties could submit party lists for 10 of the chamber's 77 seats. The remaining 67 seats were contested by 547 candidates in single-mandate districts. According to official figures, 59.78 percent of eligible voters cast ballots.

The Central Election Commission (CEC) announced on October 17 that *Otan* (Fatherland), the party of President Nursultan Nazarbaev, came in first, winning four seats. The next highest vote-getters were the opposition Communist Party and the pro-presidential Civic Party and the Agrarian Party, all of which won two seats apiece. No other party broke the seven-percent threshold for entry into parliament. In the 67 single-mandate districts, the CEC reported that no candidate had won the required 50 percent of the vote in 47 races, necessitating runoffs on October 24.

The OSCE's Office of Democratic Institutions and Human Rights (ODIHR) observed both rounds of Kazakstan's parliamentary election. ODIHR's assessment of the first round noted improvements in the legislative framework and lauded the introduction of party list voting, but concluded that widespread and pervasive interference in the process by executive authorities, as well as an unfair election campaign, kept Kazakstan from meeting OSCE standards. ODIHR called the first round "a tentative step towards" compliance with OSCE commitments. The assessment of the second round was harsher, citing flagrantly falsified protocols and

continued interference by officials. Maintaining that "significant doubts remain regarding the outcome of the first round both for the ten deputies elected in the proportional party-list race and the 20 deputies elected from the single-mandate constituencies," ODIHR concluded that Kazakstan's parliamentary election fell short of OSCE commitments.

Kazakstan's parliamentary election followed the deeply flawed presidential election in January 1999, which the OSCE/ODIHR refused to observe, because conditions for a fair election were absent. Among many considerations, ODIHR pointed to the exclusion of former Prime Minister Akezhan Kazhegeldin, a leading opposition figure and Nazarbaev's would-be rival. Kazhegeldin was barred because of an October 1998 conviction for addressing the unregistered organization "For Fair Elections"—an administrative offense—and could not run for office for one year. ODIHR characterized the January election as falling "far short" of OSCE commitments.

As ODIHR noted, Kazakstan's parliamentary election did mark some forward movement. The registration of opposition political parties, specifically the Republican People's Party and *Azamat*, along with the already-registered Communist Party, promised to give voters an opposition alternative on October 10 and to institutionalize the involvement of opposition parties in Kazakstan's political life beyond the election. Other positive steps included the CEC's lowering of the candidates' deposit, the law's provision for domestic observers and the sanctioned experiment

with exit polling. A live, televised debate on October 6 allowed voters to familiarize themselves with parties and candidates and gave some opposition figures who had not received the stipulated free air time, such as Communist Party leader Serokbolsyn Abdildin, their only opportunity to campaign on television. The accreditation of over 2,500 non-partisan domestic observers throughout Kazakstan was also a significant development.

Nevertheless, the minuses outweighed the pluses. As in January 1999, the CEC did not register Akezhan Kazhegeldin for the October election, claiming that he did not appeal a contempt of court conviction following his October 1998 conviction. Kazhegeldin's lawyer in Almaty filed an appeal on September 3, but on September 8, one day before the registration deadline expired, he renounced his association with Kazhegeldin and withdrew the appeal, for reasons that remain unclear. Kazhegeldin's Washington attorney faxed an appeal to Almaty on September 8, before the deadline. In a September 23 public address in Washington, CEC Chairwoman Zagipa Balieva said the CEC and the Supreme Court never received the appeal. But a few days before the election, the Chairman of Kazakstan's Supreme Court told OSCE Parliamentary Assembly observers that the appeal had indeed arrived in time. He claimed, however, that it did not meet the legal requirements and that Kazhegeldin could not be registered.

The dispute between Kazakstani officials and Akezhan Kazhegeldin over whether his appeal was filed

correctly and on time masks a larger, more important issue. His initial conviction, from which all his subsequent legal difficulties flowed, was for addressing an unregistered organization. Once that highly criticized provision was eliminated from the administrative code, no appeals on matters stemming from that conviction should have been necessary to run for office. By setting up an appeals process, officials reserved the right to disqualify would-be candidates on technicalities. If Kazakstani officials really wanted to register Kazhegeldin, as they claim, they could easily have done so. Perhaps most important, his exclusion limited the choice open to voters.

Furthermore, during the pre-election period, candidates did not compete on an equal basis. As the OSCE PA/ODIHR October 11 preliminary statement contended, *Otan* and other pro-government parties and candidates received favored treatment from the media and from local officials in arranging meetings with voters. Opposition parties and candidates, by contrast, encountered obstructionism and were impeded in their efforts to convey their message to the electorate.

