

United States Mission to the OSCE

Opening Plenary Statement

As prepared for delivery by U.S. Head of Delegation Dr. Michael Haltzel
to OSCE Human Dimension Implementation Meeting
September 28, 2009

Thank you, Mr./Madam Moderator.

In July 2008, then-Presidential candidate Barack Obama reminded more than 200,000 people gathered in Berlin that “we are heirs to a struggle for freedom.” He called attention to “...ideals that speak to aspirations shared by all people: that we can live free from fear . . . that we can speak our minds and assemble with whomever we choose and worship as we please.” These desires and ideals are at the heart of the Helsinki process. They are at the heart of the OSCE principles and commitments that we share.

Our purpose in coming together for this Human Dimension Implementation Meeting is to reflect on the extent to which our governments have fulfilled the pledges they have made to our peoples to uphold their human rights and fundamental freedoms. Indeed, when it comes to human rights and fundamental freedoms, these are -- or should be -- fundamental elements of the relationship between the individual and the state. The leaders of our countries already recognized this when, nearly 20 years ago, they gathered in Paris and declared: “human rights and fundamental freedoms are the birthright of all human beings, are inalienable, and are guaranteed by law.” We disregard this declaration at our peril.

All OSCE participating States have committed to “ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony” with OSCE principles and commitments. In the case of the United States, as President Obama acknowledged in Berlin, “we have struggled to keep the promise of liberty and equality for all of our people. We’ve made our share of mistakes, and there are times when our actions around the world have not lived up to our best intentions.” But thanks to our accountable, democratic system of government, the rule of law, vibrant free media, and the activism of our citizens, we have, over time, worked – successfully – to do better. Our country thrives on a diversity of views and criticism, so let me also emphasize that we do not consider views about our performance voiced by others in the international community -- whether by other governments or by non-governmental actors -- to be interference in our internal affairs. Just as all participating States have an obligation to respect the human rights and fundamental freedoms of their own citizens, it is the responsibility of others to speak out when they believe those obligations are not being fulfilled.

In that vein, we welcome and appreciate the role played by independent media and civil society to raise awareness of human rights concerns and press for solutions. The OSCE’s own Human Dimension institutions -- including the Representative on Freedom of the Media, the High

Commissioner on National Minorities, and other experts and points of contact -- provide valuable input that can help advance solutions to the human rights concerns our citizens face.

Permit me now to take a few minutes to highlight a number of concerns that remain or have arisen since last year's HDIM.

A year ago, we met here in Warsaw amid conflicts in the South Ossetia and Abkhazia regions of Georgia, which were marked by grave human rights abuses and humanitarian hardships. The killings, assaults, rapes, and lootings; the detentions and displacements of civilians; and the wide-scale burning of homes and attacks on ethnic Georgians in the South Ossetia and Abkhazia regions of Georgia took an enormous toll. Quite separate from the political situation, about which the differences of view are well known, this year we must once again urge respect for international humanitarian law and human rights. We reiterate our call for the safe, dignified, and voluntary return of internally displaced persons and refugees. We also urge respect for the human rights of individuals throughout all of Georgia as part of our commitment to protecting human rights and fundamental freedoms throughout the OSCE region.

Since last year's meeting, violence directed against investigative journalists and human rights defenders in the OSCE region has continued unabated. In Russia, the brutal murders of respected human rights activist Natalya Estemirova in Chechnya and other human rights defenders elsewhere in the North Caucasus are especially alarming, both because such murders happen all too frequently, and because there is a trend of impunity for such crimes. More broadly in Russia, there is an alarming trend of violence against journalists that occurs seemingly with little fear of apprehension. Only one of the 17 cases of journalists murdered in Russia in the last ten years has been solved. We reiterate our call for effective, transparent investigations and prosecutions of those who perpetrate and organize these terrible crimes.

In Armenia, the government and opposition remain at loggerheads. After the controversial presidential election of 2008, which resulted in the deaths of 10 people, we hoped for steps to promote reconciliation across the country's political divide. Unfortunately, such steps have been insufficient to date. There has been no accountability for the 2008 election deaths, and constraints on the exercise of civil and political rights remain. Unsolved attacks against journalists in parts of the OSCE region further complicate prospects for democratic development.

