

## @TORTURE IN CSCE STATES

CSCE Human Dimension  
Implementation Meeting  
Warsaw, October 1993

Subsidiary Working Body No.1  
'Cluster' 2  
Oral statement: 7 October 1993

Torture is a major problem in the CSCE region. Last year Amnesty International received reports of torture or other ill-treatment from 42 CSCE participating states.

Democracy is not a guarantee against torture. Over half of the countries I will specifically refer to are old democracies from western Europe. Most have safeguards on paper against torture and procedures for investigating complaints. They have a free press and independent judiciary. All the countries I will mention have ratified the UN Convention against Torture. All have ratified or signed the European Convention on Human Rights. But torture still occurs in countries which enjoy all these benefits. Why?

Often it is because governments do not exhibit the will to stop torture. [Even when it is brought to their attention by the press, lawyers, national bodies and NGOs, governments more often than not immediately deny that such a thing could happen, will state that internal inquiries have established that it did not happen, will question the motives of those making the complaint, and only as a last resort, if at all, will they initiate a completely independent and impartial inquiry and bring perpetrators to justice.]

The main concern of governments often appears to be to protect the law enforcement or military forces, sometimes because they depend on them to deal with a genuine threat to law and order. But sometimes, it seems, the denials are a reflex action.

In SPAIN for many years there have been persistent reports of torture and ill-treatment by law enforcement officers. Detainees held in extended incommunicado detention under anti-terrorist legislation are most at risk. People suspected of belonging to an armed group can be held incommunicado by the police for up to five days by judicial order. During that time they cannot see their own lawyer, nor inform their family of the detention.

Judicial investigations into allegations in Spain have been slow. Officers are rarely brought to justice, even in the most serious cases. In the few cases where officers are convicted, they almost never serve a prison sentence. They are routinely pardoned and sometimes even promoted. In some cases officers convicted of torture or ill-treatment have continued to serve, only to torture again.

[It is not surprising that the failure to bring perpetrators to justice has sent a message to law enforcement officials that they can act with impunity.]

In PORTUGAL, ordinary criminal suspects have been tortured or ill-treated. The violence usually happens in police stations, Republican National Guard (Guarda Nacional Republicana) posts or on the streets, and less often in prisons.

Victims are most commonly kicked, repeatedly, punched, kneed, pistol-whipped and beaten with truncheons. But some detainees have been beaten with rubber and flexible metal hose-pipes or have had objects forced into the anus. [Verbal racial abuse has been common in cases involving ethnic minorities.]

Portugal has introduced legal and administrative measures to combat torture, including a structure to investigate and try allegations. But so far they have been ineffective.

[Judicial investigations have been opened into all the allegations known to Amnesty International, but they are often very slow and few offenders have been brought to justice.]

The law has been strengthened to provide severe disciplinary and penal sanctions for perpetrators. But the courts have consistently failed to impose sanctions which would demonstrate the gravity of the offence. In July last year the Second Criminal Court in Oporto found an officer of the Public Security Police (Policia de Seguranca Publica) guilty of causing grievous bodily harm to a youth. The youth was thrown through a window. His arm had to have 59 stitches and he was permanently disfigured. The officer was sentenced to six months' imprisonment, but this was substituted with a fine, and he was then pardoned under a 1991 amnesty law.

Over a number of years Amnesty International has received reports from ITALY that law agencies, including the carabinieri and the customs and excise police (guardia di finaza), have ill-treated and sometimes tortured criminal suspects. The ill-treatment happens most frequently in the first 24 hours of custody before they are brought before a court or transferred to prison.

During 1992 there was also a marked increase in the number of reports of deliberate physical violence by prison guards. [Reports came from prisons in or near Brescia, Cagliari, Messina, Naples, Padua and Rome. This increase has occurred at a time of severe overcrowding in prisons exacerbated by the slowness of the criminal justice system, poor sanitation and inadequate medical assistance.]

Most cases have been judicially investigated. But a number of these inquiries have been far from thorough. They have been very slow and law enforcement officials have often refused to cooperate.

The rising tide of racism in Europe is mirrored by a disturbing increase in racist ill-treatment by police. Ethnic minorities, asylum-seekers, immigrants, migrant workers, tourists and students, have all been victims.

In Bulgaria, Romania, the Slovak Republic and Hungary, Amnesty International has documented apparently unprovoked attacks on Roma by police.

