



# CSCE Digest

The  
Commission  
on  
Security  
and  
Cooperation  
in  
Europe

VOLUME 22  
NUMBER 7

July 1999

## Contents

Czech Chamber of  
Deputies passes  
amendment to  
citizenship law  
*by E. B. Schlager* 53

Kazakhstan focus of  
Commission  
hearing  
*by Michael Ochs* 56

Resolution  
calling for  
Milosevic  
indictment  
introduced  
*by Elizabeth M.  
Campbell* 58

Serbia,  
Montenegro, and  
Kosovo targets of  
Commission  
briefing  
*by Robert Hand* 59

Louis DeMeo,  
Alain Garay  
and  
Willy Fautre  
testify



## Intolerance and Religious Liberty in Western Europe focus of hearing

*by Karen S. Lord*

On June 8, the Helsinki Commission held a hearing on "Religious Freedom in Western Europe: Religious Minorities and Growing Government Intolerance." Testimony was heard from Mr. Willy Fautre, Director of the Brussels-based Human Rights Without Frontiers; Mr. Alain Garay, attorney for the Jehovah's Witnesses in France; and Pastor Louis DeMeo, Founder of Grace Evangelical Church of Nimes and Institute de Theologique de Nimes.

The hearing examined the alarming trend toward religious intolerance in countries such as Belgium, France, Germany, and Greece. By classifying certain religious groups as "dangerous sects" and compiling lists of "psycho-groups" for the purpose of warning the public against them, the governments of these countries arbitrarily restrict religious liberty. As a result of being placed on governmental lists, members of these groups are subject to defamation, slander, anonymous threats, and have lost their jobs.

Co-Chairman Sen. Ben Nighthorse Campbell (R-CO) opened the hearing, explaining to those in attendance that the Commission's concern for this issue is not an attempt to force the First Amendment into the European context, but a reminder to those participating States of their commitments under the Helsinki Final Act. Chairman Rep. Christopher H. Smith (R-NJ) reiterated the Commission's concern about implementation of Helsinki commitments: "A number of West European countries also have laws on the books that directly restrict religious freedom. For example, the Greek Constitution itself prohibits proselytism, and in 1997 Austria passed legislation that leads to unequal treatment of minority religions. Government actions like these

*please turn to next page*

The *CSCE Digest* is published 12 times a year by The Commission on Security and Cooperation in Europe. Opinions and materials in the *CSCE Digest* do not necessarily reflect official views of the Commission or its Commissioners. Any maps used are for the convenience of the readers; the denominations used and the boundaries shown do not imply any judgement by the Commission on the legal status of any territory or any endorsement or acceptance of such boundaries. Material from the *Digest* may be reprinted, with due credit given.

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 or check the web at [www.house.gov/csce/](http://www.house.gov/csce/).

contribute to an overall climate of intolerance in Western Europe and are in violation of OSCE commitments.”

Mr. Fautre compared the religious intolerance seen in Western Europe today to the McCarthy Era of America’s past. He described an atmosphere of fear and suspicion in France, Germany, and Belgium, spawned by inflammatory media coverage, in turn fed by governmental reports of so-called “inquiry” committees. According to Fautre, the authorities have made no attempt to enter into any dialogue with the suspected groups, preferring a more confrontational strategy. In Greece, he asserted, the Anti-Heretic Department of the Orthodox Church is carrying on a war against cults. Nevertheless, the Greek National Intelligence Service has maintained lists of, and files on non-Orthodox citizens, placed certain groups under surveillance, and encouraged the police to take “preventative” measures against them. Greek national identification cards typically include information on the holder’s religious affiliation.

Mr. Garay discussed the administrative inquisition suffered by the Jehovah’s Witnesses in France. “Jehovah’s Witnesses have been subject to parliamentary inquiries, a campaign of defamation in the media, continual audits by tax, labor, and social authorities, the assessing of a punitive \$50 million tax bill, and the loss of employment of some members of the faith,” he explained. Garay referred to Article 9 of the European Convention, guaranteeing freedom of thought,

conscience, and religion, as the legal standard by which religious groups like the Jehovah’s Witnesses hope to succeed in court. Concluding his testimony, Garay warned of the dangerous example that France and other Western European countries are setting for the emerging nations of the former Soviet Union by institutionalizing such intolerant practices.

