



# CSCE Digest

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The Commission on Security and Cooperation in Europe

September 1997

## Upcoming OSCE Events

The OSCE participating States will convene a seminar on "The Promotion of Women's Participation in Society." The seminar will be organized by the OSCE Office of Democratic Institutions and Human Rights and will be held in Warsaw Oct. 14-17. Its agenda includes three themes: women in decision-making processes; women in social-economic life; and women in conflict situations, including war crimes and violence against women. Non-governmental organizations may attend and participate in the meeting (see below).

The seminar grows out of a proposal made by Switzerland at last year's OSCE Review Conference in Vienna. (Germany floated a similar idea in 1993 that failed to gain support.) Although the idea theoretically reflects concern for the rights and status of women in the

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## Religious Liberty in the OSCE: Central Asia (part one of a two-part series)

As with other countries of the former Soviet Union, the Central Asian Republics—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—have struggled with the legacy of communism and its impact on religious institutions and religious belief. All the respective presidents have officially and repeatedly stated their desire to maintain secular governments in spite of the fact that the dominant religion and cultural force in the region is Islam. All the Central Asian regimes have publicly expressed concern over the exodus of the Russian population, which often constitutes the technical and scientific elite of these countries. Because of these political considerations, the governments generally strive to maintain good relations with Russia and the Russian Orthodox Church. In addition, the Central Asian Republics have tried to develop good ties with Israel and the United States seeking access to technical expertise and potential development aid.

There has been an increase in Islamic identification in the Central Asian Republics since the fall of communism, exemplified by the large number of mosques that have been built in the last few years. For instance, in Uzbeki-

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The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

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stan, the number of mosques has grown from 80 to 5,000 since independence. In addition, numerous students from Central Asia are traveling abroad for theological training, funded by governments in the Middle East. The number of foreign Islamic missionaries has also increased in the region. This has heightened governmental suspicion of the political aspirations of Muslim fundamentalists and has led to the adoption of laws prohibiting religious political parties. For example, in April 1996, the Governments of Kazakhstan, Kyrgyzstan and Tajikistan signed an agreement with China to cooperate in opposing and monitoring Islamic fundamentalist activities.

Many non-Islamic religious groups have been active in Central Asia since the fall of communism. This has led to government restrictions on religion in violation of the Helsinki Accords, including prohibitions on printing and distributing literature, restrictions on religious meetings, and bans on religious speech intended to persuade the listener to become an adherent to a particular faith. Religious groups that attract the most attention from governmental authorities are those which print religious literature in the indigenous language or those which use the indigenous language in worship and evangelism. In addition to governmental restrictions, the majority Muslim and Orthodox Christian communities have formed alliances against Protestant and other minority religious groups to counter the increase in foreign missionary activities in Muslim or Orthodox Christian communities.

As participating States of the OSCE, all the Central Asian Republics have committed to ensuring that religious liberty is respected. For example, in section 16.3 of the *Vienna Concluding Document*, the participating States have committed to grant legal status to religious communities to practice their faith. The Central Asian Republics have also affirmed the right of the individual to freedom of expression, including the right to hold opinions and to receive and impart information and ideas without interference by public authorities (*Copenhagen Concluding Document*, §9.1). This right covers all communication, whether political, philosophical, or religious in nature. As participating States in the OSCE, these countries have agreed to respect the right of believers to acquire and use sacred books *in the language of their choice*. In addition, religious organizations have the right to produce, import and disseminate religious

publications and materials (*Vienna Concluding Document*, §16.9, 16.10).

The following survey of the religious liberty situation in each of the Central Asian Republics includes reports that have come to the attention of the ODIHR panel of religious liberty experts over the last few months. This survey is by no means exhaustive, and further investigation will be needed in order to fully assess the level of religious freedom in the region. More information was available from Uzbekistan although religious liberty problems exist in the other Central Asian Republics.

**Kazakhstan**

Two religions are dominant in Kazakhstan: Islam and Russian Orthodoxy. Muslims comprise 47 percent of the population, and Russian Orthodox believers make up 44 percent of the population. Protestant Christians stand at 2 percent and other religious groups make up 7 percent of the population. The law on freedom of confession and religious associations was passed on 15 January 1992.

