

UPDATE ON THE OSCE: RELIGIOUS FREEDOM, ANTI-SEMITISM, AND THE RULE OF LAW

HEARING

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**UPDATE ON THE OSCE: RELIGIOUS FREEDOM,
ANTI-SEMITISM, AND THE RULE OF LAW**

COMMISSIONERS

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**UPDATE ON THE OSCE: RELIGIOUS
FREEDOM, ANTI-SEMITISM,
AND THE RULE OF LAW**

February 11, 2016

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 1 p.m. in room HVC-210, House Visitor Center, Washington, DC, Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe; Hon. Joseph R. Pitts, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Benjamin L. Cardin, Ranking Member, Commission on Security and Cooperation in Europe.

Member present: Hon. David Schweikert, a Representative in Congress from the State of Arizona.

Witness present: Michael Georg Link, Director, Office for Democratic Institutions and Human Rights.

**HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. The Commission will come to order. And good afternoon, and welcome to our very distinguished guest and witness, the head of ODIHR, Michael Link. Thank you for being here. We deeply appreciate it.

Today we'll discuss several human rights issues and human rights crises in Europe and Eurasia. With the collapse of the Soviet Union and the end of the Cold War, many people expected that freedom, democracy and peace would spread throughout Europe and Eurasia. And I remember—I have been in Congress now for 36 years, and we all talked about the peace dividend. Unfortunately, the peace dividend was very short on dividend, and new challenges very quickly emerged.

And yet now the religious freedom of Christians and people of other faiths is being regularly violated. Russia invaded its neighbor Ukraine, illegally annexed Crimea, and is fueling and funding violent proxies in Eastern Donbas region of that country. Deadly anti-Semitism is again stalking European Jewish communities. The worst refugee and migrants' crisis in Europe since World War II has engulfed the entire continent. Autocrats are using the law and acting outside the law to crush democratic opposition to their despotism.

Violent anti-Semitic attacks increased 100 to 400 percent in some European countries between 2013 and 2014. Anti-Semitism and the evil goal of killing Jewish people is hard-wired into ISIS and those it inspires.

Perhaps no other group in Europe is more at risk from ISIS attacks than European Jewish communities. That is why I authored House Resolution 354 as a blueprint for vital actions that are needed to prevent another Paris, Brussels or Copenhagen. The House of Representatives passed it unanimously, and I intend to hold a hearing over the coming weeks to explore what is necessary to ensure that these actions are taken.

In Crimea, the occupying authorities have targeted and retaliated against the Crimean Tatar people for opposing the annexation and the rule that has followed. Crimean Tatars have been arrested, detained, interrogated, and sometimes charged with extremism, illegal assembly, or belonging to an unregistered religious group.

Religious minorities, including the Ukrainian Greek Catholic Church, have likewise been repressed. Crimeans who opposed or oppose the Russian takeover of Crimea or who have been unwilling to seek a Russian passport have been at risk of a crackdown. Restrictions have proliferated, including even on the teaching of the Ukrainian language or access to Ukrainian culture.

Repression is also rife in Azerbaijan. The Commission recently held a hearing on the terrible plight of political prisoners in Azerbaijan, particularly the imprisoned of Radio Free Europe/Radio Liberty journalist Khadija Ismayilova. According to the Committee to Protect Journalists, Azerbaijan leads all the countries of Eurasia in jailing journalists.

In 2015, the government imprisoned many well-known activists, including Anar Mammadli, the courageous head of EMDS, the leading election monitoring organization in Azerbaijan. He spoke the truth about the fraudulent 2013 presidential election and is still paying the price.

I met with Anar's father—a very gentle man—just a few months after he was arrested and saw how the entire family is suffering from that injustice.

More than 40 years ago, all the countries of Europe and the United States, Canada, formed the Conference on Security and Cooperation in Europe to prevent and respond to these kinds of crises. Today we'll hear about how the Organization for Security and Cooperation in Europe, the successor to the Conference, is responding to these challenges.

Our very distinguished witness today, Michael Georg Link, is the director of the OSCE's ODIHR, which stands for the Office of Democratic Institutions and Human Rights, and has done a wonderful job in that position. And we thank him for being here.

Director Link has held that position since July of 2014. Previously he was Minister of State for Europe in the German Government, focusing on the OSCE-EU Council of Europe and NATO. From 2005 to 2013, Director Link was a member of the Parliament in Germany. And for most of that time he was an active member of the OSCE Parliamentary Assembly, a key part of the OSCE. He is former chairman of the supervisory board of the Center for International Peace Operations, or ZIF; the board of the German Foun-

dation for Peace Research; and past council member of the Foundation for German-Polish Cooperation.

Director Link continues to be active in many international NGOs, including the German Council on Foreign Relations, the German Association for Eastern European Studies, the Southeast Europe Association and the German Atlantic Association. I'd like to now yield to Commissioner Pitts for any opening comments he might have.

HON. JOSEPH R. PITTS, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. PITTS. Thank you, Mr. Chairman. Thank you very much for hosting this important hearing.

And welcome, Director Link.

The ongoing reports of crackdowns on civil society, of religious persecution, of other human rights abuses coming out of occupied Eastern Ukraine, the Crimea, Central Asia, have made the need for this hearing and the work of this Commission and the work of OSCE more generally abundantly clear.

In particular, I would like to draw attention to the horrific abuses committed against Protestants, Catholics, and Orthodox Christians not loyal to Moscow by pro-Russian forces during the occupation of Crimea and Eastern Ukraine. On June 8, 2014, four evangelical ministers were abducted from church at gunpoint, later executed by pro-Russian militants.