Pastor DeMeo discussed the ramifications for Grace Evangelical Church of Nimes and the Institute de Theologique de Nimes of being listed as one of the 172 possibly dangerous cults, published by the French National Assembly. As both the church and the Bible college had already existed for 17 years, DeMeo considered the action both unexpected and unjust. Unfortunately, since the parliamentary report itself is not a legal document and the parliamentary committee which drafted it has been dissolved, there is no way to challenge the listing under French law. DeMeo reported several accounts of harassment and discrimination, such as job refusals, and even accusations of brainwashing children. His own personal bank accounts have been audited at the request of the French Government in the hope, he ventured, that secret transactions might be discovered. DeMeo also described a specially appointed unit of the police for “sects,” which he believes has monitored his travels over the past year. “Innocent people are being persecuted because of their beliefs and affiliations,” he concluded, “This is criminal.” □

## Czech Chamber of Deputies passes amendment to citizenship law

by Erika B. Schlager

On July 9, the Czech Chamber of Deputies passed (114 for, 58 against, out of 177 Deputies present) an amendment to the citizenship law which will enable tens of thousands members of the Romani minority—now *de jure* or *de facto* stateless—to apply for citizenship. The amendment must still be passed by the Senate and signed by the President; both steps are expected to take place this year.

### Background

After the dissolution of the Czechoslovak Federation on January 1, 1993, the Czech Republic implemented a citizenship law that was one of the most restrictive of any of the 18 newly independent states or the three Baltic states of the Organization on Security and Cooperation in Europe. Tens of thousands of former Czechoslovak citizens who were permanent residents of the Czech Republic were rendered *de jure* or *de facto* stateless. According to interviews conducted by Helsinki Commission staff in 1994 with officials from the Czech Ministry of Foreign Affairs, Ministry of Interior, and Council on National Minorities, all of them were members of the Romani minority. Thus, although the law did not, on its face, distinguish between Romani and non-Romani applicants, of the tens of thousands of former Czechoslovaks left without Czech citizenship on Czech territory, all of them were Roma. (Roma make up the Czech Republic's largest minority, estimated at 200,000—300,000, out of a population of approximately 10 million.) A 1996 report on the Czech Republic

by Human Rights Watch/Helsinki analyzed statements and reports made at the time the citizenship law was adopted, also suggesting that this kind of narrow impact was the result of intentional discrimination.

The Czech citizenship law provoked widespread international criticism, including by the Helsinki Commission, the Council of Europe, and the United Nations High Commissioner on Refugees (UNHCR). Non-governmental organizations, particularly the Prague-based Tolerance Foundation and the Czech Helsinki Committee, documented thousands of cases of former Czechoslovak citizens who were permanent residents of the Czech Republic at the time of the break up of the Czechoslovak Federal Republic who had been left without Czech citizenship. In addition, the UNHCR also documented the cases of hundreds of former Czechoslovaks who were deported to Slovakia in the years after 1993 in connection with their lack of Czech citizenship.

In 1996, the law was amended in an attempt to placate international critics of the law, but those amendments failed to make substantive changes or to address the law's fundamental shortcomings. Even after 1996, NGOs continued to document the cases of former Czechoslovaks still unable to get Czech citizenship. In addition, NGOs documented that there were many Roma who, although technically eligible for Czech citizenship even under this restrictive law, were arbitrarily denied citizenship by local authorities, forcing the applicants

to pursue a complicated and expensive appeal process. In 1997, the Czech Helsinki Committee also reported that those without citizenship included at least 1,000 stateless orphans.

Meanwhile, throughout this first post-communist decade, the number of violent attacks against Roma climbed, year after year. By the fall of 1997, some 2,000 Czech Roma had requested asylum in Canada. By 1998, NGOs reported that there had been more than forty racially motivated murders of Rom in the Czech Republic since 1990, more than the number of racially motivated murders in Bulgaria, Romania, and Slovakia combined—countries with much larger Romani populations. Midway through 1998, the city of Usti nad Labem announced plans to build a wall to segregate Romani residents from ethnic Czechs—a ghetto in the heart of Europe.

