



United States Mission to the OSCE

Session 12

Tolerance and Non-Discrimination

National Minorities

Preventing aggressive nationalism, racism and chauvinism

As prepared for delivery by Ambassador David Johnson
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Thank you, Mr./Madam Moderator.

As this meeting takes up the question of national minorities, we should take time to recall the legacy of the first OSCE High Commissioner on National Minorities, Max van der Stoel of the Netherlands, who passed away earlier this year. For Max van der Stoel human rights promotion was not just his job, but his life and his passion. He will be missed and always remembered for his strong belief in the power of the Helsinki process as a force for human dignity and peace.

Since Max van der Stoel's retirement as High Commissioner in 2001 after what were nine tumultuous years in our region, the OSCE has honored his legacy in the best way, I think, it possibly could—by then appointing Rolf Ekeus of Sweden and now Knut Vollebaek of Norway as his successors. They have created an almost seamless and solid record of accomplishment from one to the other, a remarkable record that would look even more remarkable if we could see what might have happened if they had not quietly intervened where and when they did.

The consistency and objectivity of their approach are evident in the thematic recommendations published as a compendium in December of last year. As High Commissioner Vollebaek notes, these recommendations address “how various communities with different cultures, needs and aspirations can live together in peace and dignity, ensuring the sustainability of multi-ethnic states.” More specifically, they provide useful guidance for minority education, use of minority languages, minority participation in governance, minority-language broadcast media, policing in minority societies, and minority questions in inter-state relations. All warrant careful consideration with a view toward adoption and implementation.

While the situation for persons belonging to minorities has improved in many participating States, the denial of their human rights by others remains a deplorable reality today. Denying persons belonging to national minorities their full rights is not only a travesty from a humanitarian perspective, it is a contributing factor in numerous ethnically-based conflicts in the OSCE region in the past 20 years.

The fragile situation in Kyrgyzstan in the aftermath of last year's violence is of utmost concern to my delegation. In its investigation and prosecutions of those responsible for the spring 2010 violence in Kyrgyzstan, Kyrgyzstan's law enforcement has targeted ethnic Uzbeks, who make up nearly 75% of the victims. Uzbek victims have also been mistreated by the courts. Finally, the conclusions of the report by the Independent International Commission of Inquiry headed by Kimmo Kiljunen are deeply disturbing. Also disquieting is the fact that rather than cooperating with the Commission of Inquiry, Kyrgyzstan's parliament voted to ban Mr. Kiljunen from future entry into Kyrgyzstan.

We remain particularly concerned about reports of continued harassment, arbitrary detention, ransom, and torture of ethnic Uzbeks in the south of Kyrgyzstan. Although the Kyrgyz Ambassador to the United States testified to Congress in June 2011 that such abuses are no longer taking place, Human Rights Watch documented seven cases this summer—four in July 2011 on just one street in Osh—in which police beat ethnic Uzbek detainees, tried to extort \$2,000 or more, and threatened to press criminal charges, including charges related to the June 2010 violence, if victims failed to pay. In August, Osmonjon Khalmurzaev, an ethnic Uzbek Russian citizen, died after being detained and allegedly tortured by police. Khalmurzaev was taken from his home in Bazar Korgon on August 7 without a warrant and held for nearly a day before being released with multiple injuries; he died two days later. Before he died, he told his wife that the police had threatened to press charges against him in connection with the June 2010 interethnic violence if he did not pay them \$6,000. Police reportedly tortured him for several hours before finally accepting \$680 from his family for his release. It is a positive step that a criminal case has been opened against the police officers who were involved. We urge prosecutors and police to pursue this case to the full extent of the law and to do the same in the many cases in which victims have not died.

Because the police force is deeply involved in these abuses, and is composed almost entirely of ethnic Kyrgyz individuals, ethnic Uzbek victims feel they have nowhere to turn. Ongoing human rights violations must stop immediately and

those responsible must be brought to justice. We also deplore the use of nationalist rhetoric in the Kyrgyz media and by some Kyrgyz politicians hoping to gain popularity by playing on ethnic issues, including in the run-up to the October 30 presidential elections.