These murders were just the tip of the iceberg. Using accusations of, quote, "supporting Western governments," end quote, pro-Russia militants proceeded to abduct dozens of religious leaders and members of religious communities in Crimea and in Ukraine. Many of the abductees who escaped or were released reported being beaten, stabbed and subjected to electrical shock and other forms of torture. In addition, dozens of structures and places of worship belonging to faith groups were destroyed or appropriated for military use. Some were also reportedly transferred to the ownership of the Moscow patriarchy of the Orthodox Church.

To date these abuses have never been acknowledged by the Russian Government or the separatists operating in Eastern Ukraine and no serious efforts have been made to bring the perpetrators to justice. This has contributed to the widespread climate of impunity for human rights violators in Crimea and Eastern Ukraine, a climate that will only serve to deepen the already cavernous divide between the U.S., Europe and a Russian Government intent on expanding its sphere of influence, regardless of the cost to human life, human dignity.

Lastly, I would like to reiterate a call that the Tom Lantos Human Rights Commission, which I co-chair, has already made—one of the immediate release of Ukrainian fighter pilot Nadiya Savchenko. Ms. Savchenko continues in her unlawful imprisonment by the Russian Federation. Her relocation to Russia, the Russian effort to prosecute her, are illegal.

The Russian Federation's treatment of Nadiya Savchenko is inconsistent with its international legal and humanitarian obligations. And I join the Parliamentary Assembly of the Council of Europe, the European Union and others in the international commu-

nity in calling for the immediate and unconditional release of Ms. Savchenko and other Ukrainians unlawfully imprisoned in Russia.

So again, thank you, Director Link, for appearing before the Commission today, for your work to combat many of the abuses I've just referred to and others.

And thank you again to Chairman Smith for holding this event. Together I believe we can shine a light on this part of the world and, in doing so, bring much-needed hope to the oppressed and to the hopeless.

With that, I yield back.

Mr. SMITH. Commissioner Pitts, thank you so very much.

As you know, Director Link, this is a bicameral commission, and we also have members of the executive branch. We are joined by a man that has served on this Commission for decades, a good friend and colleague, Ben Cardin, Senator Cardin, who is also the Special Representative for the Parliamentary Assembly on Anti-Semitism, Racism and Intolerance.

**HON. BENJAMIN L. CARDIN, RANKING MEMBER, COMMISSION
ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Well, Chairman Smith, first, thank you very much. I'm just trying to catch up in years to you. Chairman Smith has been on this Commission for a very, very long time and has done incredible service to all three of the priorities of the OSCE, but particularly human rights dimensions.

So Director Link, it's a pleasure to have you here. And I mean that. First of all, you represent in ODIHR our highest priority in the Helsinki Commission. And secondly, you personally have been a real champion on this issue. Chairman Smith referred to the days of being a parliamentarian and the days of working together. It was the German delegation and the American delegation that brought forward the anti-Semitism strategies that have led to so many changes in how we deal with anti-Semitism in the communities. And your personal leadership here was critical. So I just want everyone to understand we have a person who's really been one of the champions on human rights. And it's a pleasure to have you here today.

There's a lot we can talk about. I'm sorry there's so many issues that the urgencies require our attention. And I start with the 1991 Moscow document that said the participating states emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are international concerns, as respect for these rights and freedoms constitutes one of the foundations of international order. They categorically and irrevocably declare that the commitments undertaken in the field of human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the state concerned.

And yet one of our States, Russia, continues to challenge that statement, the Moscow Declaration. So it's challenging. And I start with Russia because Russia's just disregard for all the fundamental principles of the OSCE with its incursion into Ukraine, the eastern part, and then taking over Crimea, it's a matter of urgency that we

continue to keep the spotlight on Russian behavior. It's of all our concern.

And it's not just limited to Ukraine. I could talk about our visits to Moldova and Georgia and the scars from the Russian interference. And now we see that Russia is trying to influence the internal affairs of other countries through its actions. And we could go well beyond the OSCE region and talk about Syria, but we won't put that burden on you today. But we do have the burden of the OSCE region, and we really need to deal with that.

The chairman mentioned that—and we had a chance to talk—that I have the responsibility as the Special Representative on Anti-Semitism, Racism and Intolerance. And we've worked together on that, and I think the Commission should know that. The ODIHR and your staff has been particularly helpful to us as we planned a strategy.

Our priority is the safety of the Jewish communities in Europe, and it's a matter of urgency. It's still a very high-risk factor where there's still a rise of the security issues of many of the Jewish communities in Europe. We are very concerned about dealing with the discrimination in our communities on refugees. We talked about that. Some countries that have been historically strong on human rights are showing real concerns as to the language and policies that they're adopting in regards to vulnerable refugees.

We're going to deal with profiling, racial profiling, by law enforcement. It's a problem in Europe. It's a problem in the United States. I've introduced legislation to deal with it. We've taken some actions. But it's a matter of major concern. So we want to protect all vulnerable populations.

This Commission has taken a direct interest in the Roma population. That's a continuing concern, and we will continue to press ODIHR to help us as we deal with countries that have discriminatory practices against the Roma population.

We could talk about a lot of particular countries. I need to mention Azerbaijan. We were there, as you know, last year. And Leyla and Arif Yunus are no longer being held in prison, but they're not free to leave. And they have urgent medical needs. There should be no charges against them. They should have their freedom. We've fought many battles about the rights of people to be able to have their ability to travel. And I would hope that they're able to have their ability to travel, and I would hope that that will remain high on your agenda.

Let me just conclude with this one observation. When the OSCE Parliamentary Assembly and the OSCE institutions, including ODIHR, work together, we're a lot stronger. And I think we have improved the relationships dramatically in the last couple of years, thanks in large part to your leadership. And your visit here demonstrates your sensitivity and commitment to having a strong policy by engaging the parliamentarians in your work. We look forward to doing that with you.

And one last point, Mr. Chairman. We have to here make sure that the participating States give ODIHR the resources they need. And I wish the budgetary systems at ODIHR—at OSCE were different than they are. But they are what they are. And the direct supports given by governments for particular missions is a critical

ability for ODIHR to be able to do its work. And we have certain responsibilities to assist you in that. And I can assure you that the members of this Commission will do what we can here in the United States.