The mass exodus of Czech Roma to Canada (probably triggered more by unchecked racial violence than the lack of citizenship) was a wake up call for the European Union, which belatedly began to raise the treatment of the Roma in the context of EU admission; the decision by local officials to build a ghetto in Usti nad Labem sparked heightened international scrutiny and criticism of the Czech situation. Most importantly, NGOs continued to monitor and report on the cases of Romani men and women, born and raised in the Czech Republic, left stateless by the Czech law.

In this context, parliamentary elections were held in late June 1998,

*please turn to next page*

resulting in the formation of a minority Social Democrat-led government.

### **New Government, New Policies**

The Czech Government included a number of people who were strongly opposed to the former government's restrictive approach to citizenship. This included Petr Uhl, a former dissident and, during the late communist period, head of the Committee to Protect the Unjustly Persecuted. Upon the dissolution of the Czechoslovak state, Uhl had elected Slovak citizenship and, at the same time, fought all the way to the Czech Constitutional Court to retain his Czech citizenship—eventually winning his claim to dual citizenship in 1997. Although some observers believed the decision in Uhl's case paved the way for the stateless Czech Roma to gain citizenship, the former government interpreted the Court's decision as applying only to Uhl, and refused to apply the court's rationale to others.

The new government, led by Milos Zeman, quickly announced that Petr Uhl would be named Human Rights Commissioner and given special responsibility for Romani affairs. In addition, newly appointed Deputy Prime Minister Pavel Rychetsky was quoted in July 1998 as saying the new government "would like first to concentrate on amending the law on state citizenship to resolve the situation of former Czechoslovak citizens who stayed on the territory of the Czech Republic even after the split of Czechoslovakia but have not been granted Czech citizenship and are considered citizens of Slovakia." "All of us know that they are Romanies,"

he added. Accordingly, the recent decision by the Czech Chamber of Deputies (the lower house) to amend the citizenship law acts on an early pledge of the Zeman government. The amendment, when enacted into law, will bring the Czech citizenship law into conformity with minimal standard required by international norms.

At that point, scrutiny is likely to shift to the implementation of the law. To fully resolve the problems of statelessness in the Czech Republic, it will be necessary first and foremost to have an effective outreach campaign to reach all those who have thus far been unable to regularize their citizenship status. (Estonia and Latvia were urged to engage in such outreach by OSCE representatives after changes were made to their respective citizenship laws.) Second, it will be necessary for the government to exercise careful oversight of the implementation of the law, especially in light of well-documented discrimination against Roma at the local level in the administration of the citizenship law.

Equally important, the Zeman government has moved towards addressing a broad range of concerns of the Romani minority. A number of things point to the shift in the Czech Government's approach, which is increasingly more open in acknowledging the depth of the problem:

- There is now a special national police unit devoted to the fight against "extremism." Since 1997, 140 extra police have been allocated to regional crime squads specifically to deal with this issue. The Interior Ministry and Czech national police are also expanding training for police officers on

race relations, with advisory support from the local UNHCR office and the UK Embassy in Prague.

- In November 1998, Interior Minister Vaclav Grulich criticized police detectives for their slow performance in dealing with racially motivated crimes and ordered police to take racial motivation into account at the beginning of every relevant inquiry. State attorneys in Northern Moravia subsequently announced that they will seek harsher penalties for racially-motivated crimes whenever it can be proved that the perpetrators were members of organizations such as skinheads that advocate violence against other groups. They reason that such crimes differ from crimes of passion without premeditation, with which they were previously classed.

- The government has begun drafting an anti-discrimination law amendment to the labor code.

- The government adopted an "anti-racism" campaign in January 1999; Czech TV and Czech Radio have agreed to participate. It is due to be officially launched in the second half of 1999.