Overall, reports that the ODIHR religious liberty panel has received concerning minority religious groups in Kazakhstan indicate that the situation is relatively good. Minority groups have not encountered many obstacles in registering and, in the larger cities, minority religious groups have not experienced much government interference in their activities. Members of one minority religious group reported that their phone lines were tapped and an apartment was bugged, but otherwise they had not experienced significant restrictions on their activities. Some reports indicate that in rural areas, especially in the southern region, non-Islamic groups tend to encounter more harassment by local governments and private individuals. There was an incident in Dzamboul reported roughly 18 months ago where religious books were burned, religious believers were beaten, and some members of the group were interrogated by security forces, but nothing further has been reported from this area.

**Kyrgyzstan**

According to specialists in the region, the situation for minority religious groups is relatively good in Kyrgyzstan. There appears to be little or no governmental repression of minority religious groups, although the government does monitor religious activities through its religious affairs committee, instituted in 1996. Efforts

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## Czech Republic: Commission Chairmen Renew Call to Change Citizenship Law

In early August, a Czech television program portrayed favorably the life of Czech Roma refugees in Canada. Immediately thereafter, news reports from the Czech Republic depicted thousands of Roma considering or taking steps to move to Canada. Although Czech Prime Minister Klaus maintained that there was no reason for anyone to want to leave the country, non-governmental organizations have documented the prejudice, discrimination, and violence Roma face in the Czech Republic. In a revealing manifestation of these problems, posters in Prague that are part of an NGO public relations campaign to foster racial tolerance and harmony have been defaced.

Commission Co-Chairman Sen. Alfonse D'Amato (R-NY) and Co-Chairman Rep. Christopher H. Smith (R-NJ) used the occasion to raise again their concerns regarding the discriminatory nature of the Czech citizenship law. In a letter to Czech Prime Minister Vaclav Klaus, dated Aug. 21, the Chairmen wrote: "We believe that the current Czech citizenship law significantly contributes to a climate of intolerance directed against this minority. We urge you to repeal the exclusionary elements of the Czech citizenship law as a concrete manifestation of your government's stated desire to integrate Roma more fully into Czech society."

Copies of the letter are available from the Helsinki Commission. A 1996 report on "Ex Post Facto *Problems of the Czech Citizenship Law*" is also available from the Commission or through the Commission's website. ☞ Erika Schlager

## OSCE Advisory and Monitoring Group to be Established in Miensk; Soros Foundation Leaves Belarus

The OSCE decided September 18 to establish an Advisory and Monitoring Group in Belarus after negotiating its mandate with the Belarusian Government. The office will "assist the Belarusian authorities in promoting democratic institutions and in complying with other OSCE commitments; and monitor and report on this process." Earlier in the month, the Foreign Ministers of the OSCE Troika (Switzerland, Denmark and Poland) met in Copenhagen and expressed concern over developments in Belarus, noting their disappointment that the Belarusian Government had not replied to the OSCE's offer several months ago to open an office to promote democracy, despite Belarus' initial positive reactions to such an offer.

Meanwhile, the Belarusian Soros Foundation, which over the last four years donated some \$13 million to educational, humanitarian, cultural and media projects in Belarus, withdrew from the country as a result of the Belarusian Government's campaign of harassment over the last six months. Early in the year, Belarusian authorities expelled the Foundation's director, American Peter Byrne. In May, the government levied \$3 million in what some believe to be politically motivated fines against the Foundation and froze its bank accounts. Negotiations in early September between Soros officials and Belarusian Foreign Minister Ivan Antanovich to have the sanctions lifted were unsuccessful. On September 16, a few weeks after the Foundation's closing, police took possession of its office property. ☞ Orest Deychakiwsky

## Russian Passports Will No Longer Carry Nationality Designation

Reversing a policy in place since the times of the Czars, the Russian Government has decided to drop the nationality designation, the notorious "fifth line," from citizens' internal passports. *Newsday* quoted Colonel Vladimir Danilov, head of the Interior Ministry's passport office, as saying that the decision had been made by a presidential commission established to study citizenship issues. The new Russian passports are expected to be issued in October. Human rights activist and State Duma member Sergei Kovalev called the decision "a victory for common sense." However, Kovalev saw little immediate change in practical life. "Bigots," he said, "now

will judge by the shape of the nose or the color of the skin."

During the Communist era, non-Russian minorities suffered various decrees of government-induced discrimination in employment, education, government appointments, etc., as Moscow attempted to manipulate and control its national minorities while maintaining its multi-ethnic, internationalist image abroad.

Besides dropping the nationality designation, the traditional Russian double-headed eagle will replace the familiar hammer-and-sickle of the Communist era.