In one case in March this year, a 33-year-old Rom in Stara Zagora, BULGARIA, was arrested on suspicion of theft. He was repeatedly kicked and beaten with truncheons, so severely, that part of his lung and kidney had to be removed in hospital.

In July last year between 40 and 50 soldiers of the military police in ROMANIA indiscriminately attacked members of the Roma community in Pia\_a Rahova, Bucharest, after investigating a drunken fight. The soldiers wore black head masks and were armed with rubber truncheons, nunchakus, chair legs and pick-axes. Thirteen Roma were reportedly injured in this unprovoked attack.

In HUNGARY, foreign nationals in the Kerepestarcsa detention camp near Budapest have been tortured or ill-treated. Foreigners detained in the 5th District Police Station in Budapest have suffered broken bones and contusions from being beaten and kicked.

In GERMANY, foreigners, including asylum-seekers, have been victims of ill-treatment by police officers, or the police have failed to intervene during racist attacks.

There are a number of very practical steps which governments could take to help eradicate torture. I hope this meeting will identify the most important ones.

In many of the situations I have described, governments have failed to ensure abuses are independently and impartially investigated. They have failed to bring torturers to justice swiftly and systematically. Impunity - literally exemption from punishment - leads to a vicious cycle of violence.

Governments have failed to interrupt incommunicado detention by ensuring prompt and regular access to the outside world - to judges, family members, lawyers and doctors of one's choice. Judges have not rigorously and continuously supervised detention.

[Governments have failed to condemn torture and make it clear to all law enforcement personnel that torture is unacceptable in any situation.]

As we have seen, however, these practical measures must not only appear on paper, but must be enforced in practice.

There has been considerable discussion at this meeting about the human rights situation in TURKEY. A number of very fundamental points need to be reiterated about torture in the country:

1. Torture is widespread, systematic and routine in Turkey, particularly in Istanbul, Ankara and the 10 provinces in the south-east under emergency rule. We are not dealing with isolated or random incidents of police brutality.

Torture is used for very clear reasons: to extract confessions, to elicit names of other members of illegal organizations, to force villagers to abandon opposition to the village guard system, to intimidate detainees into becoming police informants and as informal punishment for support of illegal organizations.

At least 14 detainees have died in custody so far this year, apparently as a result of torture.

State prosecutors are implicated when they prevent detainees seeing a lawyer, fail to investigate allegations of torture and fail to prosecute torturers. Government ministries in Turkey know what is happening but actively support the system through their silence.

2. The existence of a robust democracy in Turkey has not had an impact on torture practices. The question of torture is now freely debated in the media. Political leaders have also been profuse in their public statements promising reform. [Mr Süleyman Demirel, before becoming the President, promised in 1991 that "the walls of all police stations will be made of glass".] But the public debate and political rhetoric has not led to change. Political detainees are as naked of protection from torture today as they were in 1983 when civilian government was restored.

3. The legislative package passed by the Turkish Grand National Assembly last November is blatantly in breach of the European Convention on Human Rights and CSCE commitments. Under this law, political detainees in the south-east - those most at risk of torture - can be held incommunicado by police for up to 30 days before being brought before a judge. The law does unambiguously restate the right of common criminal detainees to see a lawyer. But the law actually removes this right from political detainees. In practice, both before and since the new law, it is a matter of public record in Turkey that thousands of detainees are routinely prevented from seeing their lawyer, which has led to torture and deaths in custody.

4. It is clear that the Turkish Government has to confront a major problem of political violence and armed opposition. Amnesty International continues to document and unreservedly condemn abuses by the PKK (Kurdish Workers' Party) and Devrimci Sol (Revolutionary Left), including killing of civilians and prisoners. [Recently, on 28 August in Yoncalibayir village in the province of Elazi\_, nine villagers died in an execution style killing by the PKK.] However, it hardly needs repeating that the prohibition against torture by states is absolute - in any situation.

5. The widely publicised Parliamentary Human Rights Commission has not been effective. It has been paralysed by party dissent and obstructed in its attempts to visit police stations and prisons. It is also not a substitute for direct and energetic action by the Ministries of the Interior and Justice, the Prime Minister and the President.

There is no doubt that torture is widespread in Turkey. It is not just NGOs saying this. The European Committee for the Prevention of Torture (ECPT), basing itself on the most objective evidence, after several missions to the country and an extensive dialogue with the government, has confirmed this conclusion. The ECPT only issued its public statement as a last resort after the Turkish authorities failed to improve the situation.