Again, thank you for being here.

Mr. SMITH. Thank you very much, Senator Cardin.

I'd like to now yield to a good friend and colleague, Mr. Schweikert, who has been on parliamentary assemblies and has been a very active member on behalf of all the issues that we are concerned about here today, human rights.

Mr. SCHWEIKERT. You didn't warn me you were going to do that.

Mr. SMITH. OK.

**HON. DAVID SCHWEIKERT, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF ARIZONA**

Mr. SCHWEIKERT. Senator, it's good to see you. Very well. I've missed you.

Look, for many of us—and I'm blessed to have some staff in our office who are just brilliant at trying to track the number of moving parts. And on a personal basis, I have a great interest in the corruption and banking issues that have happened in Moldova and the cascade effects that will happen there and the potential effect of, you know, do we end up with losing a lot of the ground, particularly in that region, the continuing threats of the frozen conflicts, and particularly considering the current financial status of what's happening in Russia and their ability to continue these sort of proxy territories. Are we heading towards a potentially dangerous environment where the falling of resources produces an opportunity where we have flare-up of conflicts in fairly unstable areas?

So that sort of cascade effect of what are the threats right now in front of us that would be laid out, both—everything from what appears to be the rise of anti-Semitism, whether it be driven by demographic changes in France and other areas, all the way down to some of the economic stresses and the threats they're going to bring to us from stability in the region. And with that, I yield back.

Mr. SMITH. Thank you very much.

Director Link, the floor is yours.

**MICHAEL GEORG LINK, DIRECTOR, OFFICE FOR DEMOCRATIC
INSTITUTIONS AND HUMAN RIGHTS**

Mr. LINK. Chairman Smith, distinguished members of the Helsinki Commission, thank you very much for having me here. And when I speak here today, I speak especially also on behalf of the very dedicated team, which I have the honor really to lead in ODIHR. It's about 150 staff based in Warsaw, great experts in all areas. We are working in the human dimension, and therefore my first word of thanks is also to them, because I couldn't—wouldn't be here if we didn't have that team. And we are dedicated to that.

Thank you, as parliamentarians, for your interest in that—bipartisan, bicameral. You mentioned it, Chairman Smith. That is even more important when we have to defend these so important achievements which we have together in the OSCE. And let me say, on a personal note, for me OSCE is also a very transatlantic and important instrument in a time where very often so many go

it alone. No, we need more action together. And therefore, OSCE, 40 years after its foundation, is as important as on day one, especially when it comes to the human dimension of security. Nobody else talks about human dimension of security, because that is what the colleagues back then in 1974 said, that there is no lasting security without respect for human rights.

And Senator Cardin rightly reminded about the Moscow Declaration. Let me add it was even recommitted in Astana in 2010, and not only by a ministerial meeting but by a summit, by a summit in Astana, meaning the highest decision-making body signed also by Russia. Then, therefore, these commitments, they are valid. And our job is to work in assisting to implement these commitments.

So thank you for having me here indeed. And let me say that in the 25th year of our existence, of ODIHR, the scope of our work is as broad and deep as ever, whether in the fields that we are probably most known for, election monitoring, or, as we call it, election observation, or in fighting anti-Semitism, or in the areas of fighting discrimination—I will speak about that also against Christians or Muslims—or fostering integration of the Roma minority in our societies, or combating trafficking of human beings, or the extremely important area in democratic institution-building, human rights monitoring. All these areas certainly are areas where we can, with our team, offer a broad set of activities in assisting the participating States of the OSCE, and this despite our dwindling resources.

Let me start by expressing a serious concern of mine. I am deeply troubled about the decreasing attention human rights are receiving in the OSCE area. And I don't speak about the attention among parliamentarians. We have gladly this very close cooperation with the OSCE Parliamentary Assembly. And indeed, we invest at ODIHR a lot in that. And I think this cooperation must even go beyond electoral observation.

In so many areas, we can—with the combined visibility and credibility of parliamentary activities and expert activities—we can really achieve something together.

The OSCE is a major regional organization whose very essence is to connect human rights to security. But its commitments in the field of human rights are less and less respected—you have mentioned it also in your introductory statements—in numerous participating States.

The OSCE is therefore no longer able—I'm sorry to say that—in its ministerial meetings, the last time in Belgrade in 2015, to agree in consensus on a new text in its human dimension. That was a disappointment, certainly. There was a lot of effort by the Serbian chairmanship at the time, but consensus was not possible. And therefore, its main institutions in the human dimension, like ODIHR, are not very often also funded properly, because the consensus also needs to be made on the budget in order to fulfill our mandates.

That is why our work depends, as it has been mentioned, more and more also on voluntary contributions from outside the official budget. And I would like to ask you for your support to continue ODIHR's work, driven by our common values.

So that is the situation we are in: an increasing number of States, not respectful of their commitments, dwindling resources, but more and more crises.

Let me, in my answers, before—I will gladly answer, all sort of additional questions. Let me first maybe focus on three aspects—fighting anti-Semitism; Ukraine, that has been mentioned both by Congressman Pitts and by Chairman Smith; and certainly, then the whole area, what we can do also in the area of migration.

U.S. Ambassador to the United Nations Samantha Power put it last year at the 2014 Berlin declaration event, and I quote—she said rising anti-Semitism, quote, “is often the canary in the coal mine for degradation of human rights more broadly,” end of quote.

All OSCE participating States agree on this principle. Anti-Semitism is indeed an alarm bell signal for human rights overall. ODIHR’s activities, therefore, today are very, very much active in this area. We revolve our activities around three pillars that are constantly mentioned in our commitments: hate crimes, education and Holocaust remembrance.