☞ John Finerty

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by the Parliament to amend the 16 December 1991 law on freedom of confession and religious organizations have been reported. The ODIHR panel of religious liberty experts will monitor this situation.

There is tacit acknowledgment by the government that Islam and Orthodoxy are the dominant religions. It was reported in 1993 by the British Broadcasting Corporation that President Akaev granted state funds to restore the Resurrection Cathedral in Bishkek. The President also reportedly stated that Kyrgyzstan could not leave the Russian Orthodox Church to face its difficulties alone and that the Kyrgyz Republic owed the lack of ethnic and religious discord to the great service done by the Orthodox and Muslim faiths. The government, however, remains wary of the political threat by Islamic extremists. Open Media Research Institute reported in November 1995 that the government was concerned about the activities of various religious organizations in southern Kyrgyzstan, particularly organizations regarded as Islamic extremists in the Osh area.

A collaborative arrangement seems to have been instituted between the head Muslim imam and the head Russian Orthodox cleric. Last year, Il'yas Nazarbekov, head of the Department of External Affairs for the Muslim Board, publicly stated his concern, shared by the Russian Orthodox bishop, that the Parliament had ignored their concerns over the growth of minority religious groups. They called for re-registration of religious groups and suggested that all Muslims should adhere to the Muslim Board and all Christians to Russian Orthodox Church.

One source reported that tensions are increasing between the majority religions and minority religious groups, particularly Protestant Christianity, as thousands of Kyrgyz have embraced Protestantism. Disagreements between religious communities may stem from the traditional belief that all Kyrgyz must be Muslim, and therefore any inroads by other religions into Kyrgyz communities cause tensions. For example, disagreements have arisen over how to bury Kyrgyz Protestants as some local communities are against burying them together with Muslim ancestors.

### **Tajikistan**

Tajikistan has been wracked by civil war since 1992. Nevertheless, religious groups, other than Islam, have experienced relative openness from the government, although religious groups remain insecure as it is unclear whether the current regime will stay in power. The gov-

ernment does not appear to be curtailing minority groups outright but there have been some reports of Christians being beaten or threatened by citizens and by the police for practicing their faith. The government appears to be interested in protecting the dwindling Russian minority, which includes special protections for the Russian Orthodox Church. The Baptist church is quite active and no reports have been received regarding official repression of their evangelistic activities. A branch of the Bible Society has also received registration and is active in the country. Islamic groups, of which 80 percent of the population is Sunni Muslim and 5 percent are Shi'a Muslim, have not enjoyed the same tolerance, largely due to fear on the government's part of Islamic extremists and their political aspirations. The neo-communists in the government strongly oppose the Islamic Renaissance Party which briefly held a key role in the regime before being ousted. The Party now leads the opposition in the bitter civil war from bases in Afghanistan. A peace agreement was signed in Moscow in June 1997 between the government and the Islamic opposition, but other political groups are not showing much signs of accepting this.

### **Turkmenistan**

The dominant religion is Sunni Muslim, although the Islamic religion in Turkmenistan is rather idiosyncratic in nature. Some scholars describe it as a mix of orthodox Islam, Sufi mysticism and shamanism. Muslims comprise 87 percent of the population and Eastern Orthodox believers are 11 percent of the population.

At government initiative, the construction of mosques has grown dramatically since independence. The government has also eased taxes on profitable enterprises owned by religious organizations and by presidential edict, has encouraged studying the fundamentals of religion in the schools. The government, however, has kept a tight reign on religion and has sought to channel religious activity into service beneficial to the government. The May 1992 Constitution bans political parties based on religion and the government maintains the *Gengesh* (Council) and the Kaziate Administration which oversees Islamic activities, including controlling and co-opting its leadership. The head of the *Gengesh* is a Muslim cleric and one of the deputies is the head of the Russian Orthodox Church.

Turkmenistan has amended its religion law to require that a religious group have 500 members in order to obtain official status from the state. This law favors the established religions, such as the Russian Orthodox

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## Bosnia Holds Municipal Elections

Voters throughout Bosnia-Herzegovina went to the polls September 13-14 to choose their representatives on 136 municipal councils in both the entities of the Bosnian Federation and Republika Srpska. While the elections organized by the OSCE through the Provisional Election Commission were an administrative success, the environment in which they were held highlighted continual shortcomings in the implementation of the Dayton Agreement which ended the Bosnian conflict in late 1995.