Now it is time for action by the government. It is not merely a long-term problem requiring progressive education. It is an urgent problem which must - and can be - tackled now. As a start, the Turkish Government should immediately amend the law so that all detainees throughout the country must be brought before a judge promptly - given the risks in Turkey we believe this should happen within 24 hours of arrest. Secondly, the Government should ensure that in practice, not just in theory, all detainees are able to meet their lawyer promptly after arrest. Detainees should be able to ask a court for an urgent order requiring the police to permit such access.

What action will the CSCE take to ensure that torture stops in Turkey?

**@FREEDOM OF EXPRESSION AND CONSCIENTIOUS OBJECTION  
TO MILITARY SERVICE**

CSCE Human Dimension  
Implementation Meeting  
Warsaw, October 1998

Subsidiary Working Body No.1  
'Cluster' 1  
Oral statement: 5 October 1998

**1. Freedom of expression**

CSCE human dimension commitments set out minimum human rights standards which should be observed by all participating states, whether new or old. It is particularly clear that no internal difficulties or exceptional circumstances can ever excuse torture or arbitrary killings and it is up to the CSCE to hold each participating state to its commitments. In several CSCE states people are arbitrarily imprisoned, killed or tortured to suppress their right to freedom of expression.

In TADZHIKISTAN, opposition activists have been imprisoned for the peaceful expression of their views, some falsely charged with firearm offences.

Bozor Sobir, a well-known poet and former member of the Democratic Party, is facing trial after publicly criticising a group of deputies in Tadjikistan's Supreme Council. He also wrote a poem called "Mixing blood with flour" which criticised the legacy of Russian influence. We consider the charges against him, including "attempting to inflame inter-ethnic discord" to be without foundation. He must be released immediately.

In the Leninabad Region in north Tadjikistan, opposition activists may have been falsely charged with firearm offences as a way keeping them silent. They have been sentenced to up to ten years imprisonment.

We also gravely fear that four political prisoners in Tadjikistan - television journalists - are still being tortured in a Ministry of Internal Affairs prison in Dushanbe. They were arrested in January on various charges including treason and conspiracy to overthrow the government. In a public response, the Ministry of Internal Affairs accused Amnesty International of "shedding crocodile tears about the fact that such-and-such a political prisoner is spending a sleepless night in prison and so-and-so has had his nose broken". It added "Prisons are for keeping criminals, not sanatoria for improving health".

In UZBEKISTAN the clampdown on dissent continues. Opposition activists have been detained on charges of calling for the overthrow of the state, prosecuted for slandering the President, or have been convicted on apparently fabricated criminal charges. Short term "administrative arrest" is still

used to punish people for exercising their right to freedom of association. Government opponents and independent journalists have been attacked by unknown assailants.

In both Tadjikistan and Uzbekistan, there is a disturbing pattern of opposition and human rights activists being arrested for short periods to prevent them leaving the country to attend conferences or to stop them meeting foreign delegations. The CSCE has a special responsibility here. Several opposition and human rights activists were detained in April specifically to prevent them meeting the Chairman-in-Office's delegation to Uzbekistan.

Amnesty International is increasingly concerned about a growing number of people who are being convicted in GREECE for peacefully expressing views in opposition to those of the Government.

Christos Sideropoulos and Anastasios Boulis were sentenced to five months in prison for telling a magazine interviewer, among other things, that they "have a Macedonian ethnic consciousness". The two men were convicted of spreading false information about the "non-Greekness of Macedonia" and the existence of a Macedonian minority on Greek territory and with instigating conflict among Greek citizens by differentiating between speakers of a Slavic language and Greeks. They are free pending appeal.

Amnesty International takes no position on territorial questions. But we, like the CSCE, uphold the right of everyone peacefully to say what they think. Surely, this is a fundamental precondition for the enjoyment of almost all other CSCE guarantees?

Amnesty International is deeply concerned about a pattern of political killings of investigative journalists and political activists in TURKEY, which suggest possible police involvement.

Eleven journalists actively monitoring human rights abuses in south east Turkey have been killed since the beginning of 1992.

54 members of the Democracy Party or its predecessor the HEP, have been killed since January 1992.

Habip Kiliç, a member of the Batman board of the Democracy Party (DEP) was detained last winter. The police told him that he would not be arrested again if he pursued his political activities - rather, he would be killed. Habip Kiliç was shot dead on a crowded street in Batman on 1 September 1993.