As for the vote and vote count, the chief election official in Illi district on October 15 publicly exposed an official's order to falsify the vote and resigned both his election commission and government positions. It is reasonable to suppose that other election officials were not as brave as their colleague and that such cases of fraud were not exceptional. In sum, executive authorities, as the OSCE PA statement charged, sought to influence the outcome, placing in doubt the of-

ficially announced results and undermining the integrity of the electoral process.

Whatever the outcome of the election, the most alarming trend in Kazakstan is the ongoing crackdown on independent and opposition media. Though government officials contend that over 70 percent of the country's media are now in private hands, journalists and opposition politicians told the OSCE Parliamentary Assembly observers that most privatized media belong to pro-government groups. Dariga Nazarbaeva, the President's daughter, runs *Khabar*, the leading state television station. Opposition newspapers like *Farengzeit 451* or *XXIst Century* are under constant duress. As for electronic media, only television's Channel 31, which broadcasts in Almaty, still manages to provide a modicum of impartial news, and journalists reported that the station faces continual pressure.

Moreover, even when independent or opposition media can function, the state limits what they can publish. On October 16, the *New York Times* reported that Swiss investigators had frozen a bank account apparently belonging to President Nazarbaev. Kazakstan's authorities pulled the plug on broadcasts of the news inside the country, however. Even if journalists were able to publicize the story—which Kazakstani officials have denied, asserting that President Nazarbaev has never had any foreign bank accounts—Kazakstan's law on state secrets forbids the publication or dissemination of information about the "personal life" of the president or his family (Ar-

ticle 14/11). Any reporter daring to write about the Swiss investigation of Kazakstan's president would risk imprisonment, at a minimum.

The concentration of media outlets in pro-government hands, the ongoing assault on independent and opposition media and the circumscription of the media's legally-sanctioned subject matter pose a great danger to the development of democracy in Kazakstan. Glowing official statistics about how many media outlets have been privatized cover up an alarming tendency towards government monopolization of the country's media outlets, effectively making it impossible for citizens to receive unbiased information or to hold their government accountable.

The election has not smoothed relations between the authorities and the opposition. Communist Party leader Abdildin came in second in the January 1999 presidential election, receiving (according to official results) about 12 percent, so it was expected that the Communists would do reasonably well in the parliamentary election. No non-communist opposition parties passed the seven-percent threshold, and only one non-communist opposition candidate won a seat in the second round, which the OSCE PA criticized so severely. It would seem the prospect of non-communist deputies in parliament, focusing on corruption and calling for greater authority for the legislative branch, was unappealing to those in power. At the same time, the results allow Kazakstani officials to present the election as a contest between President Nazarbaev's pro-Western reformers and Communists longing for

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a return to the USSR, in an apparent effort to deflect Western concerns about unfair elections and arrested democratization.

Virtually all opposition parties have claimed that the vote and vote count were falsified. Though no new elections are scheduled for five years, opposition parties and movements, as well as human rights activists, are calling for new elections at all levels, starting with the presidency.

Since the election, Kazakstani officials, evidently stung by the assessment, have lambasted the OSCE. In a televised interview on November 4, President Nazarbaev said "some OSCE officials seem to resemble instructors from the Central Committee of the Communist Party of the Soviet Union. . . who used to come to the republics and tell us how we should work, how we should spend our leisure time and in general, how we should live." Nazarbaev accused these OSCE officials of breaching the basic Helsinki principle of non-interference in the domestic affairs of states [sic], and hinted that Kazakstan might rethink the usefulness of its membership in OSCE. Foreign Minister Idrisov elaborated on November 6, saying that Kazakhstan has "its own vision of democracy."

Even more ominously, the Almaty offices of the Kazakstan International Bureau for Human Rights and Rule of Law—the foremost human rights institution in the country—were destroyed by a fire on November 4. The cause of the blaze is unclear. □

Romania's OSCE leadership bid underscores rights record

by Marlene Kaufmann

Romania's bid to be named Chair-in-Office (CiO) of the OSCE for 2001 at the Istanbul summit means that Bucharest could play a leadership role in the OSCE beginning in January as a member of the OSCE troika. Romania also will host the annual meeting of the OSCE Parliamentary Assembly in Bucharest next July. The Government of Romania has worked diligently to move forward on the path of integration into Western economic and security institutions. Selection as the CiO would provide tremendous opportunities and challenges for Romania as the OSCE faces considerable challenges in Kosovo, Chechnya and other potential troublespots.

Many observers, including Members of the Commission, remain hopeful that Romania will lead by example regarding observance of OSCE human dimension commitments, specifically anti-Semitism, freedom of the media, religious liberty, the plight of the Roma minority and property restitution.