- In March 1999, organizers from public service and NGO sectors launched a petition drive appealing to the Chamber of Deputies to adopt legislation punishing racially motivated crimes consistently and preventing the spread and publication of racist, xenophobic and anti-Semitic texts. The petition criticized the relatively weak punishments in the Lacko and Danihel cases (murders of Roma) as dangerous for society. It was signed by a number of prominent personalities in-

cluding Petr Uhl and Prague Rabbi Karol Sidon.

- On April 7, 1999, the Czech Government adopted a resolution “On the Conception of Government Policy Towards Members of the Romani Community, Assisting Their Integration into Society.” The resolution includes core human rights goals, including: combating all forms of discrimination for the reasons of race, nationality, ethnic origin, or color; explicit recognition of the Roma as a national minority of the Czech Republic; integration in education; multicultural education; support for Romani language and culture; and inclusion of Roma in government processes.

- In June, the Prague High Court, dealing with a case on appeal, imposed harsher sentences on three skinheads for the racially-motivated murder of Tibor Danihel, a 17-year-old Roma from Pisek. The earlier sentences of these men were widely criticized as being a slap on the wrist for a murder.

- In July 1999, Interior Minister Vaclav Grulich stated at a press conference that the members of the Roma community who have left the Czech Republic to seek political asylum are correct in their assertions that they have been persecuted, particularly by the skinheads.

These steps, collectively, reflect an approach to Romani human rights issues that is much more open in acknowledging the depths of the problems facing Czech Roma. At the same time, the Czech Government has be-

come more active in seeking solutions to these problems.

One of the areas that the government has been forced to address on a priority basis is discrimination against Roma in the Czech education system. On June 15, the Budapest-based European Roma Rights Center (ERRC) simultaneously released the results of a nine-month study of segregation in the Czech education system and announced that it has brought a suit to seek legal remedies to rectify this injustice. (See [www.errc.org](http://www.errc.org).)

According to the ERRC: “The evidence documented in the legal complaints shows that, in the district of Ostrava, Romani children outnumber non-Roma in special schools by a proportion of more than twenty-seven to one. Although Roma represent fewer than 5 percent of all primary school-age students in Ostrava, they constitute fifty percent of the special school population. Nationwide, as the Czech Government itself concedes, approximately seventy-five percent of Romani children attend special schools, and more than half of all special school students are Roma.” The ERRC has said that, if necessary, it will take its case all the way the European Court of Human Rights in Strasbourg. Last year, the ERRC won a lengthy court battle against the government of Bulgaria in the first case in which the European Court has ever ruled in favor of a Romani plaintiff. The case resulted in a judgment against Bulgaria and an award of approximately \$400,000 to the plaintiff. □

## **Czech Americans Still Face Discrimination**

In addition to amending the Czech citizenship law to resolve the problems of stateless Roma in the Czech Republic, on July 9 the Czech Chamber of Deputies also passed a separate law which will allow Czech Americans to regain citizenship. (At least two Ministers in the new Czech Government already had dual citizenship with a European country.) Czechs who fled to the United States during the Communist era were effectively discriminated against (compared to compatriots who fled to other countries, such as the United Kingdom or France) under the previous citizenship regime. This new law, adopted by a vote of 103 for, 66 against, with 182 Deputies present, resolves that problem. Czech Americans continue to be discriminated against under the existing framework for property restitution, however. The Commission leadership has urged the Czech Government to amend the property restitution law to end that discrimination. □



## Kazakstan focus of Commission hearing

*by Michael Ochs*

On May 6, the Helsinki Commission held a hearing on the status of democratization and human rights in Kazakstan. Convened in the wake of deeply flawed presidential elections last January in which Nursultan Nazarbaev was reelected, the hearing focused on the Kazak Government's approach to opposition activity and NGOs, in anticipation of parliamentary elections next October. Chairman Rep. Christopher H. Smith (R-NJ) opened the hearing, noting both the OSCE's strong criticism of the January presidential election and widespread disappointment over regression towards authoritarianism. "With respect to democratization, Kazakstan's reputation in the earlier part of this decade was much better than it is today," Smith commented. "We want to understand what has gone wrong, why and what can be done about it."