Mehmet Sincar, Democracy Party member of parliament and Metin Özdemir, Chairman of Batman Democracy party, were shot dead by three gunmen in broad daylight on 4 September, in the city of Batman. This is normally one of the most heavily policed cities in Turkey, yet on 4 September the streets were mysteriously empty of police.

There are persistent and credible reports of members of the security forces threatening to kill Kurdish activists. In Silvan, Diyarbakir province, a local gendarmerie commander was tape-recorded while apparently encouraging a youth to murder a local politician. To Amnesty International's knowledge no judicial proceedings were taken against the officer.

The Turkish Government has not seriously addressed the allegations that security forces are colluding, or even inciting, political murders.

Almost without exception, investigations, if any, have been carried out by state prosecutors, who lack real independence from the police.

The Parliamentary investigation referred to by the Turkish delegation last week was certainly a start. It recognised that a serious problem exists. But it seems their recommendations have been ignored.

Surely hundreds of killings in mysterious circumstances, including the deaths of scores of journalists and political activists, demand an independent and impartial commission of inquiry. It must have wide judicial powers to summon witnesses, to call expert testimony, to protect witnesses. It must produce a public report and those responsible must be brought to justice. This is a minimum response which should be expected from a participating state of the CSCE, bound to uphold the CSCE commitment to the rule of law and respect for human rights.

## **2. Conscientious objection to military service**

Amnesty International welcomes the call by the Danish delegation for states to exchange information about conscientious objection to military service. After all, this is no more than a reiteration of the commitment made in Copenhagen.

In Copenhagen the CSCE also agreed to keep the question under consideration. An increasing number of CSCE states are moving ahead to recognise the right to conscientious objection. In May last year the people of SWITZERLAND voted overwhelmingly in a national referendum to amend the constitution and introduce a civilian alternative to compulsory military service, although the necessary enabling legislation has still not been finalised. The right was enshrined in the Constitution of the RUSSIAN FEDERATION earlier this year, although there is still no enabling

legislation.

However, some participating states continue to imprison people because they hold conscientiously held beliefs against performing military service.

In GREECE some 400 Jehovah's Witnesses are still in prison for their conscientiously held religious beliefs. Despite repeated promises, the Greek government has shown little will for reform. Instead it hides behind a non-binding advisory opinion from the Legal State Council that alternative civilian service would be incompatible with the Greek Constitution. This year the European Parliament condemned "the practice in Greece which treats conscientious objectors as criminals and condemns them to long periods of imprisonment in military prisons".

The Copenhagen document says that alternative service should be non-punitive in nature. This is not respected in several countries. In FRANCE, for example, the length of alternative service, at 20 months, is twice that of ordinary military service. Last year between 750 and 1,000 Jehovah's Witnesses were imprisoned for up to 18 months each. They had rejected both military service and the inadequate alternative service. Amnesty International considers these objectors to be prisoners of conscience.

In CYPRUS, new legislation is inadequate because of the punitive length of alternative service: 42 months as against 26 months of military service.

One of the tasks of this meeting should be to identify gaps in existing CSCE commitments. The commitment on conscientious objection made in Copenhagen is weaker and less comprehensive than existing international standards. The CSCE is increasingly isolated as other intergovernmental organizations move ahead to elaborate and strengthen this right.

In March this year the United Nations Commission on Human Rights again emphasised that conscientious objection is a right and a legitimate exercise of the right to freedom of thought, conscience and religion.

In the same month the European Parliament reaffirmed that conscientious objection "should be incorporated as a fundamental right in the legal system of the Member States".

The Council of Europe's Parliamentary Assembly is now considering a draft Recommendation which, among other things, calls for a new Protocol to the European Convention on Human Rights making it clear that this right is guaranteed.

It is time for the CSCE to move ahead. We urge this meeting to recommend to the CSO that conscientious objection to military service needs to be re-examined in Budapest next year. CSCE standards can then be brought into line with other international bodies.

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**@REFUGEE PROTECTION AT RISK:  
DEVELOPING A COMMON RESPONSE TO A REGIONAL CRISIS**

CSCE Human Dimension  
Implementation Meeting  
Warsaw, October 1993

Subsidiary Working Body 1  
'Cluster' IV  
Oral statement: 11 October 1993

The international system for the protection of refugees, particularly the principle of non-refoulement, cannot work without international solidarity.

Some states, simply because of their geographic location, receive hundreds of thousands of asylum-seekers and refugees, while others receive very few. Some states hosting very large numbers of refugees simply do not have the money to provide for them.