These local elections were originally planned to be held in conjunction with cantonal, entity and country-wide elections in September 1996, but attempts to validate ethnic cleansing through voter registration—especially in Republika Srpska—compelled the OSCE to postpone them initially by two months, then six months and finally for a full year. To deter fraud, the existing voter registration list was abandoned, and citizens wishing to vote were required to re-register last May and June. While applicants were encouraged to register in the municipality where they resided in 1991, they could nevertheless register at their existing residence with proof of residence since August 1996.

The option of registering where one intended to live in the future if other than where one had lived in 1991 was restricted to Bosnian refugees living abroad who could document a reasonably close association with the municipality to which they hoped to relocate, such as property ownership, close relatives or promise of employment there. Supervisors and, for refugees exercising the future municipality option, adjudicators from the international community were deployed to monitor the registration process and review potentially fraudulent cases. Attempts at manipulation were uncovered by the OSCE, especially in the controversy-laden town of Brcko, and in the end 2.5 million out of a potential 3.25 million eligible voters registered, including approximately 400,000 refugees. Only a very small percentage of the latter could exercise their option to register in a future municipality.

Similarly, steps were taken to deter fraud during the voting and counting. The number of polling stations was reduced—thus necessitating two days of voting—in order to ensure that one international supervisor was present at every polling station for the entire duration of its operation. An additional 30 long-term and 270 short-term observers from about 30 countries added to this effort, reaching over 90 percent of the 2300 polling stations during the election weekend. Generally, they found relatively few problems during the voting and counting of ballots. Some polling stations were not large enough to handle the number of voters registered, while others had shortages of ballots or other materials, but most problems were corrected or did not detract severely from the election. Those having greatest difficulty voting were displaced persons who crossed the inter-entity line

to vote. There were no reports of major violence, but many faced attempts to deter their voting, especially Bosniacs in Pale and Serbs in Drvar. There was universal mistrust of the method of balloting for absentee voters and those who were either missing from the list or were potentially on the list more than once, because their ballots were sealed in envelopes with the voter's name on them and were counted in Sarajevo. Voters also could

*“While the elections organized by the OSCE through the Provisional Election Commission were an administrative success, the environment in which they were held highlighted continual shortcomings in the implementation of the Dayton Agreement”*

not find out if their ballot was even considered valid.

As with so many other elections, the relatively proper preparation for carrying out the election was offset by the highly improper environment for the free and open debate of issues which contributed to the voters' lack of confidence as they made their choices. Freedom of movement, while improved over a year earlier, continued to be extremely circumscribed. While campaigning was rather peaceful, the mass media continued to be under the control of the ruling parties and—especially in the case of Serb and Croat broadcasting—regularly broadcast extreme nationalist propaganda while refusing to allow access for more moderate voices. The ruling

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Church and various Islamic groups. The Baptist Union has had difficulty in registering churches and a number of independent Christian groups have also experienced difficulty registering. The law also contains vague provisions strictly punishing religious groups that issue propaganda threatening the state or stir up religious tensions. It is unclear how these provisions will be enforced and what the ramifications will be on religious freedom.

**Uzbekistan**

Since its independence, Uzbekistan has been one of the most repressive former Soviet Republics, with continuing violations of OSCE commitments, including the jailing of minority religious leaders, confiscation of religious materials, and the disappearance of independent Islamic leaders. The population of Uzbekistan is 88 percent Muslim, of which the majority is Sunni, 9 percent Russian Orthodox, and 3 percent are believers of other faiths. While President Islam Karimov declared 1997 to be the Year of Human Rights, the situation has deteriorated for minority religious groups. Uzbek officials routinely threaten or imprison minority religious adherents and Uzbek security forces regularly contact individuals and cajole or threaten them into becoming “consultants” or informers on their religious communities to the security apparatus. At the end of 1996, the government required that all religious groups re-register, and some groups that previously had obtained registration were denied official status under this new law. The specific cases which follow have been brought to the attention of the ODIHR panel of religious liberty experts. Taken together, they warrant further investigation into the status of minority religious groups in Uzbekistan.

One of the largest Protestant churches in Uzbekistan, Word of Faith, has been unable to obtain status as a registered church, after repeated attempts to comply with registration laws. The senior pastor, Denis Podorozhny, an Uzbek citizen, has been imprisoned repeatedly and denied a hearing and a lawyer, while being held incommunicado. After his release, he continues to experience harassment and intimidation from Uzbek security forces and has been called in for questioning on numerous occasions. It is suspected that the reason for this treatment stems from the fact that the church uses the Uzbek language in its activities.

