

## **HIGHLIGHTS OF ODIHR ACTIVITIES IN 1994**

--Report from the Special Mission to Moldova to Examine the Criminal Case of the Ilascu Group (January 10 – 21,1994): Dr. Frederick Quinn, head of ODIHR's Rule of Law Programmes, and Prof. Andrzej Rzeplinski, professor of criminal law and constitutional law, University of Warsaw, conducted intensive investigations of the Ilascu group trial in Chisinau and Tiraspol, Moldova. This included detailed examination of the 12 volumes of trial documents, extensive interviews with participants, and preliminary negotiations with Moldovan authorities and the Tiraspol leadership to reopen the entire process for reexamination because of systematic judicial errors and substantial human rights violations. In this effort they were joined by Erik Harremoes, head of the Council of Europe's Legal Department, and associates, who made substantive representations to all parties from an international human rights perspective. ODIHR representatives stressed their emphasis on a legal as opposed to a political solution and declined opportunities to link the trial to wider political disputes.

-- Seminar on Early Warning and Preventive Diplomacy, Warsaw, January 19-21, 1994:

This Seminar was organized by the Office for Democratic Institutions and Human Rights on the basis of the recommendation of the Third Meeting of the CSCE Council in Stockholm in 1992. The Council "... requested relevant CSCE institutions, in particular ODIHR and the CPC, to organize seminars to help share experience and increase knowledge of issues and techniques in the fields of early warning and peacekeeping." The Seminar on CSCE Peacekeeping was organized in June 1993 in Vienna. The Seminar was attended by 156 participants, representing 39 participating States. In addition 9 international organizations were represented (CoE, NATO, WEU, CIS, NAA, UNHCR, ILO, UNDP and ICRC), and also 19 non-governmental organizations. The keynote address was delivered by CSCE High Commissioner on National Minorities Mr. Max van der Stoel. Topics included: Early Warning methods and indicators, including CSCE institutions; Review of existing early warning mechanisms; Role of NGOs in the overall context of preventive diplomacy and early warning.

--Parliamentary Elections, Republic of Moldova (27 February, 1994): The first democratic parliamentary election took place in Moldova on 27 February 1994. Following recommendations made at the Rome Council of Ministers, ODIHR played a central role in monitoring these elections. A pre-elections mission took place two weeks before election day; a representative of ODIHR, Mr Jacques Roussellier, with the cooperation of the CSCE Mission in Moldova, had consultations with various ministries and the Central Electoral Commission, with the view to coordinating preparations for the monitoring by international observers, including the visit of parliamentarians from the CSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly and the North Atlantic Assembly. One week before the elections, ODIHR opened an assistance and co-ordinating office for observers in the Moldovan Parliament building next to the Central Electoral Commission's offices and the Protocol Group set up to assist observers with information on elections and logical contacts. In co-operation with the parliamentary assemblies, ODIHR's representative completed arrangements for a joint programme of briefings for parliamentarians and other observers. ODIHR ensured the co-ordination of 130 international observers and organised a de-briefing on February 28 to exchange views about the election. ODIHR also arranged for a

charter flight to Bucharest on February 28 to allow observers to attend meetings in the morning and return home that day. International observers considered the Moldovan parliamentary elections free and fair, although the Moldovan population of the "PMR" was unable to express its choice.

-- Parliamentary Elections, Republic of Kazakhstan, March 7, 1994: More than 100 observers from CSCE states monitored the first democratic parliamentary elections in the Republic of Kazakhstan, March 7, 1994. Observer teams travelled to several regions of the country, including Chimkent, Karaganda, Pavlodar and Kustanay. ODIHR established an office in Almaty five days in advance of the elections to support these observers. Based on the reports and comments received from international observer teams, and on its own observations, ODIHR commented: Violations and irregularities occurred at virtually every polling site observed. Voters were ill-prepared and uninformed about voting procedures and candidates. These problems were attributed to habits ingrained over several decades of communist voting methods as well as to local cultural traditions. The uneven application of the electoral law was seen largely as a result of insufficient time for preparation and training of electoral officials at all levels. The organization of parliamentary elections in Kazakhstan reflects a 70-year heritage of Soviet-style methods. ODIHR recognized that the on-going process of political transformation cannot occur in a few short months. The Kazakhstan government should be congratulated on making its efforts to hold democratic elections, and for accepting the scrutiny, criticism and assistance of international observers.