Unfortunately, powerful governments are undermining this concept of international solidarity and encouraging a downward spiral of protection for refugees and asylum-seekers.

The EC states are moving ahead rapidly to "harmonize" asylum policies. They are establishing common positions which in some cases contravene existing international standards and which directly affect states of central and eastern Europe. The EC has worked out in secret arrangements for sending asylum-seekers to so-called "safe third countries", and to systematically restrict asylum-seekers from entering their territories. Countries in central and eastern Europe will be expected to take back thousands of asylum-seekers who travelled through their countries. Yet, they were excluded from the main discussions leading to the EC positions.

Meanwhile, the US Government is forcibly returning Haitian asylum-seekers directly to Haiti without any hearing. This policy flouts basic principles of international refugee law and is another threat to international solidarity.

Only last week in Geneva, Sadako Ogata, the United Nations High Commissioner for Refugees (UNHCR), warned that she was "concerned by the fact that major reversals can be observed in the commitment to asylum." She went on to note: "The cardinal principle of non-refoulement is being flouted in some parts of the world by those very States which support our international action most generously elsewhere".

Mr Moderator,

There is a refugee crisis in Europe which demands a truly international response.

Most recently this has become clear by the ad hoc response to the crisis in the former Yugoslavia. In Africa, Latin America or Asia, regional solutions are often proposed to deal with a refugee crisis. In contrast, such proposals are conspicuously absent in statements of European governments regarding refugees from the former Yugoslavia. Instead, one European country after another has imposed a visa requirement on nationals of Bosnia-Herzegovina. It is a shameful display of narrow domestic concerns taking precedence over the protection of tens of thousands of desperate people fleeing the most serious human rights violations.

And there has been a clear knock-on effect. Non-EC member states in Europe are increasingly imposing their own visa requirements. This is at least in part motivated by fear that they will receive a disproportionate number of refugees as a result of the restrictions elsewhere in Europe.

Furthermore, Amnesty International recently concluded that Croatia should no longer be considered a safe country of asylum for Bosnian Muslim refugees. There are persistent reports of forcible returns to Bosnia-Herzegovina from Croatia. Croatian authorities have also restricted access at their border to refugees fleeing Bosnia-Herzegovina. We believe, however, that Croatia would be less inclined to violate international standards if other European states were not imposing visa requirements.

Mr Moderator,

Amnesty International believes that a common European response to the refugee crisis should be discussed within the CSCE, or the CSCE should at least play a role in establishing such a forum. Various ad hoc, bilateral and multilateral consultations which have taken place in Europe are no substitute for a CSCE-wide discussion.

The CSCE is almost unique in bringing together all affected states. The comprehensive CSCE concern with both security and human rights also makes it a natural home for the question of refugee protection. [The UN High Commissioner for Refugees has herself called for a regional implementing partner in Europe which has a comprehensive approach to refugee questions.]

We would, however, strongly emphasise that whatever pan-regional forum is used, the discussion must allow for a crucial and leading role to be taken by the UN High Commissioner for Refugees and meaningful participation by relevant NGOs. [One of the faults with the current secret deliberations within the EC is that the meetings are generally closed to UNHCR and certainly no NGO or independent expert has ever been given an opportunity to contribute meaningfully to the discussions. At most, the UNHCR is allowed to comment on draft resolutions.]

Finally, Mr Moderator,

There has been considerable discussion here and during the migration, refugees and displaced persons seminar, about the concept of temporary protection for large groups of refugees. We listened with interest to the Swedish intervention last week. At this stage we would only make a few comments on such proposals.

Firstly, it is important conceptually and in practice to consider refugees and asylum-seekers under the 1951 Refugee Convention, separately from the broader question of migration.

Secondly, in establishing regional criteria for identifying people in need of protection, the CSCE must not fall below existing international standards. The CSCE could usefully draw on the experience of other regions [including the Americas, where in 1985 the General Assembly of the Organization of American States endorsed the Cartagena Declaration].

Thirdly, the use of temporary protection must not undermine the system of effective and durable protection under the 1951 Refugee Convention. Individuals who are members of a group that is eligible for temporary protection should be given the choice of either pursuing an asylum claim or accepting temporary protection. Those who accept the latter should have the opportunity for their individual case to be examined prior to the withdrawal of the temporary group status.

Finally, temporary protection must not be withdrawn until it is truly safe to return to the country of origin. This requires the use of objective criteria which establish a fundamental and durable change in circumstances in the country of origin.