First, some words on hate crimes. Anti-Semitic hate crimes remain a challenge throughout the region. A recent attack and many more attacks also in other countries—in France, but all over Europe—it was happening that Jewish people, wearing religious symbols like the kippah, have been increasingly often attacked on the streets in daylight. Also, in the U.S., civil-society organizations have reported an increased number of registered anti-Semitic incidents on college campuses.

ODIHR has a strong mandate to collect and report on hate-crime data and on capacity-building for law enforcement. Unfortunately, only 10 out of 57 States really here honor their commitments, because only 10 out of 57 States annually report in our hate-crime reporting official data collection. And in many other countries, in 29 out of 57 countries, civil-society actors are reporting to us. So there is a huge gap to be filled, and we think that there is much more to be reported.

The second pillar of our work in fighting anti-Semitism is related to the development of educational materials, which are shaped by the local reality on the spot. Our teaching materials have been implemented in 12 participating States—that is quite a number—with the potential for expansion to additional countries. We would like to do that very much. These teaching materials are more important than ever, when expressions of anti-Semitism on the Internet are various, and often go hand in hand with declarations that aim at rewriting Second World [War] history and its atrocities.

And this leads me to the third pillar of the fight of our work against anti-Semitism. That is Holocaust remembrance. To date, 34 States out of 57 commemorate the Holocaust on 27th of January, while many countries hold commemorations on different dates. In almost two thirds of OSCE participating States, at various levels of education, children are taught about the tragedy of the Holocaust. Where education and remembrance do not suffice, we should strengthen our efforts in ensuring the security of Jewish communities, it has been said. So these activities in securing Jewish communities and that they will have a future on the European continent is absolutely key also to our activities. Otherwise, if we are

not ready here to read the alarm bells and to read the alarm signals and to draw the consequences, Jewish communities are threatened to disappear.

All these pillars we combined in our newest project, called Turning Words Into Action. It's a project set out to help turn these words into action by providing government officials, parliamentarians, and civil society with the knowledge and skills they need to effectively address anti-Semitism. The project was, by the way, made possible thanks to a generous contribution, multiyear generous contribution, by Germany, very much driven by colleagues of you also in the Bundestag, and giving us some possibility, how we can long-term work on projects and not being here stopped by needs of dwindling budgets.

We would like to do more of this work, for instance in the field of fighting discrimination of Christians—a topic of huge importance in the OSCE States to which I am personally very committed. With more funds in this area, we could do much more work in this field. And let me also say very clearly certainly that stretches, as well, to fighting intolerance against Muslims.

Let me switch to Ukraine. You have mentioned also in your introductory statements your huge concern about the situation there. Let me give you a short update on our activities in Ukraine, where we are and will be very active.

The situation in the country is still difficult—we all know that—despite some progress made in the past two years. Let's not neglect what has been made —achieved also by Ukrainian lawmakers. But still, the burden, what is to be done, is enormous. Therefore, we try, and we are supporting, reform in Ukraine through strengthening its civil society. We are supporting reform in Ukraine through observing its elections and giving recommendations on how to improve in this area. When I say strengthening civil society, we do it very concretely with grassroots initiatives, which we support all over the country.

We are supporting reform in Ukraine through giving legal advice to the Parliament on how best draft laws in accordance with international human rights standards can be adopted. A little bit of a hidden duty, or hidden championship what ODIHR has, very often people think we are only about election observation and human rights monitoring. No, legal advice—giving legal opinions on draft laws, that is one of our key resources. And we are very actively working with the Rada on this area.

And we are supporting reform in Ukraine in bringing religious communities together—you mentioned that as well—to become engines of national dialogue. It is extremely important that the different religious communities of Ukraine—the different Orthodox groups, Catholic, all sorts certainly also of Protestant or Evangelic[al], but also including Jews—the Jewish communities—it's very important that these different religious communities work together and do not fall in the trap of mutual misunderstanding and of different hate speech. It's very important, this last point, and therefore we are invigorating our efforts in that area.

Let me stress two more points. The human rights situation on Crimea is deeply worrying. We have published our human rights monitoring report on that, and I'm glad to give this report also ad-

ditionally to you today in a hard copy. You have it certainly since long, but it's a very important thing, I think—a very important report we did this last year. Despite not having been granted access, ODIHR was able to publish this comprehensive report on the situation six months ago, a strong document showing the difficult state of the rights of national minorities and other citizens. We are ready to follow up on this report, but for this we need access for ODIHR monitors to the peninsula.

We have to make—that's my second point here—to make all possible efforts to bring peace to Ukraine. I believe that the so-called Minsk package, agreed upon last year, is still the best way to achieve it. ODIHR stands ready to do its part in observing possible local elections in the conflict areas of the Donbas regions as part of a political settlement. But these elections are contingent upon a sustainable ceasefire and the political will to hold it, and then also the political will to hold the elections. Both needs to be there: the political will to hold the ceasefire and to hold the elections. The equation is simple: where there is war, there is no voting. Elections are only possible where there is peace, or at least a lasting ceasefire. Bullets have to be replaced by ballots. We, therefore, fully share the view of the German chancellor, who reconfirmed last week after a meeting with Ukrainian President Petro Poroshenko that a ceasefire is the essential precondition for the implementation of the Minsk package.

Having said this, Mr. Chairman, I think I will, with my introductory statement, stop here and be ready to answer your questions in all other areas you would like to address me. We are again, as ODIHR, we are happy for the opportunity, really, to be here. And let me underline again I think the Parliamentary Assembly is the absolute key partner for ODIHR. When we join our efforts, when we work hand-in-hand, then we can really make a difference. Thank you.

Mr. CARDIN. Mr. Chairman, if I might just excuse myself. We have votes starting in the Senate. But I again thank you very much for your—

Mr. SMITH. Thank you, Commissioner Cardin.