-- Human Dimension Seminar on Migrant Workers (21 - 24 March, 1994): This Warsaw seminar was attended by 154 participants, including 33 CSCE participating States, four international organisations and 18 NGOs. Topics included the role of migrant workers in host societies, the forms and levels of participation in the life of a host society and the preservation, expression and promotion of cultural identity.

-- ODHIR provided CSCE Mission in Tajikistan with comments on the draft constitution, April 1994: Comments focused on several main issues. Human rights provisions in the draft are extensive, but are at times mixed up with social rights that are not easily judicially enforceable. Other rights are curtailed and no mention is made of political parties except in a negative way. Despite commitments to separation of powers, the draft provides for a strong legislative branch and a weak judiciary. ODIHR sent the draft to the European Commission for Democracy through Law and to several leading world constitutionalists for comments as well. These comments were in turn relayed to the mission for use with the Tajik government.

-- Parliamentary elections in Ukraine, March 27 and April 2, 3, 9, 10 1994:

In close co-operation with the UN/UNDP office in Kiev -- which provided ODIHR staff with logistical and administrative support -- and the Embassy of Italy in Kiev, as representative of the CSCE Chairman-in-Office, ODIHR opened a support office for observers for the March 27 and April 9-10 elections and organised briefing and de-briefing. ODIHR co-ordinated its activities with the European Union, the Council of Europe, CSCE Parliamentary Assembly, and other NGOs. Observers numbered approximately 500 during the March 27 elections and 140 during the April 9-10. There was a problem of access to information and free movement during the elections, as provided by the Charter of Paris. ODIHR faced obstacles in obtaining such vital information as a national list of candidates, a list of polling stations and of electoral commissions. International and domestic observers also faced obstacles in obtaining accreditation. A cumbersome registration

procedure was imposed on the largest prospective domestic observer group as well. Notwithstanding the first parliamentary election run on a democratic basis represents a significant step forward in establishing a parliament representative of the people's will.

-- Seminar on Human Dimension Issues in Central Asia, Almaty, April 20-22, 1994:

The regional Seminar on Human Dimension Issues held in Almaty, Kazakhstan, April 20-22 was part of a series of CSCE seminars organized specifically to meet the needs of the five countries of Central Asia. A previous seminar in Bishkek concentrated on business and economic topics, and a seminar held in Ashgabat in late May addressed security issues. This series of seminars was inspired by discussions that took place during the visit to the region last year by the CSCE's Chairman-in-Office. The selection of the topics to be addressed was directly based on the suggestions of the States.

There was a high degree of participation; all five countries were represented by delegations comprised of government officials and experts. In addition, 13 other CSCE States took part in the programme, as did four international institutions (the UNHCR, the EBRD, the ICRC and the Council of Europe). The organizers were particularly gratified by the presence of 26 non-governmental organizations from the region. Several participants noted that the intense dialogue resulting from active NGO participation was a sign of how far these countries have politically evolved in the past two years.

The Seminar reviewed the way in which democratic institutions have developed in Central Asia and considered how CSCE can further assist in this process. The High Commissioner on National Minorities discussed the rights of national minorities and his own role in the region. ODIHR's Deputy Director reviewed the services that the Office provides in support of elections: exchanges of information, expert reviews of draft laws and other legislation, and support for international observers. He also discussed how the human dimension mechanism can be used as a consultative tool in developing democratic institutions. The Head of the ODIHR's Rule of Law Programme reviewed the many services available from the Office in the areas of judicial and legal reform, especially through the Programme of co-ordinated support for recently admitted participating States.

-- Mission of the CSCE\ODIHR Expert Working Group on the Georgian Constitution (April 30 to May 7)

Dr. Frederick Quinn, Rule of Law Programs, Prof. Andrzej Rzeplinski, Warsaw University School of Social Problems and Prof. Herman Schwartz, Washington School of Law, American University, Washington, D.C. visited Tbilisi, Georgia, at the request of the Georgian Constitutional Commission to evaluate drafts of the proposed Georgian Constitution. They met with Chairman Eduard Shevardnadze as well as 43 other persons. A follow-up meeting was held in Warsaw, Poland, September 8-12; this time four Georgian representatives and the ODIHR team worked on Charter of Rights, separation of powers, and constitutional court issues.