Mr Moderator,

Amnesty International hopes that this meeting will make a very clear recommendation to the CSO on the role of the CSCE as a forum for developing a common European response to a common European refugee crisis.

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**@MISSIONS OF LONG DURATION & HUMAN DIMENSION MISSIONS**

CSCE Human Dimension  
Implementation Meeting  
Warsaw, October 1993

Subsidiary Working Body No.2  
'Cluster' 1  
Oral statement: 1 October 1993

**1. Human rights and missions of long duration**

Several delegations have already reaffirmed that the human dimension is at the heart of the CSCE security concept. Human rights injustices are a warning of possible future conflict and the resolution of conflict is meaningless unless people feel safe in life and limb.

Amnesty International believes it is time to recognise that every CSCE mission of long duration should have a human rights component. The precise extent of this human rights component will be different in every case.

For example, Dr Gyamarti, the CSCE Chairman-in-Office's Personal Representative and head of the Hungarian delegation at this meeting, has already suggested extending the mandate of the Georgia mission in the future. He suggested it could investigate human rights violations and advise the government on how to implement its commitments. Most recently the mission in Kosovo, Sandak and Vojvodina may have helped actively to deter some abuses.

At the very least, neither diplomats encouraging dialogue, nor military observers verifying ceasefires, can remain silent witnesses to human rights abuses. They should be required to report such incidents and the Committee of Senior Officials (CSO) should decide on follow-up action.

When the mandate of a long-term mission is being decided, the ODIHR could have operational responsibility to advise on the most effective human rights component.

All missions of long duration should include at least some monitors experienced in human rights and humanitarian law, and in documenting and assessing human rights violations. The ODIHR could prepare these monitors for their specific tasks and, in conjunction with the Conflict Prevention Centre, give on-going support during the mission.

Mission reports should always include assessments of the human rights situation. Missions should also make recommendations to the CSO about how the CSCE, and the host government, could tackle any problems.

In some situations the mission will have to play a more proactive role. It may have to use its presence and voice actively to protect those at risk; or bring cases to the attention of the authorities;

or make strong recommendations on good legislation and practice. Every mission will be different. The CSCE could learn from the experience of the United Nations and will undoubtedly develop its own unique expertise. We would welcome a discussion at this meeting about what role human rights should play in the different types of mission, whether preventive diplomacy, military or a hybrid mission.

At the moment all activity reports from missions of long duration are confidential. Except for a few enthusiastic CSCE buffs, very few people outside the CSCE even know that these missions exist, let alone what they do. We believe that the CSO should regularly issue public reports from these missions, perhaps every couple of months. This would give their work far wider political impact, would develop public understanding of the CSCE's work and would help NGOs and others not to duplicate the work already done by the CSCE.

We believe this meeting should send a clear message to the CSO and to the Council of Foreign Ministers meeting in Rome in December. If the human dimension really is an inseparable part of security, then human rights should be an integral part of one of the most important tools of CSCE conflict prevention and management, namely the missions of long duration.

## **2. Human Dimension missions**

There have already been many suggestions about making the human dimension mechanism a faster, more efficient and expert tool. I would only say that Amnesty International is ready to help in finding the best way to reform the mechanism, including expanding and strengthening the list of experts. We will speak about the role of NGOs under a later agenda item.

I would, however, make one point. The Moscow mechanism is not complex. In simplified terms, either a state invites a mission, or one is sent anyway by as few as six states. The mechanism has only been used five times, not because it is too complex, but because of lack of political will. Governments need to demonstrate the new found spirit of CSCE openness and cooperation by inviting missions to their own territory. I would especially mention western European states. They have never been the subject of a human dimension mission, although serious human rights violations persist, including entrenched problems of torture. We will be more specific about these abuses in Subsidiary Working Body (SWB) 1.

Surely, at the very least, any country which is repeatedly cited in SWB 1 as having specific human rights problems should be ready and willing to open its doors. If there is no invitation, other CSCE states cannot shy away from invoking the Moscow mechanism. This is particularly important where serious and long-standing human rights violations have been reported. Otherwise, the CSCE will destroy any credibility it may have. Or perhaps it will just be seen as harmless.

It perhaps goes without saying that any human dimension mission should not be an end in itself, but a means for the CSO to consider effective follow-up action in each and every case. But we believe it is necessary for this meeting to reaffirm the importance of the CSO taking seriously the recommendations made by these missions.