And thank you, Director Link, for that excellent testimony. And, without objection, your full statement will be made a part of the record and excerpts from those reports, or any reports you think are important, we'd like to make a part of the record as well.

Let me just ask a few opening questions, then I'll yield to my colleagues. First, on the issue of anti-Semitism: As I said in my opening, the House passed a very comprehensive resolution that not only reiterates the importance, as you pointed out, of Holocaust remembrance, which we have passed previous resolutions in the House and Senate, but it focuses on the importance of what we call the Department of Homeland Security here—we have them at every one of our state levels—of partnering with Jewish communities, synagogues, to ensure that resources that are real are expended to detect and protect against acts of anti-Semitic hate. And I can tell you, New Jersey, New York, Pennsylvania, most of our states really work very closely, as well as our Department of Homeland Security here in Washington, to make those resources available because, sadly, regrettably, even our own

FBI and its statistics on hate crime shows an absolute disproportionality of hate crimes committed against Jewish individuals and sites vis-à-vis Christian or Muslim here in this country. Despite being less than 2 percent of the population, we're talking about 65 to 70 percent, depending on the year, committed against Jewish individuals and Jewish institutions. It is—there's no comparison. Muslims, it's about 10 to 11 percent, and Christians approximately the same amount. And the numbers of Christians far exceeds, in this country, all other populations.

So it's something that I think, from an actionable point of view, huge progress can be made if we could get the countries to say—don't just say you're chronicling, and that's important—remember, Sharansky at the Berlin conference said if you don't chronicle it, you can't fight it, and you're doing a wonderful job trying to get countries to provide that important data. But this whole idea of tangible assistance, making sure that vulnerabilities are found, threats followed up aggressively. I remember, when we first started this, some of our friends in certain countries, including France, were calling these acts of hooliganism and other—and desecrations that were clearly—swastikas on a synagogue, what is that if not anti-Semitic hate? And it gets even worse when people are targeted because they're wearing a yarmulke and beaten. So if you could speak to that.

I would also ask, if I could, on the issue of trafficking. Again, thank you for your work on that. We met with Ambassador Madina Jarbussynova yesterday, and she's doing her level best, and her staff, to promote the—and as you know, I'm the OSCE PA special rep for trafficking, so we talk the same language and we're working on many of the same initiatives. But I would ask you, if you could, tell us what the status is of the United States seconding an expert to ODIHR to work on issues related to trafficking. And maybe elaborate a little bit on the refugee crisis as it relates to trafficked persons, women in particular, and children, because as you've pointed out previously as well, there's thousands of children who are separated, unaccounted for.

I would note parenthetically on Monday the President signed the International Megan's Law, and I will give you a copy of that text and an op-ed I did for The Washington Post. It seems to me that more countries need to have a Megan's Law to begin with, with registries so we know when there is a convicted pedophile and sex offender who presents a risk in their own locale but also may travel and then abuse children in other countries in secret. We're trying to get International Megan's Law sharing to become much more robust so that we know when people go from here to Germany and vice versa, or from here to any other part of the world. So if you could speak to that.

And then I'll come back to some other questions after yielding to my colleagues.

Mr. LINK. Thank you very much, Chairman. And I will certainly also—I'm sorry, I forget—did forget to answer, also, the question of Congressman Schweikert regarding Moldova. I will include it.

And, well, with the Jewish communities, let's take an example. I think all of us have been shocked by the events in Denmark. And why could that happen? Well, there are a lot of explanations. But

certainly one thing, which—what makes it easier for everybody in terrorist attacks is that traveling across the borders is relatively easy, especially in the Schengen Area. But therefore, the right solution would not be to close down the borders completely, but to increase the security by the necessary means without reducing the liberty to travel. It's a challenge which we face in every area: How do we provide security while not reducing liberty, and to bring that together in the right balance?

We try, first of all, to raise awareness that Jewish communities, that their security is also our security. And then we welcome very much that Denmark now has increased a lot, the security of synagogues. I think that needs to be done in many more countries, in many more places, because Jewish communities must be actively protected. It's not a question of passive protection. It's very important to work with them on that, and certainly not in a way that says, OK, we know what is good for you. No, it needs to be defined together with Jewish communities. Therefore, for us to work with the Jewish communities and then with the governments and parliamentarians concerned is absolutely key.

In trafficking, this is an old standing point, and I thank you that you mentioned our colleagues in Vienna. As you know, we have a division of labor. Part of the job is done by the colleagues in Vienna. The Secretary General of the OSCE has his team. We are, especially when it comes to human rights, human dimension, we are doing our part. And by request, especially from the United States, ODIHR is now relaunching its activities on combating trafficking of human beings.

The post—what you mentioned, the seconding—we are very happy that we enjoy a lot of support now by the United States of America. The post will be filled soon. There are several very, very qualified people in the recruitment right now, and we are happy to announce that we can start where we suspended our work some years ago. We have the guiding principles on human rights in the return of trafficked persons. We have [the reigning ?] measures for States that the human rights of trafficked persons are being respected. The focus of human rights of trafficked persons in the context of criminal justice and migration policies, and a special focus on women and children also in the context of refugee crisis.

Maybe you ask, why do I say we can start where we suspended our work some years? Well, that is, unfortunately, also linked to the fact that dwindling resources do not make us—do not put us in a position to be active in all areas where we would like to be. Thanks to the support also from the United States, now we can do that again.

That brings me directly to your linked question with that, the refugee crisis. It is, indeed, an enormous challenge for Europe and the OSCE area as a whole. But right now—especially in the light of the unfortunately ever-increasing conflict in Syria; also with unpredictable amounts of refugees and migrants, especially refugees—those who flee bombings, when we see the last pictures of Aleppo and what happens there at the borders between Turkey and Syria. They are certainly, I think nobody is untouched by that.