Four panels of witnesses testified before the Commission. The State Department's representative was Ross Wilson, Principal Deputy to the Ambassador-at-Large and Special Advisor to the Secretary of State for the NIS. Bolat Nurgaliev, Ambassador from the Republic of Kazakstan to the United States, testified next. Members of Kazakstan's opposition and human rights community comprised the third panel: Akezhan Kazhegeldin, former Prime Minister and chairman of the People's Republican Party of Kazakstan; Peter Svoik, Co-Chairman of the Azamat movement; and Yevgeni Zhovtis, Director of the Kazakstan International Bureau for Human Rights and Justice. Dr.

Martha Olcott, Senior Associate at the Carnegie Endowment for International Peace and Professor of Political Science at Colgate University, also testified.

Ross Wilson, though critical of lapses in Kazakstan's democratization, emphasized some positive developments. He outlined American objectives in Kazakstan, which include preventing the proliferation of weapons of mass destruction and augmenting global energy supplies. Wilson expressed misgivings over the January presidential elections and the current legislation on NGOs and the media, but noted Kazakstan's accomplishments since 1991, especially its accession to the Non-Proliferation Treaty, its participation in the Central Asian Peacekeeping Battalion, and peaceful relations with its neighbors. When asked to comment on the perceived deterioration of Kazakstan's early democratic gains, Wilson explained, "I think it is fair to say that Kazakstan has been one of the new independent states that has been more successful in its transition from Soviet autocracy and from its Soviet legacy toward the kind of future that we would like to see." He added that "[Kazakstan] has made progress and has been very cooperative with us on non-proliferation issues, on energy issues, and on other matters," and cited both the existence of over 3,000 NGOs and the establishment of a genuine opposition as further proof of the country's positive development. Nevertheless, Wilson's testimony lamented the setback to U.S.-Kazakstani relations caused by the

January election, and underscored the need for greater respect for fundamental human rights practices.

Ambassador Nurgaliev emphasized the relative youth of democratic Kazakstan. He assured the Commission that as a fledgling democracy, his country values the suggestions and guidance of organizations like the OSCE. At the same time, he stressed that Kazakstan must follow its own unique path to democracy, at its own pace. According to Ambassador Nurgaliev, the enduring legacy of the Soviet period continues to hinder Kazakstan's democratic development: "When Kazakstan became independent a little over seven years ago, we inherited troublesome legacies from the Soviet system, including an exhausted, inefficient economy; the absence of any democratic institution resulting from centuries of subjugation; the world's fourth largest nuclear arsenal; and two enormous environmental disasters—the desiccation of the Aral Sea and the 470 nuclear tests at Semipalatinsk." As a result, "In seven years, we have had to construct every reform from the ground up carefully and deliberately." Ambassador Nurgaliev identified several significant accomplishments since Kazakstan declared its independence, such as the total elimination of its nuclear arsenal, its participation in the war against terrorism and religious fundamentalism, the establishment of stability and moderation, and the promotion of a "vibrant civil society."

Ambassador Nurgaliev's defense of his government's policies did not persuade Members of Congress.

Chairman Smith inquired why Kazakhstan had not contacted ODIHR/OSCE about the election law, and why President Nazarbaev had claimed in a speech in Washington that election observers had not seen any violations in January. Skirting the second question, Ambassador Nurgaliev claimed that the Kazak Government, as “attentive listeners to OSCE and ODIHR,” after careful consideration had accepted only some of their recommendations. “And the list is pretty long,” he added, promising to submit point-by-point documentation of what has and has not been accepted by the Kazak Government, and why. Mr. Smith went on to express the Commission’s concern over prohibiting candidates from running in national elections because of minor administrative violations. Ambassador Nurgaliev explained the criteria for disqualifying candidates, emphasizing that the controversial administrative violations are “not jaywalking,” but designed to keep criminals from becoming parliamentarians. He also offered to provide complete documentation of the case against Akezhan Kazhegeldin, a presidential contender forbidden to run due to an alleged administrative violation.