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**@ROLE OF NGOs IN THE CSCE HUMAN DIMENSION PROCESS**

CSCE Human Dimension  
Implementation Meeting  
Warsaw, October 1998

Subsidiary Working Body 2  
'Cluster' 3 (items 9 & 10)  
Oral statement: 11 October 1998

I will make some practical recommendations about how the CSCE could better implement its commitments to give NGOs a meaningful role in the CSCE human rights process.

Three themes run through these recommendations. Firstly, finding ways for particular CSCE bodies to tap more effectively specialised NGO expertise. Secondly, improving transparency of the CSCE so NGOs can better understand the process and make more relevant contributions. Thirdly, the role of the CSCE in protecting human rights defenders and in developing NGOs as part of the process of building civil society in the new democracies.

**Human rights in the Committee of Senior Officials (CSO) and Vienna Group**

Integration of human rights concerns into the CSCE decision-making process is a natural and logical evolution. However, integration could also be dangerous for the human dimension.

Integration could lead to less relevant expertise being applied to human dimension issues. Diplomats in the CSO and the Vienna Group by and large do not have the necessary human rights expertise, though we hope this will gradually change.

Integration could lead to less transparency for the human dimension. In contrast to this implementation meeting and the seminars, the CSO and especially the Vienna Group, are faceless bodies. How is the Vienna Group structured? Who attends these meetings? How often? What is on the agenda? What do they decide? What ad hoc or open ended or any other type of sub-groups have been formed? How are the tasks divided between the Vienna Group and CSO? Participating states may know the answers to these questions, but the outside world definitely does not. Without such understanding NGOs will not be able to make useful suggestions to governments and CSCE bodies.

Integration could also lead to less NGO input into key human rights decisions, because the CSO and Vienna Group do not draw directly on NGO expertise.

We believe this meeting should make at least four recommendations to the CSO to counteract

these dangers:

**Recommendation:** The Office for Democratic Institutions and Human Rights (ODIHR) should regularly distribute to the CSO and Vienna Group lists of NGO documents it has received. Any participating state could request copies of specified documents from the ODIHR.

These lists would help the CSO and Vienna Group identify NGOs with relevant expertise.

**Recommendation:** The next step is to encourage the CSO and Vienna Group to invite NGOs - and agencies such as the UNHCR - to make written and/or oral presentations to their meetings. This would be on an ad hoc basis and on specific issues which demand specialised NGO expertise.

**Recommendation:** The CSO and the Secretary General should build on what has already been achieved by developing a public information strategy to increase transparency of the CSO and Vienna Group. This should include publicising the composition and working methods of the Vienna Group in particular, publicising beforehand the agenda of CSO and Vienna Group meetings, actively disseminating in an accessible form the journals and decisions and regularly issuing press releases after their meetings.

**Recommendation:** The ODIHR should play a role in briefing the CSO and Vienna Group on the human rights aspects of issues under consideration and in identifying NGO and other experts who could give further help.

### **NGOs drawing attention of Chairman-in-Office to serious situations**

We have made some suggestions about how the CSO and Vienna Group could draw on the expertise of NGOs. Amnesty International believes, however, that there is a need for a more systematic way for NGOs to bring serious situations to the attention of the CSCE.

A useful proposal was made recently by the University of Essex, that NGOs should be able to make submissions to the Chairman-in-Office, through the ODIHR, on any human dimension issue. Amnesty International believes that such a system would be especially useful as a way of drawing the CSCE's attention to human rights situations requiring urgent action, including situations of gross or systematic violations of human rights.

The CSO and/or Vienna Group would decide what action to take on the basis of the information. Inbetween meetings, the Chairman-in-Office could forward relevant submissions to other appropriate CSCE bodies, such as the High Commissioner on National Minorities. Or, he/she could take immediate action, perhaps by appointing a personal representative to visit a particular country.

We are not proposing that NGOs should be able to activate CSCE mechanisms. The decision on action - such as sending a human dimension mission - would remain an intergovernmental responsibility. It is also not suggested that NGOs would have any right to a decision or remedy from the CSCE, so there is no need for a system to filter vexatious submissions. Rather, this proposal would give a focal point for NGO information about particularly serious situations. We



believe it warrants further discussion.

### **Role of NGOs in CSCE missions**

It has been proposed that the resource list of human dimension experts could include relevant NGO experts, acting in their personal capacity. It seems only logical to have such a flexible system in which the CSCE can draw on whatever expertise is available.