I think that the lack of regional cooperation between many States in the OSCE, despite their commitments in the OSCE, is a

problem because this refugee crisis cannot be solved by one alone, only with a joint approach. There is, unfortunately, for the time being no consensus by the States to decide on concrete action by OSCE structures. And, as you know, we need consensus in order to act in the OSCE.

ODIHR, therefore, tried to do as much as we can alone. We prepared to do human rights monitoring of treatment of refugees, especially in the so-called corridor leading from the Mediterranean to the Northern European countries—or, some call it, the Balkan route. Last fall, ODIHR organized an expert panel, a meeting on the refugee crisis and related hate crimes. We produced findings and written. We shared it with the participating states and the Parliamentary Assembly. Our main findings, in brief, were that there are numerous vulnerable groups that need special attention. And here we come back to the situation of children—especially children, but also women in general and unaccompanied minors, elderly people. Roma, by the way, as well. There are, I repeat, numerous vulnerable groups where we need—definitely need very much to point to states that there must be a human rights-based approach in dealing with this crisis. We cannot treat these people coming as refugees as criminals or potential criminals. Yes, we need exactly to increase security; that is clear. But while doing that, we need a human rights-based approach to fighting this crisis.

We have to study, therefore, also impacts on areas like anti-Semitism and discrimination of Muslims because one phenomenon can follow on the other. And let me repeat again this need for a human rights-based approach must be hold also when it's difficult. In the end, let us not forget it is also important to find a way on the answer which is respectful of the Geneva Convention of the Status of Refugees.

Mr. SMITH. Before yielding to Commissioner Pitts, on December 9th, I convened a hearing. It was the second in a series on the need to declare that what is happening to the Christians is a genocide. The President was contemplating doing such a designation for the Yazidis. So we put together a hearing. We had—even the head of the Yazidis said there's no doubt that the Christians are suffering a horrific genocide in terms of large numbers of people being beheaded, being told they must change their faith, or lose their life or be raped or otherwise maltreated. That hasn't happened yet, but we're pushing hard for it.

So my hope would be—because we know the Christians very often are excluded from refugee flows, particularly in the origination—in camps and places where they are just unwelcomed a second time. I do hope that there will be an effort to make sure that there is a full embrace of those Christians who are fleeing this tyranny.

I'd like to go to Commissioner Pitts.

Mr. PITTS. Thank you, Mr. Chairman.

Again, thank you, Director Link, for being here today.

On Ukraine, what's your current assessment on the current human rights and rule of law in the so-called Donetsk People's Republic and Luhansk People's Republic? And have the number or the severity of human rights abuses changed in the last few

months, or do you see any prospects of change, given this current status?

Mr. LINK. Thank you, Congressman.

The human rights situation in these certain areas, however we call it, in the Donbas area in the so-called People's Republic, they are increasingly affected the longer the war goes. The longer the conflict goes, the more affected is the region, certainly. And therefore, the population remains and is partially even more affected by this armed conflict. Vulnerable groups especially suffering—again, children, the elderly, minority groups. Roma community, by the way, as well; we have alarming reports on that. And all other persons in need.

It begins already with the question, where do I get my money from? Pensions, water supply. So the situation certainly is of concern. There are severe humanitarian conditions. Electricity, I could add to that as well, is of concern.

And we have the problem of internal displacement, which is a huge challenge throughout the country. According to the latest UNHCR—the United Nations High Commissioner for Refugees—has published on its homepage—I looked at it yesterday again—to give you the concrete figure—is, again, speaks about 1.8 million—1.8 million internally displaced persons in Ukraine and several hundred thousands displaced into Russia. So that shows the sheer dimension of the problem. And let's not forget that Ukraine is taking care of these refugees, the 1.8 [million], mostly themselves. These people are not coming to Germany or other places, France as well. But Ukraine therefore deserves even more our support because they care about—they have to really be there for these internally displaced persons.

We are working very closely with the United Nations High Commissioner for Human Rights. We have a little bit of a division of labor there because we take care to mutually reinforce our activities. And we try—sometimes they feed into our reports or we feed into their reports. Mostly active in eastern Ukraine, Donbas, is the high commissioner with his team. And therefore, we share the findings of his regular reportings. But independent of that, we support civil society groups to monitor human rights violations in the Donbas in the framework of our ODIHR project on capacity building of the Ukrainian civil society.

If I may, a brief word on Moldova? I'm sorry.

Mr. PITTS. Let me just follow up on Crimea.

Mr. LINK. Yes.

Mr. PITTS. Your office—the Office of the OSCE High Commissioner on National Minorities released a comprehensive report on the human rights situation in Crimea. The report identified widespread human rights violations and discrimination against religious, national minorities; repression of individuals, groups opposed to the illegal annexation and who did not possess a Russian passport; and legal irregularities of the Russian-occupied peninsula. And it flagged a failure to investigate Russian so-called self-defense forces accused of these extrajudicial killings and torture. Have you seen any improvement at all in the last six months? You had a number of concrete recommendations. Can you tell if any of these recommendations have been acted on?

Mr. LINK. No, we have for the time being no concrete possibility to check, because it needs to be checked now, on the spot. We would call and we would like to have access on the spot, on the peninsula, in order, indeed, to make an update on that. As you know, this report has been made in a sort of distant monitoring. This is certainly not what is now the next step. The next step would be to be to go on the spot.

We did the report, by the way, together with the High Commissioner on National Minorities of the OSCE, with our colleagues based in The Hague. And what we see, what we follow, is still alarming reports. Chairman Smith talked about the situation of the Crimean Tatars. I could add a couple of additional examples to that. We are very, very concerned here about the situation of the Crimean Tatars.

In general, the whole problem is that, because of a lack of access to the situation there is not the possibility for any impartial watching and observation of the situation. We think that the latest reports on suppression of the activities of the so-called Mejlis, the congregation or parliament, the self-governing body of the Crimean Tatars, as well as intimidation, expulsion or incarceration of prominent leaders of the Mejlis of the Crimean Tatar people, has and will have a detrimental effect on the exercise of political and civil rights. Intimidation is going on, and therefore it is very important that actors such as ODIHR and the OSCE Parliamentary Assembly keep this issue on the agenda.