--Parliamentary elections in the Republic of Hungary, May 8, (First Round), May 29, 1994 (Second Round): Altogether thirty-five representatives from CSCE states, plus one observer from the Former Yugoslav Republic of Macedonia, and three non-governmental organizations took part in the observation of Hungary's second democratic parliamentary elections on May 8 (first round) and on May 29 (second round). Observer teams travelled to several regions of the country, including Debrecen County (Eastern Hungary), and to Slovak, Gypsy, and Swabian communities. ODIHR

was the only international body to take a coordinating role for observers at the Hungarian parliamentary elections. Based on the reports and comments received from international observer teams and on its own observations, ODIHR commented: the Hungarian Ministry of the Interior managed the coordination of observers in a professional manner, ensuring freedom of movement and full access to information and polling stations. It was evident to all observers that these elections were superbly organized with the highest level of efficiency afforded by the use of a sophisticated country-wide computer network. Observers noted that the foundation of democracy laid during the previous four years has provided a solid base on which the Republic of Hungary could prepare for its second parliamentary elections.

ODIHR also sponsored a media-monitoring project conducted prior to and during the elections by the European Institute for the Media. A report published by the EIM on the results of this project concluded, "...the press covered the elections freely and without obstacles." Where Radio and Television were concerned, it was noted they had not always adhered to rules formally established for the media, and that public Television in particular lacked professionalism. The new government has proclaimed as one of its first tasks to pass a new Media law, thereby ending the "media war" in Hungary and strengthening democracy.

-- Local election in the Republic of Latvia, May 29 1994: ODIHR reported that, in general, the election was conducted in a free, fair and democratic manner, in accordance with internationally accepted standards, including CSCE commitments. Election officials showed a high level of professionalism and observers had full access to all stages of the election process. Participation rate (58%) was rather high for this first democratically-run election at local level. This contest took place in a political climate marred by the non-participation of a substantial part of the mainly Russian-speaking population.

-- CSCE Human Dimension Seminar on Local Democracy, Warsaw, May 16-20, 1994: The main theme of this sixth human dimension seminar was local democracy, including: constitutional aspects of local democracy; civic society and local democracy; implementation of democracy at local and regional level. The Seminar was attended by a total of 156 participants. Representatives of 38 CSCE participating States were present. In addition, three international organizations were represented, plus the Council of Europe, European Commission for Democracy through Law and United Nations Development Programme. Non-governmental organizations numbered 25.

-- First Annual Warsaw Judicial Symposium, June 12-22:

Sixty-three judges and prosecutors from eighteen Central and eastern European and Central Asian countries vigorously debated legal reform issues at the First Annual Warsaw Judicial Symposium, June 12-22, 1994. Focused explorations of specific topics, case studies, and evening gatherings of small groups probing issues with resource leaders were symposium features. Lively discussions on judicial reform continued from early morning to late night during the ten day meeting. One of the most-considered questions was the difference between a western prosecutor and the procurator, a powerful official who controls the courts and reports to the legislature in Soviet-type political systems. Each participant was given a Russian-language version of CSCE/ODIHR's recently published book, Basic Human Rights Documents for the Judiciary. The work will be disseminated widely to jurists throughout the Commonwealth of Independent States this autumn in response to numerous requests for law books on international human rights accords.

-- ODIHR monitoring of the census in the Former Yugoslav Republic of Macedonia: ODIHR staff provided expert advice to the CSCE Mission in Skopje on how CSCE could monitor the country's Census, in close co-operation with the Monitoring team set up jointly by the European Community and the Council of Europe. ODIHR staff visited twice the CSCE Mission in Skopje and provided background materials and internal reports. Visits to Albanian-speaking areas as well as wide contacts with Government officials also took place.

-- Armenia: Judicial Modernization - Constitutional Evaluation:

Sixty Armenian Supreme Court judges, parliamentarians and attorneys intensively discussed judicial modernization, and Armenia's draft constitution during a conference sponsored by Armenia's Ministry of Foreign Affairs and ODIHR. Future possibilities for institutional cooperation were explored with the Ministry. Armenia is in the throes of modernising its judicial system and writing a new constitution. Both topics were subjects of a conference and high-level discussions sponsored by the Armenian Ministry of Foreign Affairs and ODIHR June 23-30, 1994 in Yerevan. The expert team was chaired by Dr. Frederick Quinn, who heads ODIHR's Rule of Law Programs and included Prof. Andrzej Rzeplinski, a Warsaw law professor and consultant to the Polish government's constitution writers, and Judge Dickran Tevrizian, a leading federal trial judge and Armenian-American from Los Angeles, California. Extensive discussions on the Constitution and Law on Political Asylum, Entrance and Exit Law, Law on Citizenship, and Law on Unfairly Convicted Persons were held with Minister of Justice, Vice Minister of Justice, Deputy Foreign Minister, Deputy Chief Prosecutor of the Republic and others.