Particularly troubling is that many citizens and elected officials of Romania are intent upon honoring Marshall Ion Antonescu, the World War II dictator and ally of Hitler who oversaw the deportation and extermination of more than 200,000 Romanian Jews. Since 1993, several statues honoring Antonescu have been placed on public lands in Romania, and a major military cemetery was renamed in his honor. The City Council of Cluj, Romania's second largest city, voted to erect a statue honoring the dictator. In 1997, the

Prosecutor General of Romania recommended to the Supreme Court that it approve the posthumous rehabilitation of Antonescu and of members of the wartime government, who had been convicted of war crimes. After international criticism, the Prosecutor withdrew his request. Both in 1991 and this year, the Romanian Senate paid homage to Antonescu on the anniversary of his death. The U.S. Congress subsequently passed a resolution condemning this act as one of anti-Semitism and intolerance.

Both President Constantinescu and former President Iliescu have made public statements condemning racism, xenophobia and anti-Semitism while these acts took place. The Commission is unaware of any statement by the President or any other representative of the government condemning the parliamentary tributes to Antonescu. However, recent press reports indicate that the Romanian Minister for Minorities strongly condemned the decision of the Cluj City Council, calling their decision "an insult to the memory of Jews and Roma killed or persecuted under Antonescu's rule."

Despite a plethora of independent print and electronic media in Romania, journalists there remain under the pall of a criminal defamation statute which is rather rigorously enforced. Five articles of the Romanian penal code (articles 205, 210, 238, 239, and 239 bis) restrict free speech and a number of journalists have been sentenced to jail terms and received substantial fines for writing articles criticizing government officials. Recently,

a correspondent for the daily *ZIUA* was convicted of libel, and fined 5 million lei, for exposing allegedly corrupt practices by two judges in Oradea. On September 28, the European Court of Human Rights ruled against Romania in the appeal of a similar case, holding that the appellant's conviction and sentence amounted to disproportionate interference with the exercise of his freedom of expression as a journalist, and violated Article 10 (freedom of expression) of the European Convention on Human Rights. Revisions to the penal code, particularly those articles affecting journalists, are currently under review by the Romanian parliament.

According to the U.S. State Department's Romania *Country Report for Human Rights Practices for 1998*, societal harassment of religious minorities is a problem, and religious groups not officially recognized by the government complain that they receive discriminatory treatment from the authorities. The Romanian Parliament is reportedly considering legislation proposed by the Government of Romania which would create a hierarchy of religious groups. The proposed legislation appears to grant privileges to approximately fifteen preferred religious groups while denying these same benefits to other minority religions. This type of legislation creates a system that could foster a climate of intolerance and discrimination and does not afford minority religious believers equal treatment under the law. It appears that this legislation may violate Romania's OSCE commitments to religious liberty under the 1989 Vienna Concluding Document which requires partici-

pating States to take "effective measures to prevent and eliminate discrimination against individuals or communities on the ground of religion or belief [and to] foster a climate of mutual tolerance and respect between believers of different communities."

Romania has the largest number of Roma of any country—estimated to number approximately 2 million. In the early 1990s, Romania was the site of some of the worst pogroms against Roma. In some cases, whole villages turned on Romani families, burning them out of their homes and killing Roma. Although such deadly attacks stopped after 1998, there has yet to be an adequate effort to hold attackers accountable and to examine alleged police complicity in those cases. Of forty-seven reported attacks against Roma since the early 1990s, only three have been prosecuted by the Romanian authorities.

Among the most complicated issues for new democracies to address are claims by individuals and religious communities for the return of property wrongfully confiscated by previous regimes. Nonetheless, under international law standards, if a country chooses to enact restitution or compensation laws, as Romania did in 1991 and 1995, the process must be just, fair and nondiscriminatory. The government must also ensure that the laws are implemented effectively and according to the rule of law. This has not consistently been the case in Romania.

The 1995 property law prohibited the sale of nationalized homes to tenants while title to the property was in litigation. This provision was ignored by both the tenants and the government employees who admin-

istered the title granting procedure. In many cases, even individuals who successfully obtained final and irreversible judicial decrees reinstating their property titles did not receive restitution. The Romanian special prosecutor appealed an estimated 1,300 such cases to the Supreme Court and managed to get reversed the decisions favorable to the property owners. On October 28, the European Court of Human Rights ruled against Romania in the appeal of one such case, holding that a Romanian Supreme Court decision overturning a "final and irreversible judgment" in favor of a property owner constituted an unjustified interference with the property owner's right to property and violates Article 1 of Protocol No. 1 (right to peaceful enjoyment of property) of the European Convention on Human Rights.

The Chamber of Deputies of the Romanian Parliament recently approved new laws to privatize state-owned farms and to provide restitution or compensation for residences, agricultural land and forest that were confiscated by the Nazis or communists. Those drafts are now before the Senate. The Parliament's efforts to address this complicated issue are welcome.

The year 2000 and Romania's bid to lead the OSCE in 2001 offers Bucharest an opportunity to demonstrate an unwavering commitment to the OSCE's core principles of democracy, human rights and the rule of law. □

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