Commissioners Rep. Michael P. Forbes (R-NY) and Rep. Steny H. Hoyer (D-MD) both expressed concerns over the lack of media access for potential candidates, the restrictive electoral law, and the government’s decision to hold snap elections. They conveyed to Ambassador Nurgaliev that Kazakhstan’s image as a democratizing country had suffered a serious blow in January and warned

that unfair elections in October would only reinforce the country’s increasingly negative image.

The third group of witnesses presented a disparaging picture of democratization in Kazakhstan. “Two messages that I have heard today cause me to be concerned,” Akezhan Kazhegeldin explained. “One is that democracy takes a long time to evolve, and the other is that democracy can follow its own unique path. I do not think it is possible to be a little bit free.” Kazhegeldin upheld the OSCE’s assessment of his country’s elections, asserting that “all elections that have taken place in Kazakhstan so far have taken place on the strength of a presidential decree.” Regarding his own exclusion from the January elections, Kazhegeldin commented that “the violation that I am guilty of, from the perspective of the Kazakhstan Government, is that I personally attended a meeting of an NGO calling for a fair election.”

Peter Svoik emphasized the role of the economy in Kazakhstan’s current democratic recession. “Kazakhstan today is a country that is rapidly losing economic, cultural, and general humanitarian potential,” he warned. “The government is pressured to do this by the sharp downturn in the economic situation.” Svoik also cast doubts over the fairness of the parliamentary elections scheduled for October. He suggested a complete restructuring of Kazakhstan’s Government, urging the executive branch to promote political as well as economic reform. Yevgeni Zhovtis concurred: “It is impossible to build a working economy and an affluent state with-

out democratizing public life, without openly discussing the challenges that Kazakhstan faces on the road to independence and democracy.”

Yevgeni Zhovtis focused on political rights and civil liberties, and on the difficulties accompanying Kazakhstan’s democratic development. The perseverance of Soviet-style institutions, according to Zhovtis, hinders democratization: “Defining the status of basic human rights and freedoms, it should be noted that in general the theory and practice of legal regulation still follow the Soviet model.” Zhovtis stressed the need for a strong, independent judiciary, and outlined how Kazak law continues to restrict freedom of movement, speech, press, conscience, and association. He asserted further that political leaders since independence have merely exchanged communist ideology for democratic phraseology, in order to attract investment and international support. Kazhegeldin, recognizing the need for education and informational support in Kazakhstan, recommended that Voice of America open a bureau in Almaty or another Central Asian capital. The entire panel encouraged the United States and the OSCE to place specific, consistent demands on the Kazak Government, and to seek specific answers from Kazak officials as to why they have not lived up to their previous commitments.

Echoing the sentiments of the previous panel, Dr. Martha Olcott asserted that there is no excuse for Kazakhstan’s piecemeal democratization. She refuted the notion that Kazakhstan, owing to its Asian tradi-

*please turn to next page*

tions and history, is not prepared for democracy. Olcott highlighted some of the positive legacies of Soviet rule, such as increased literacy and education, and the development of an urbanized, multi-ethnic elite. Taking issue with Ross Wilson and Ambassador Nurgaliev, Dr. Olcott advocated a faster timetable for democratic reform. She cited popular dissatisfaction over the deteriorating economy as one reason for greater political empowerment. "It is important in this regard for the US to realize that the democratization process in Kazakstan will be easier to achieve than the process of economic reform. The United States," she advised, "must make clear that it does not believe that some cultures are more capable of sustaining democratic reform than others." □

### **Resolution calling for Milosevic indictment introduced by Elizabeth M. Campbell**

On May 25, Helsinki Commission Chairman Rep. Christopher H. Smith (R-NJ) introduced H.Con.Res. 118, an updated version of H.Con.Res. 304 and S.Con.Res. 105, both of which passed with virtual unanimity in the 105th Congress. This resolution again implicates Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and recommends that the United States take a pro-active role in his indictment at the International Criminal Tribunal on Yugoslavia (ICTY) in the Hague. Smith was joined by Rep. Bill Pascrell (D-NJ) and 14 other original cosponsors.