In Azerbaijan, new laws have restricted the freedom of the press, and official pressure on the media has grown more pronounced, as demonstrated by the ban on FM radio of the Voice of America, Radio Liberty, and the BBC, as well as by recent arrests, detentions and trials, most recently of two young bloggers. While we welcome the Azerbaijani authorities' release of several imprisoned journalists, we also recall that some remain in jail. Numerous cases of violence against journalists -- including the 2005 murder of Elmar Huseynov -- remain unsolved.

We are particularly saddened that in Kazakhstan, human rights defenders and journalists continue to be treated unfairly by a criminal justice system apparently more intent on silencing opposition than on rendering impartial decisions. In years past, we have been joined at this table by Yevgeniy Zhovtis, noted defender and advocate for human rights in Kazakhstan. We are now concerned about the fairness, procedural correctness, and impartiality of his trial and his

imprisonment under a sentence of four years. Similarly, journalist Ramazan Yesergepov was sentenced harshly after a trial lacking the safeguards commensurate with Kazakhstan's OSCE commitments.

This year also marks the 10th anniversary of the disappearance of leading Belarusian opposition figures Yury Zakharenka, Viktor Gonchar, and Anatoly Krasovsky. Dmitry Zavadsky, a journalist for the Russian ORT television network, disappeared in Belarus the following year. While the climate of fear that has gripped Belarus for much of the past decade has at times appeared to dissipate, the reality is that the overall human rights situation in the country remains poor.

The exercise of the fundamental freedom of expression can, in some participating States, have terrible consequences. Imprisonment is often based on criminal defamation statutes, which are all too commonly used to curb expression, including criticism of officials, institutions, or the state. Laws and amendments ostensibly aimed at combating so-called "extremism" also can have a chilling effect on freedom of speech and expression. In several OSCE participating States, including Kazakhstan and Kyrgyzstan, authorities are also attempting to curb these fundamental freedoms by imposing controls on the Internet, e-mail, blogs, and other avenues for the free flow of information and ideas.

The denial of freedoms of assembly and association also has serious and harmful consequences for democracy and human rights in several countries. Azerbaijan and Armenia are among those states that have restricted the right of citizens to gather peacefully since our last meeting, and after almost 20 years of independent statehood, Turkmenistan and Uzbekistan have yet to register any opposition parties. In Kazakhstan, which will assume the OSCE Chairmanship in a few months, there are still opposition parties that cannot secure registration, despite repeated attempts to do so. In Kyrgyzstan, members and followers of opposition political parties have experienced increasing pressure from the authorities.

A lack of religious freedom also presents a pressing problem in parts of the OSCE area. Instead of allowing individuals to exercise their right to profess and practice their faith freely, many participating States attempt to curtail this fundamental freedom by adopting highly restrictive laws, imposing burdensome registration requirements, or subjecting believers to the whims of local functionaries or petty bureaucrats. In Uzbekistan, for example, believers who violate the restrictive religion law or associate with banned groups often face criminal charges and hefty jail sentences.

Much more also needs to be done throughout the OSCE region to turn back the rising tide of racial and ethnic discrimination and violence. We are deeply troubled by persistent violent attacks on Central Asians, on individuals from the Caucasus, on members of other ethnic groups in Russia, and on resident Africans, and urge the government to take the lead in condemning such attacks and bringing their perpetrators to justice.

Roma everywhere long to live free from fear -- fear of being routinely subjected to blatant discrimination; fear of being beaten at the hands of thugs or the police -- even fear of being killed by a firebomb attack or of being gunned down when stepping out the front door. Pernicious

stereotyping of Roma as “criminals” by law enforcement and public officials has contributed to growing intolerance and violence directed against Roma, and we urge all other OSCE participating States to join us in condemning this unacceptable hatemongering. We are encouraged by the recent arrest of four men in Hungary in connection with gruesome attacks against Roma there.

Mr./Madame Moderator, I would like to make one final observation. This is, as we all know, a meeting devoted entirely to a review of implementation. The United States takes this opportunity for self-examination very seriously, hopes that its criticisms will be understood in that context, and calls upon other participating States to do likewise. No country, including my own, has an unblemished record with regard to fulfilling its OSCE commitments. In the course of the next twelve days we will be making specific criticisms and putting forth suggestions for improvement. We will do so in a constructive spirit, in the hope that our collective labors will enhance the lives of the nearly nine hundred million people in the OSCE area.

Thank you, Mr./Madam Moderator.