The Baptist Union of Uzbekistan received a letter from the government in early 1997 accusing the Union

of engaging in “missionary activities” in violation of article 7 of the Uzbek law on religion. The government has instigated an investigation which may result in a total prohibition against the Union. The Union has also experienced difficulty in registering its churches and one church in Sergeli was closed briefly while the Union negotiated a reopening with the government.

Reports continue to come in about the targeting of religious groups through harassing lawsuits and intimidation by Uzbek security forces. In May 1997, a trial was held for Pastor Rashid Turibayev, pastor of the Karakalpak Full Gospel Christian Church. He faces a possible three-year sentence for leading “illegal church services” in violation of Article 217 of the Criminal Code. Reports indicate that he was held in a psychiatric hospital for a month without explanation. The lawsuit appears to stem from the fact that the church has been denied registration by the Ministry of Justice because of “missionary activities.”

A nonprofit humanitarian and religious organization, Mission of Mercy, has also been unable to obtain registration status. Mission of Mercy was organized in 1990 and has developed close contacts with many other benevolent organizations, including the Red Crescent Society. Tens of thousands of individuals have reportedly received assistance through the mission. Director Olga Avetisova has repeatedly sought an explanation for the denial of registration but no official denial has been given. Ms. Avetisova received death threats from Uzbek officials, a flagrant attempt to intimidate her into ceasing her humanitarian activities. She has since fled the country.

The ODIHR panel has also heard reports that the Uzbekistan Government has recently confiscated a shipment of 24,960 New Testaments. The reasons for the confiscation, reportedly given by the Ministry of Justice, are that the New Testaments are printed in the Uzbek language and therefore are considered a “missionary activity.” The Uzbekistan Government’s confiscation of these Bibles from the Uzbek Bible Society is a clear violation of its Helsinki commitments.

✉ Karen Lord

**(Part two will appear in the October 1997 Digest)**

## Helsinki Commission Co-Chairs: “Serbian Elections Do Not Warrant International Observation”

Commission Co-Chairs Sen. Alfonse D’Amato (R-NY) and Rep. Christopher H. Smith (R-NJ) announced September 10 that the Commission would not observe the presidential and parliamentary elections held in Serbia on September 21. According to the Co-Chairs, existing conditions “preclude[d] the possibility of even remotely free and fair elections.”

The Helsinki Commission normally observes as many elections as possible in OSCE countries undergoing political, economic and social transition since political pluralism swept the Communist one-party states away in 1989 and 1990. Even when elections show little promise of being free and fair according to standards set by the 1990 Copenhagen OSCE Meeting on Human Dimension issues, the preferred approach is normally to observe and then issue a report assessing the situation, good or bad. In some cases, however, the Commission and others have declined to observe in order not to give credibility to inherently flawed electoral processes. The controversial Belarus constitutional referendum of November 1996 is an example. Had Bosnian municipal elections scheduled for that same month not been postponed, the Commission—which argued strongly for the postponement—might have chosen not to participate in the observation effort.

D’Amato and Smith cite “the Serbian authorities’ clear disregard for the advice the international community has given them regarding elections” as one reason the Serbian elections are different from others. Former Spanish Prime Minister Felipe Gonzalez was named a personal representative of the Chair-in-Office of the OSCE in December 1996 in response to official Serbian refusal to recognize opposition party victories in local elections held in November. Beyond calling for recognition of these victories, Gonzalez reported a need to address the “mistrust and a lack of proper communication between the authorities and parties in power, on the one hand, and the political forces of the opposition ... on

the other,” along with “deficiencies ... in the electoral system that make it possible to falsify or circumvent the sovereign will of the citizens, problems in the administration of justice that are calling into doubt in the eyes of the citizenry the independent operation of the judicial system, and finally the obstacles confronting the independent information media and the serious difficulties standing in the way of free and fair access to the public media.” Little or no progress has been made in addressing these issues. In some respects the situation has deteriorated, such as the sudden shutdown in late July of numerous independent media outlets, possible fraud in preparing voter lists and electoral law changes which may strengthen the ruling Socialist Party’s chances. Opposition amendments to the electoral law in the Serbian Parliament were not considered.

Indeed, 12 opposition parties issued a statement which essentially demanded that the Gonzalez recommendations be implemented, and some of them—most notably the Democratic Party and the Civic Alliance of Serbia—boycotted the elections as a result.