The resolution was re-introduced this year in light of the recent assaults on the people of Kosovo by Yugoslav and Serbian forces which have resulted in forced expulsions, executions, rape, looting, and detentions of Kosovar Albanians. Concerns also remained that the United States, which has relied on Milosevic to achieve peace in the region, had not fully disclosed all pertinent information which could be used as evidence in the indictment of the Yugoslav President.

The resolution was submitted in conjunction with a letter to the President on the same subject sent by Commissioner Rep. Benjamin L. Cardin (D-MD), and signed by Chairman Smith and Ranking Member Rep. Steny H. Hoyer (D-MD) and sixty other Members of Congress. The letter urged the President to "assemble, review and where necessary declassify, and provide the ICTY with all information relevant to a possible indictment of Milosevic." A May 26 press conference focused on the letter and the resolution highlighted the importance of the aid of the United States in providing all evidence gathered about the actions of Milosevic and the others to help ensure the strongest case against them; it was held only hours after the story broke of the imminent public indictment of Milosevic.

The resolution urges that the United States must use everything within its power to guarantee the tightest, most thoroughly documented legal case against Milosevic and any other indictee. The chief prosecutor at the Tribunal, Justice Louise Arbour, has requested that all Western governments, especially the United States, participate in handing over all information, including classified materials, relating to Milosevic. H.Con.Res. 118 demands that the U.S. face up to its responsibility to act to ensure a conviction so that justice can be served.

In his statement introducing the resolution, Smith said "We are putting the House on record as saying: The ethnic cleansing in Bosnia-Herzegovina and Kosovo was no accident but part of Belgrade's policy. There can be no true peace in the Balkans that excludes justice. It is in U.S. national interest to assist those who can provide justice, and that our government must therefore do more to help the Tribunal develop a case against Slobodan Milosevic."

The resolution has been referred to the Committee on International Relations for action. □



## Serbia, Montenegro, and Kosovo targets of Commission briefing

by Robert Hand

A May 12 briefing was held concerning the views of local human rights advocates of Serbia, Montenegro, and Kosovo. The purpose of the briefing was to hear perspectives and feedback from local human rights advocates regarding the current situation in Kosovo and the region of the former Yugoslavia.

Aaron Rhodes, Executive Director of the International Helsinki Federation (IHF), Gazmed Pula from the Kosovo Helsinki Committee, and Slobodan Franovic from the Montenegrin Helsinki Committee gave their respective views on the situation. The representative from Serbia, Sonija Biserko, was ill and unable to attend to represent the Serbian Helsinki Commission.

Mr. Rhodes explained the IHF's efforts to raise awareness concerning the tragedy in Kosovo, explaining that the Helsinki Committees in the Balkans "work together to create a citizens lobby advocating for compliance with Helsinki Accords and other international standards." He asserted that the position of the IHF rests upon the fact that Albanians are being raped and murdered and that the situation in Kosovo is the sole responsibility of the Milosevic regime in Belgrade. Moreover, the IHF believes that although NATO has failed to accomplish all of its objectives, it does not "detract from the noble principle of humanitarian intervention."

Mr. Pula emphasized the importance of concentrating on the Kosovo refugees, that the refugees should have been in the mind of NATO officials before or at the start of the NATO bombing operation. As this was not the focus of NATO, there has been

"carnage, a catastrophe of biblical proportions." This outcome "is directly correlated to the NATO bombing, to the NATO air campaign." Mr. Pula said the military efforts by NATO had "instead of being flawless, turned out to be a reckless operation." In essence, he believed that more harm than good had resulted from the bombing. Pula believes that the region has become less stable. He contended that "Kosovo has been devastated, Macedonia and Albania destabilized, Montenegro is on the edge of a *coup d'etat*, and Bosnia will have a very adverse effect and fallout." Mr. Pula cited one achievement by the NATO air campaign, diminishing the military apparatus of Serbia to wage war on the ethnic Albanians. However, Pula still stressed his frustration at the NATO operation by asserting, "NATO manhood should not be proven at the expense of the people of Kosovo."