-- Presidential and local elections in the Republic of Ukraine, June 26 1994:

ODIHR opened jointly with the UN Office in Kiev a support office for international observers and organised a briefing and de-briefing. Accreditation of observers was handled by the Italian Embassy in Kiev. The joint CSCE/UN observation team visited an area east of Kiev encompassing several oblasts. International observers together with diplomatic staff of local Embassies plus international NGOs spread out through the country, including Crimea and Lvov. The European Institute for the Media, funded by the TACIS Democracy programme of the European Union, as well as the US-based International Federation for Electoral Systems, took an active part in the CSCE/UN briefing and de-briefing.

A limited number of international observers monitored the Presidential and Local Elections in Ukraine. While local elections were the first held democratically, the Presidential election constituted the second poll of its kind, since earlier presidential elections took place in December 1, 1991, under conditions international observers judged free and fair. Voting procedures were respected and, in general, these elections reflected the free will of the people. Some irregularities and actual pressure were, however, reported.

-- Presidential Election in the Republic of Belarus, June 26 - July 10, 1994:

The Belarus presidential election, in which the government changed hands after four years in power, was conducted Sunday, July 10, 1994 with only minor procedural difficulties. A 1,200 person elections team headed by Prof. Alexander Abramovich, Chair Central Elections Committee, efficiently organized the historic election to international observers' satisfaction.

Although voter turnout was high, the election was a low key event. Turnout was higher in rural regions than in large cities like Minsk. International observers visited more than fifty polling places throughout the countryside. The heaviest voting came in the early evening, after Belarus citizens had spent a quiet Sunday in the country or in Minsk parks. Two television debates between candidates helped clarify issues in the week before the election. Media coverage was balanced and the election attracted widespread international media interest as well.

-- Human Rights Programme for Latvia July 25-30, 1994: A representative of ODIHR took part in a Mission at the invitation of the government of Latvia to draw up a Human Rights Programme. The team spent an intensive week in which they were able to meet Ministers, government officials, visit prisons and talk to NGOs thanks to the openness and cooperation of the government. The Report containing a comprehensive programme has been handed to the Prime Minister.

### **NGOs in the CSCE Process, from Helsinki to Budapest**

NGO participation in the CSCE process has steadily increased over the past two years as a result of the strengthening of the ODIHR's mandate in Helsinki. At the six Human Dimension Seminars, the Human Dimension Implementation Meeting, the Early Warning/Preventive Diplomacy Seminar and the Seminar in Central Asia ODIHR afforded NGO representatives opportunities to join CSCE delegations in the continuing dialogue on states' obligations to uphold Human Dimension principles. At each of these gatherings ODIHR's Director has invited NGOs for open, informal discussions.

Within the Programme of Coordinated Support for Newly Admitted States, ODIHR has co-sponsored conferences and cooperated with several NGOs in both Western and Eastern Europe (e.g. Minsk, Copenhagen, Stockholm, Dagomys, to name a few).

NGO representatives have further engaged in discussions and debate with ODIHR staff at various conferences and seminars at which the ODIHR was invited to speak.

In election-monitoring ODIHR has maintained contact with NGOs involved in election monitoring.

ODIHR's NGO Liaison Advisor maintains frequent contact with NGOs, particularly in Central/Eastern Europe, the Baltic States and the CIS. She has attended several seminars and conferences organized by NGOs. ODIHR's NGO network is constantly expanding. ODIHR's database of NGOs has grown steadily since October 1992 to include approximately 600 organizations. In support of the work of CSCE Missions, ODIHR has provided lists from this NGO database. ODIHR has provided informational support to the CSCE Secretariat and Department for Conference Services, suggesting NGOs for the Economic Forum in Tallinn and the Tashkent conference.

Currently ODIHR is working with the Budapest Review Secretariat on NGO participation in Working Group 3 of the Review Conference.