A second reason for the Commission decision

was “the record of manipulation and intimidation in previous Serbian elections.” In the republic’s first multi-party elections in December 1990, which the Helsinki Commission had observed, harassment of the opposition during the campaign, media controls and misuse of Yugoslav funds effectively to buy votes detracted from the contest. In May 1992, an OSCE assessment team concluded that conditions for Yugoslav elections were so bad that their international observation was not advised. Subsequent elections in December 1992, again observed by the Commission, were roundly criticized in a joint statement of all election observers. Then, in the federal and local elections of November 1996, the opposition coalition *Zajedno* managed to take many municipal councils, but the authorities only recognized the results months later, following the Gonzalez report and massive public protest.

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**“In some cases...the Commission and others have chosen not to observe in order not to give credibility to inherently flawed electoral processes...”**

## Yeltsin Signs “Compromise” Religion Law

President Yeltsin signed the “compromise” law on religion on September 26 after the Russian State Duma and the Federation Council passed identical bills overwhelmingly (358-6 and 137-0 respectively) a few days before. Although officials promoted the bill as an improvement over the measure vetoed earlier this year, human rights activists and legal specialists note that most of the restrictive provisions against “minority” faiths remain.

Keston Institute’s Larry Uzzell reported the revised legislation “fails to satisfy any of the objections voiced by Yeltsin [in his earlier veto message]” and “in some ways is actually more repressive.” As had been the case in the earlier version, religious organizations must “establish the fact of their legal existence” in Russia for fifteen years in order to receive full legal rights (a revised compromise version discussed in August had reduced the period to five years).

At a Moscow press conference on September 9, Duma member Valery Borschov charged that adoption of the law will lead to “a conflict between confessions, religions and the state.” Even Vyacheslav Polosin, the Duma staff-person who was the principal author of the July bill, has called some provisions of the new bill “repressive.”

While earlier, Protestant and Catholic leaders had agreed to support the bill, at a press conference on September 11, these church leaders withdrew their support, saying they had been misled by the government’s negotiators. In a letter to President Yeltsin, leaders of the

Adventist, Catholic, and Pentecostal churches stated that while they had earlier supported the President’s initiative to reach agreement on acceptable legislation, the draft sent to the Duma by the administration “arouses serious bewilderment.” The signatories appealed to President Yeltsin to “take all steps necessary to block the enactment of this anti-constitutional law.”

During his September 22 meeting with Prime Minister Chernomyrdin, Vice-President Gore urged the Russian government to reject the legislation. The Helsinki Commission had written to President Yeltsin with an appeal “not to legislate discrimination against millions of residents of the Russian Federation who should be permitted to profess and practice their spiritual convictions without interference from the government or other institutions.”

At the OSCE Permanent Council in Vienna, the permanent representative of the Vatican, Monsignor Mario Zenari, expressed the Vatican’s “regret” over passage of the law, stating that provisions of the bill would “cause discrimination to non-Orthodox groups and lay them open to arbitrary treatment by local officials.” From Moscow, the Keston Institute reports that Mayor Yuri Luzhkov has ordered an expansion of the city’s “Committee on Contacts with Religious Organizations,” to further involve itself in transactions between the city and religious groups, and to draft new local legislation on church-state relations. ☞ John Finerty

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Serbian Democratic Party and the Croatian Democratic Union both threatened to boycott the entire election process unless changes were made to increase the chances for their victories, and on several occasions the OSCE had to punish ruling parties for violating rules and regulations. In the end, they participated, but did achieve some leverage over the international community as a result. In western Republika Srpska, the split within the Serbian Democratic Party between entity President Biljana Plavsic, who has formed her own party, and Momcilo Krajisnik, the holder of the Srpska seat on Bosnia’s collective presidency and backed by war crimes suspect Radovan Karadzic, verged on becoming violent.

Javier Ruperez, OSCE Parliamentary Assembly President and designated Special Representative of the OSCE Observer Mission, outlined both the positive and negative aspects of these elections, and concluded that

their ultimate success will “depend upon the full completion of the vote count, and on all parties respecting and implementing the results.” Focusing on the same issue, the International Helsinki Federation for Human Rights called on the international community “to use all means necessary to implement the results.” In some locations, voters who are exiled from their home municipalities could elect a majority of likewise-exiled council members, effectively forming local governments *in absentia* which would seek to return and assume authority. This may especially be the case for certain municipalities in Republika Srpska cleansed of non-Serbs during the war. Along with the apprehension of persons indicted for war crimes, insisting upon their right and ability to return will likely be the next major test of international resolve and an indicator of whether Bosnia-Herzegovina will remain united or be partitioned.