Mr. Pula believes "the more of a NATO component you have in an international force, the more confidence of Albanians to return home will be present." Moreover, Mr. Pula asserted that efforts should be made to remove the Milosevic regime so that the Kosovo people do not have to continue living under his oppression.

Representing the Montenegrin Helsinki Commission, Mr. Slobodan Franovic voiced his concerns regarding the lack of interest in Montenegro from the international community. He noted that "Slobodan Milosevic has led all the wars in the Balkans in order to destroy multi-ethnic society." This is a direct contrast to Montenegro which is now multi-

ethnic in its socio-political structure. However, he expressed concern regarding the "extreme political, economic, and military pressure on Montenegro from Belgrade" that the Milosevic regime is trying to downplay and "cancel out" all the positive developments on human rights within the Montenegro Government. These events have added stress on the Montenegro Government which has been "pressured to breach human rights or violate human rights."

Regarding the refugee crisis, Mr. Franovic argued that the Belgrade government is blocking aid from entering Montenegro. Montenegro should receive international aid since they are being overwhelmed by the number of refugees pouring in from Kosovo. According to Franovic, there are currently 130,000 refugees, the latest wave of 65,000 from Kosovo. This roughly represents about fifteen percent of the Montenegrin population.

Having addressed the continuing refugee crisis, Franovic discussed the committees' views as to what should be done after the war. He explained that there should be a conference for the entire region, which would hopefully include a sort of "Marshall Plan" in order to help stabilize the region with economic and social aid. Furthermore, the committee believes, as Pula asserted, that an international force should be present so that the refugees will feel comfortable and at ease to return to Kosovo. In addition, both argued that it is pertinent that those who committed the atrocities in Kosovo be brought to justice and removed from power. □

# Commission on Security and Cooperation in Europe

234 Ford House Office Building  
Washington, DC 20515-6460  
E-mail address: [csce@mail.house.gov](mailto:csce@mail.house.gov)  
Internet Web Site: <http://www.house.gov/csce/>

## Commissioners

Rep. Christopher H. Smith, *New Jersey*, Chairman

Sen. Ben Nighthorse Campbell, *Colorado*, Co-Chairman

### U.S. House of Representatives

Frank R. Wolf, *Virginia*  
Matt Salmon, *Arizona*  
Michael P. Forbes, *New York*  
James C. Greenwood, *Pennsylvania*  
Steny H. Hoyer, *Maryland*  
Edward J. Markey, *Massachusetts*  
Benjamin L. Cardin, *Maryland*  
Louise McIntosh Slaughter, *New York*

### U.S. Senate

Spencer Abraham, *Michigan*  
Kay Bailey Hutchison, *Texas*  
Sam Brownback, *Kansas*  
Tim Hutchinson, *Arkansas*  
Frank R. Lautenberg, *New Jersey*  
Bob Graham, *Florida*  
Russell D. Feingold, *Wisconsin*  
Christopher J. Dodd, *Connecticut*

### Executive Branch


Harold H. Koh, Department of State  
Dr. Edward L. Warner III, Department of Defense  
Patrick A. Mulloy, Department of Commerce

### Commission Staff

Dorothy Douglas Taft, *Chief of Staff*  
Ronald J. McNamara, *Deputy Chief of Staff*  
Ambassador William H. Courtney, *Senior Advisor*  
  
Elizabeth M. Campbell, *Staff Assistant/Systems Administrator*  
Maria V. Coll, *Office Administrator*  
Orest Deychakiwsky, *Staff Advisor*  
John F. Finerty, *Staff Advisor*  
Chadwick R. Gore, *Communications Director, Digest Editor*  
Robert Hand, *Staff Advisor*  
Janice Helwig, *Staff Advisor (Vienna)*  
Marlene Kaufmann, *Counsel for International Trade*  
Michael Koby, *Special Counsel*  
Karen S. Lord, *Counsel for Freedom of Religion*  
Michael J. Ochs, *Staff Advisor*  
Erika B. Schlager, *Counsel for International Law*  
Maureen T. Walsh, *Counsel*

---

COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC 20515-6460  
OFFICIAL BUSINESS



M.C.