Mr. PITTS. Good. Now if you want to begin your conversation on Moldova, I'm interested in that, too. [Laughter.]

Mr. LINK. I'm sorry. That is way too late.

No, I just wanted to—you mentioned rightly that Moldova is an area where we need, certainly, to be engaged and to assist the Republic of Moldova in a very critical time of its history. We are not engaged in controlling financial flows. That is not our mandate. We are a mandates-based organization. We can only work in the framework formatted. But certainly what we do—what we try to do is to help in institution building and certainly also in fighting corruption.

Mr. SCHWEIKERT. Mr. Chairman and Member Pitts, if you'd allow me to—

Mr. SMITH. Please.

Mr. SCHWEIKERT. Director Link, I guess the context I'm trying to sort of put that in—and I don't want to sound ethereal—is I look at a country like Moldova, which we have visited—you know, we all had some high hopes for in the direction they were going. And now, with the banking fraud. But it's more the concept of, as an organization where, OK, you've already shared with us that, what, only 10 out of the 57 countries provide you formal data in bad acts towards designated populations. But there's a next level. If I see something such as we do in Moldova right now, or some of the stories that we've picked up at a very low level of financial situations in some of the frozen conflict areas, how do you as an organization not just be someone that documents bad acts or tries to get other groups to provide you the data and talk about them, but also how do we have a warning system that's saying, a mass banking fraud in Moldova, this could cause a cascade of a collapse of government,

a cascade back towards a more totalitarian, this causes—these particular groups are at threat? And now take that all the way through Georgia and other places where you also have difficulty—I'm trying to understand, for those of us who try to advocate, is there a pre-warning system? Is there a tripwire? Is there something saying we're fearful this frozen conflict is about to no longer be frozen, understand the cascade effect of such a thing? So that helps put it in context.

Mr. LINK. Thank you, Congressman.

Well, there is fortunately one very important element in Moldova, because there is still a local office of the OSCE. There is a local OSCE representative, Ambassador Michael Scanlan—by the way, seconded by the United States of America. So we are in close contact with him. And among others, this is also the job of the local office, to give information and early warning.

We certainly—we have, as ODIHR, we have our formal instruments. We go there when we observe elections, then we go back. So we are not permanently there. But therefore, the hate crime reporting is so important, it is an element in mosaic.

In close cooperation, we have convinced the parliament there, and with the help of a lot of stakeholders, for example, that they really need to improve in many ways how they treat, for example, history of the Holocaust. Moldova is one of the few countries now in that region having the 27th of January as an official Holocaust remembrance day. It was this year, for the first time, celebrated there in their parliament. So it is also some positive steps which we can note, but it's a very long way to go.

But what you mentioned, the early warning in general, and to prevent worsening of the situation—cascade effects and whatever effects—they can be only fully operational—and let me say that very clearly, even if that transgresses a little bit my mandate, that can only work if OSCE is really on the spot. Therefore, the remaining officers on the spot are so important. They are the eyes and ears, in many ways, because they are permanently there—the office in Bosnia, the office in Yerevan, the office in Moldova, they are extremely important. And we work with these colleagues very closely.

Independent of that, what we can do—and sometimes we get these requests from Moldova—is to give, as I said, opinions—opinions on draft laws, on others. And these questions, these requests, can come both from government or from parliament, on both persons.

Mr. SCHWEIKERT. I appreciate—and, Mr. Chairman, you know, maybe, you know, what is bouncing in my thoughts is, as I look at some of the economic stress in the region, the fear that there may be bad things that may happen to particularly certain populations. And it would be honorable to have an early warning system to maybe use what influence we have to step in before instead of reporting on it after.

And with that, I yield back.

Mr. SMITH. Just a few final questions, unless my colleagues have any additional questions. Let me just ask you about Azerbaijan, if I could.

Members of our Commission have twice now visited Baku. We met with President Aliyev in a rather lengthy meeting on human

rights issues in his office on both occasions. When more individuals, including journalists, including Khadija Ismayilova, who was arrested and given a draconian jail term of over seven years for doing investigative journalist work—we put together a very comprehensive Azerbaijan Democracy Act, and I introduced it. And to me, the reaction by the Aliyev government, including the Parliament, has been startling—foolhardy, in my opinion—because they have claimed things that are absolutely untrue. They claim that the Armenians put me, Chris Smith, up to it. The Armenians had absolutely no input, advance notice or anything else about the bill, nothing.

So when I hear this coming from the Parliament and coming from major media and presidential spokesmen, I wonder about their credibility on other things because I know what we did, and the Armenians reacted to it long after the fact. They had no advance notice that we were even doing it, because it's all about human rights in Azerbaijan or the lack thereof. And so that took me by surprise in the sense that it was a very foolish response, and a false accusation, at that.

There's no doubt that I have long been a strong believer that the Armenian genocide needed to be recognized, held a hearing on that more than 10 years ago, 15 years ago, that is, and then another one recently. But that doesn't mean that holding any country, including my own, our own, to account on human rights abuses is something that we shy away from.

So your thought on that. I know the EU has sent one of their top human rights groups to investigate because again, Journalists Without Borders and other groups have been very critical of this crackdown on journalists, and it's not just journalists that are being thrown into prison, as you know so well.

Maybe you could speak to Azerbaijan, because my hope is—we're looking for reform, that's it. Let people out of prison who have committed no crime. When investigative journalists do things here, on corruption or anything else, they get prizes, Pulitzer prizes and a whole host of other awards. In Azerbaijan, they go to jail. So that would be the first question.