☞ Bob Hand

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OSCE community, Switzerland—which also served as the OSCE Chair-in-Office last year—did not raise a single specific concern about the human rights of women at any OSCE Permanent Council meetings last year nor at the 1996 Review Conference (which is a forum specifically devoted to a review of the implementation of OSCE commitments).

Many international events have been devoted to what are often titled “women’s issues” (e.g., the 1995 U.N. Conference in Beijing; the on-going work of the U.N. Commission of Human Rights, a Council of Europe seminar on promoting equality between men and women held in July of this year; a seminar on “vital voices in democracy” sponsored by the United States in Vienna this summer that looked at women’s rights in the post-Communist OSCE states). It remains to be seen if the OSCE will add to or build on this body of work.

**OSCE Human Dimension Implementation Meeting in Warsaw, November 12-28**

The next Implementation Meeting on Human Dimension Issues of the OSCE will be held in Warsaw November 12-28, 1997. Since 1992, Human Dimension Implementation Review Meetings have been held every other year, alternating with full-scale review meetings and summits. As in previous meetings, the Helsinki Commission will participate actively in the U.S. delegation to the Implementation Review.

The meeting will discuss the implementation of human dimension commitments by the OSCE participating States as well as the mechanisms for monitoring compliance with them. Although some post-Communist participating States continue to improve their respect for human rights, there continue to be serious problem areas or systemic violations in others. Albania, Belarus, Serbia/Montenegro, Slovakia, Turkey, Tajikistan, Turkmenistan and Uzbekistan—where there are widespread violations of human rights or reversals of the democratization pro-

cess—are among the countries that illustrate the continuing need for the OSCE’s focus on the human dimension. Other post-Communist countries experience problems with implementation of specific commitments such as citizenship, free media, or treatment of Roma.

The meeting will have two working groups. Subsidiary Working Body (SWB) I will review implementation and consider ways and means of improving implementation on such issues as the fundamental freedoms of religion, media, association and assembly, prevention of torture, international humanitarian law; culture, cultural heritage and human contacts; tolerance and non-discrimination (including ethnic cleansing, racism, chauvinism, xenophobia and anti-Semitism); national minorities issues; Roma and Sinti; rule of law (including legislative

transparency, independence of judiciary, capital punishment, and democratic institution issues such as free and fair elections and citizenship). The final session will be devoted to the role of non-governmental organizations (NGOs). Subsidiary Working Body II will focus on the use of existing OSCE mechanisms and procedures for monitoring and enhancing compliance with OSCE commitments.

As in previous Implementation Meetings in 1993 and 1995, NGOs will have the opportunity to make oral contributions in plenary or in the working groups on the basis of written presentations submitted to OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) in advance. All plenary and working group sessions will be open to NGOs. In addition, the mornings of November 15 and November 27 have been reserved for delegations to meet with NGOs.

Information regarding NGO participation and public access to the meetings may be obtained by writing to the OSCE Office of Democratic Institutions and Human Rights, Krucza 36/Wspolna 6, 00-522 Wasaw, Poland, or by fax: 48-22/625-4357 (ODIHR tel. 48-22/625-7040).

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✉ Orest Deychakiwsky

## Commission Chairman Writes on Police Brutality in Macedonia

On September 5, Commission Chairman Sen. Alfonse D'Amato (R-NY) wrote to Macedonian Ambassador to the United States Ljubica Acevska regarding reports of police brutality in the former Yugoslav republic. The incidents surround the July 9 violence in Gostivar, when the local, ethnically Albanian population protested police removal of the Albanian flag which was flying over the town's executive building in violation of Macedonian law.

Chairman D'Amato's letter noted that the Macedonian Government has established its own commission to investigate whether the police exceeded their authority, but argued "that an independent investigation is warranted." It also concluded that, "[u]ntil an investigation is completed, . . . the officers in question should be suspended from their duties."

Macedonia has struggled since Yugoslavia's violent disintegration to maintain its unity as an independent state with an ethnically diverse society. So far, it has been successful despite economic hardship, regional insecurity and some hostile neighbors. Macedonian nationalists, moreover, have advocated defining the country, both *de jure* and *de facto*, as the homeland of ethnic Macedonians at the expense of the Albanian community and other ethnic minorities, while their Albanian coun-

terparts have sought cultural and regional autonomy, even the separation of western Macedonia. Moderates from both groups have controlled the government since 1990, and have generally sought to encourage ethnic Albanian integration through greater opportunities for education in their own language and permitting the official flying of the Albanian flag under certain conditions. Discrimination remains a problem, however, and there is concern that even Macedonian moderates may see the recent turmoil in neighboring Albania as an opportunity to integrate its own Albanian population through more forceful measures. In other respects, Macedonia has maintained some characteristics of a state ruled by Communists despite democratic reforms.