I would, however, strike a note of caution. One function of NGOs is to be outspoken, to criticise governments and organizations like the CSCE. To do this effectively, we must maintain an uneasy relationship with governments. If NGOs are too closely associated with CSCE activities - even if the experts participate in their personal capacity - we could lose our credibility when we step back and assess those same activities. Every NGO and individual expert will have to decide for themselves on a case by case basis. But do not be surprised if NGO experts decline the offer and guard their role as independent watchdogs.

### **Transparency of human dimension and long-term missions**

In an earlier intervention I discussed the question of public reporting from missions of long duration. Several government delegations have also raised this issue. [In summary, Amnesty International's recommendations concerning release of public information about both human dimension missions and long-term missions:

**Recommendation:** As a rule, as soon as a decision is made to dispatch a human dimension mission or long-term mission, the media and NGOs should be informed about the dates of the mission, its itinerary, names of delegates and its mandate. Such information should especially be sent to NGOs and interested parties in the country to be visited.

**Recommendation:** Reports of human dimension missions should be released publicly as soon as they are considered by the Vienna Group, unless for exceptional reasons it decides that the report should go to the CSO before publication.

**Recommendation:** The CSO or Vienna Group should regularly issue public reports from every mission of long duration, perhaps every one or two months.]

### **Protecting human rights defenders**

The CSCE is perhaps unique among intergovernmental organizations in having detailed provisions recognizing the legitimate role of NGOs in monitoring implementation of CSCE commitments, at both the national and international levels.

In Moscow CSCE states committed themselves to help NGOs which declare themselves as such within their countries, "to conduct their activities freely". Yet human rights defenders continue to be arbitrarily imprisoned and some tortured or ill-treated. [In an earlier intervention in SWB 1 I referred to a couple of examples of abuses against human rights defenders.]

Because NGOs are one of the pillars of the human dimension process, an attack on individual

human rights defenders is an attack on the CSCE system. The CSCE has a responsibility to protect individuals and thereby the system. This is perhaps an exception to the reluctance of CSCE bodies to deal with individual cases.

Recommendation: The CSO and Vienna Group, and the Chairman-in-Office, should act to protect human rights defenders who are at risk in life and limb or who are otherwise prevented by governments from carrying out their activities as guaranteed by CSCE commitments. The CIO could, for example, urgently dispatching a personal representative.

### Developing strength of NGOs at national and international level

There are other specific commitments regarding NGOs which some participating states still violate.

In Moscow states agreed to facilitate visits by NGOs from any CSCE country to observe human rights, and in Copenhagen states accepted the presence of NGO observers at trials. Yet in the past year Amnesty International missions have been both refused entry and in one instance, expelled from, CSCE states.

[Furthermore, how many governments have actively implemented the commitments made at Helsinki II (Part IV, paras.14, 15, 17) to "promote contacts and exchanges of views between NGOs and relevant national authorities and governmental institutions" or to "disseminate as widely as possible within their societies knowledge of CSCE, its principles and commitments and activities"?)

As was pointed out by the Commission of the European Communities on behalf of the EC, in some countries there are almost no NGOs.

Recommendation: In the process of building democracy and civil society, Amnesty International urges that the Programme of Coordinated Support for Recently Admitted States should increasingly target non-governmental groups, experts and institutions.

[To avoid duplication and enable the CSCE to assess needs, NGOs should send the ODIHR information about their own bilateral training and assistance programs in the new democracies.]

Many fledgling NGOs in eastern and central Europe do not have the money for even basic needs, let alone for travel to international meetings and have little experience using the CSCE process.

Recommendation: As was discussed at an NGO meeting here last week, the ODIHR could act as a clearing house for information about sources of funds for struggling NGOs.

Recommendation: Furthermore, we would encourage individual CSCE states to provide some funds to facilitate NGO involvement in the international CSCE process. Such grants could be administered by the ODIHR to enable inexperienced NGOs to attend relevant CSCE meetings.

### Budapest Review Conference

NGOs have been able to participate fully in this meeting. The same goes for the Human Dimension Seminars. I think I am right in saying that both governments and NGOs have found this interaction to be constructive and that it is already an established part of the post-Helsinki II

human dimension process. If so, this meeting should send a message to the CSO:

Recommendation: The CSO should confirm that the level of NGO participation in the human dimension aspects of the Budapest Review Conference will at least be equal to that available in practice at this meeting. This should include participation in discussions about the High Commissioner on National Minorities as well as human dimension components of missions of long duration.

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