In regard to Georgia's occupied regions of Abkhazia and South Ossetia, conditions remain bleak primarily for ethnic Georgians who face pressure to conform to the dictates of those who control the local situation, have fewer opportunities for education in the Georgian language, and may be deprived of property and other basic rights. Clearly, an OSCE presence could help to change this situation and provide a needed sense of security to the entire population. The refusal of some states to support such a presence, notably the Russian Federation, is manifestly contrary to the letter and spirit of the Helsinki Final Act and OSCE principles and commitments. I want to use this opportunity to encourage the government of Georgia, regardless of the situation in parts of the country, to continue and even to intensify its efforts to integrate national minorities on its territory, including the repatriation of Meskhetians who wish to return.

In Moldova, security concerns in Transdnistria two decades ago developed into a protracted conflict with which we must still contend today. The result has been an ongoing challenge to populations within Transdnistria who wish to retain usage of their mother-tongue. Latin-script schools continue to face obstacles imposed by authorities in Tiraspol, and their long-term future is uncertain without increased cooperation between Tiraspol and Chisinau.

Education is a concern in Macedonia and Bosnia-Herzegovina as well. In both countries, children are divided on the basis of ethnicity, in the process depriving their country of cohesiveness and ultimately limiting the opportunities these children have for the secure and prosperous future social integration can provide. Divisive ethnic politics fuels these problematic policies. We support the Macedonian government's plan for Integrated Education as recommended by the OSCE, which aims to increase interaction of students of different ethnicities while still respecting the commitment to education in one's mother tongue as outlined in the Ohrid Framework Agreement.

Although Kosovo continues to be the only country in Europe deprived of its place at the OSCE table, the United States still holds Pristina accountable for adhering to OSCE commitments, including with regard to national minorities. Kosovo's constitution, based on the Comprehensive Status Proposal, incorporates some of the broadest-reaching protections for minorities in all of Europe. In this

context, it is essential that the Government of Kosovo address both real and perceived threats to the Kosovo-Serb, Roma and other minority communities by eliminating discrimination in employment and social services and facilitating returns. These efforts will strengthen democratic institutions and adherence to the rule of law for the benefit of all Kosovo citizens. It is also critical for Serbia to end its support for parallel institutions in northern Kosovo which intimidate Kosovo-Serbs, Kosovo-Albanians and non-Serb minorities, as well as Serbs who seek to cooperate with legitimate Kosovo institutions. We continue to encourage all communities to work together in the spirit of reconciliation.

The conflicts in the Western Balkans that ended a decade ago were largely the result of the aggressive nationalism and ethnic chauvinism that is the subject of today's session. Having called repeatedly over the years for the apprehension and transfer of all persons indicted for war crimes, crimes against humanity and genocide, it is vital to note with satisfaction that Ratko Mladic and Goran Hadzic will now also face justice in The Hague. The United States also welcomes the reinvigorated efforts of state and government leaders, as well as everyday citizens, to overcome distrust and achieve reconciliation.

While the era of ethnic cleansing in the Western Balkans is over, its effects are still present and must be addressed. For example, many displaced from the conflicts never have been given adequate incentives to return to their places of origin. Despite efforts by the International Commission for Missing Persons and various national institutions, too many people are still missing after the conflict, and those with knowledge of crimes committed in the past are intimidated or threatened into silence by the lack of adequate witness protection.

The United States raised the case of alleged trafficking in human organs, in which Serbs from Kosovo were the primary victims, at the 2009 implementation meeting, well over a year before the release of the Council of Europe report. The U.S. Delegation urged all authorities to look at these allegations, without prejudice, to determine if further legal action was warranted and to work to identify all missing persons. Today, the U.S. Government is contributing significant resources to the EULEX Task Force created to carry on the investigation, including personnel. We welcome the recent appointment by the EU of Ambassador Clint Williamson as lead prosecutor for the task force. As an eminently qualified and experienced prosecutor, Ambassador Williamson's selection underscores the seriousness with which the EU and the United States is approaching the task force's work. We fully expect that throughout its investigation, the task force will

continue to enjoy the full cooperation of local authorities in the region. We urge that all parties maintain an emphasis on the search for truth and justice.

It is the hope of my delegation that officials in all OSCE states distance themselves from outdated concepts of ethnic exclusivity. We continue to encourage Athens, for example, to allow Greek citizens to identify their ethnicity without disadvantage. As it undertakes needed political reform, Sarajevo must make equal room for Bosnian citizens who are neither Bosniak, nor Serb nor Croat.

The United States firmly believes that human rights, including those of people belonging to minorities, are, first and foremost, individual rights which all participating States have the solemn responsibility to respect.