The international community has mostly supported the Macedonian law which courts ruled made the continued flying of the Albanian flag in Gostivar illegal, and responsibility for the July 9 violence remains a dispute. "The one thing which seems clear," D'Amato asserted, "is that the Macedonian police exceeded their authority in responding to the situation, leading to the alleged violation of human rights. Reports indicate that excessive force was used against protestors, and that some of those detained were beaten severely after they were taken into custody." ☞ Bob Hand

### Serbia, *continued from page 97*

Despite Belgrade's disregard for OSCE recommendations to improve the situation, the multilateral organization currently chaired by Denmark decided on August 28 to observe the elections with about 40 long-term and 150 short-term election monitors. The OSCE Parliamentary Assembly also decided to observe. Belgrade actually obtained the desired foreign observation by insisting at first that only countries having normalized relations with the new Yugoslav federation of Serbia and Montenegro could send observers, which would have precluded American observers among others. This quickly shelved consideration of whether conditions warranted observation in the first place. Co-Chairs D'Amato and Smith nevertheless expressed hope that the OSCE "will at least be candid in its critique of the electoral process, including the campaign period. Otherwise, the very standards the OSCE has set for free

and fair elections will have been further compromised, not to mention the specific recommendations made directly in the case of Serbia." One argument used to favor observation was the possibility that less than 51 percent would turn out due to boycott by voters, which would require a new election at a later date. Foreign observers could discourage official manipulation of the voter numbers. More important, however, could be the more numerous domestic observers, consisting of members of the leading opposition party and election participant, the Serbian Renewal Movement, and of a newly formed and non-partisan civic organization, the Center for Monitoring Elections and Promoting Democracy. It remains unclear whether this group, comprised mostly of students, will receive accreditation to observe the polling on election day. ☞ Bob Hand



## Czech Republic Moves to Protect Free Speech

Eight years after the Velvet Revolution, the lower chamber of the Czech parliament has passed a measure that would repeal current provisions of the Czech criminal code that make defamation of the President or the Czech Republic punishable with prison time. The measure must still be approved by the Senate.

One of the trademarks of the former Communist regimes in Eastern Europe and the Soviet Union was the persistent application of criminal penalties against those who had allegedly “slandered” the state; human rights monitors documented the cases of hundreds of people in many countries charged under such statutes who had done no more than question the system. Unfortunately, a number of post-Communist countries, including the Czech Republic, have not only kept such provisions on the books, but continued to use them against those who might criticize the government.

Criminal sanctions for defamation violate international human rights provisions binding on the Czech Republic and the Czech Republic has been criticized by the United States and non-governmental organizations for retaining this vestige of the past. At the last OSCE Human Dimension Implementation Review Meeting in 1995, for example, the United States criticized the Czech Republic for arresting and prosecuting Jiri Wonka.

Jiri Wonka’s brother, Pavel, was a political prisoner who was jailed for criticizing the Communist regime in

Czechoslovakia. In 1988, his death in prison at age 35—allegedly as the result of torture by prison guards or officials—created an international uproar at the on-going OSCE Vienna Follow-up Meeting. When Jiri Wonka, in 1995, publicly questioned why the judge and prosecutor who had wrongly sent his brother to prison and, in effect, to death, continued to serve in their official capacities, Jiri was arrested and convicted under the criminal defamation law. But for a pardon by President Vaclav Havel (who has similarly pardoned most if not all of those convicted under this law), Jiri Wonka might just now be finishing his prison term.

Most other Central European countries, including Estonia, Latvia, Lithuania, Slovakia, and Slovenia, have already repealed their Communist-era criminal defamation laws. Hungary repealed its criminal defamation law prior to hosting the 1994 OSCE Summit. Poland still has a criminal defamation law, although Polish President Kwasniewski wrote to the Commission in 1996 stating the criminal penalties for defamation would soon be repealed. (This action has not yet been taken and, last year, a Gdansk talk show host was threatened with criminal charges for saying the President has a large posterior.) Romania still maintains and implements a criminal defamation law which continues to elicit criticism at OSCE meetings by governments and non-governmental organizations.

✉ Erika Schlager

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