The second again, if I could, on Nagorno-Karabakh, obviously one of the frozen conflicts. It seems to be an ever-present tinderbox. Your thoughts on what might be done there to mitigate harm there on either side. We don't want to see anyone hurt, and there have been flare-ups very, very recently.

And again on trafficking, I would like to share with you our International Megan's Law, which I think will work. I'm working with Ernie Allen and others. He used to be with the National Center for Missing and Exploited Children here. He's also been involved with the international version. And the belief is that if more countries had a better handle on where convicted sex offenders are, where they're living—if you were to go to online in your hotel later on today and put in any state, any township, any city in the United States under Megan's Law, you would find where these individuals are. The registry is a very, very effective means of helping to track to ensure that these individuals don't become soccer coaches or, you know, go to the Boy Scouts or Girl Scouts or whatever it might be, to prevent abuses of children. And now International Megan's Law

will let Germany know when a convicted pedophile is traveling to your country. It's up to you to deny access or entry or to watch them.

Two days ago I met with the Thai delegation for trafficking in persons. They themselves prevented 98 convicted pedophiles from the United States from coming into their country in 2014 because they know where they're going. They're going to Bangkok, Phuket, all these other places, and they're going there to abuse Thai citizens, and especially children.

So it's something we got into the Parliamentary Assembly resolution, as I think you know, strong language on Megan's Law. I'm going to do it again at the Tbilisi Parliamentary Assembly—hopefully, it will pass—to try to really get these protections. It's all about protecting kids and vulnerable individuals from these predators who have a high propensity of recommitting. So if you could take a look at that, we'll share that language with you. But if you could speak to those other issues as well.

Mr. LINK. Chairman, we would—that is one of the areas where we clearly have the intention, and not some when, but soon, really to intensify our activities. We need to take that very serious, protecting of children's rights, especially when it comes here to activities in the light of the increasing refugee crisis and of the increasing problems with human trafficking. That needs to be on the forefront of activities, and we will do that. We will develop additional programs in that end.

We are very interested in the examples you mentioned. We are working closely, by the way, in this area as well with the Council of Europe. And there is, maybe you know, these very, very comprehensive new proposals by the Fundamental Rights Agency of the European Union, which does tremendous work in the area of children's rights. So there is a clear agenda for us here to follow up and to get even more active.

On Azerbaijan, you mentioned the journalists. The journalists are key to early warning, by the way. A free media landscape, a free media press is part of the normal early warning process that should happen in a civil society. So if you shut down independent media, if you don't have a pluralistic approach in media as diverse as possible, then a society can go very, very wrong. Therefore, it is so important indeed here what, for example, the representative for the Freedom of the Media of the OSCE, our colleague Dunja Mijatovic, what she is doing, speaking out here and pointing to problems in the area of prosecution of journalists.

We as ODIHR have repeatedly spoken out on limitations of our work when it comes to election observation and in our work with and for human rights defenders. We also mentioned the person you mentioned in your introductory statement, Khadija Ismayilova, and who was a participant in one of our meetings and then later on had problems after the meeting.

So, certainly human rights defenders' activities in favor of and supporting civil society is absolutely crucial and we remain active certainly in that area also in connection with Azerbaijan. And we would like very much also in future to be able there to observe elections.

On the Karabakh process itself, I cannot have an active input because we are not part of these negotiations there. But we can just hope that free elections are also helping to build confidence and security, because elections, it's not only about human rights. Yes, that is at the forefront and decision making, but free elections are also a confidence and security-building mechanism.

Look at the parliamentary elections in Ukraine shortly after the events on the Maidan and the presidential elections. That was an enormously important confidence and security-building measure accepted by all 57 states in the OSCE because it was critically observed, and fundamentally observed also by ODIHR.

All these things, if you apply these mechanisms right, they can, let me repeat it, also help to be a sort of not only classical human-dimension work but also have an aspect in the first dimension because it is also security—concretely security and confidence-building.

Mr. SMITH. I just have one final question, and I thank you for your very incisive answers. It really is helpful to the Commission.

We held a hearing in the Commission in September on the refugee issue and had a representative from the European Union, a man by the name of Pitterman, who is with the UNHCR, providing one of the biggest takeaway insights at that hearing as to why so many people were put to flight. He said that it was the gross underfunding—my word, but his sentiment—of the UNHCR's appeal, 40 to 45 percent year over year, so the refugee housing, medicines, food, education was on a shoestring; and that the trigger—his word—was that when the World Food Program cut the food-stuffs going to the refugees by 30 percent, the refugees said, we're out of here.

And I'm wondering—you know, in all of our conversations, we need to make sure that those who still remain don't feel like they've been abandoned, because again, that's one of the systemic causes, the trigger, according to Mr. Pitterman. And you got your great inflow of refugees in part, at least if he has that right, and I think he does, because of an underfunding of refugee camps, and refugees are living outside the camps, but of concern for the UNHCR.

Any thoughts on that? Or have we rectified that, do you think, as an international community of Germany, U.S., OSCE countries?

Mr. LINK. Well, we are just flagging very clearly—for example, there will be a large conference in two weeks in Rome on—OSCE conference in Rome on that where we will flag again that again the human rights in treating the crisis and the necessary funding are crucial; otherwise, people in the camps will leave the camps and will go on the trail.

Mr. SMITH. Right.

Mr. LINK. This is a logical consequence, if they are not feeling secure, safe, at least with a minimum degree of supply in the camps. Therefore, everything, what can be done to help Lebanon, Jordan, Turkey in that crisis is absolutely crucial.

We are doing—we're flagging that. But here again, when it goes over the OSCE area, we have limited possibilities. So Lebanon, Jordan, that is certainly not a point where we can directly be active, but Turkey is certainly.

Mr. SMITH. Sure.

Mr. LINK. Yes, I have also myself visited several camps of refugees, and I think the efforts of Turkey to provide shelter for refugees need to be supported, need to be much more, even, supported because it is absolutely crucial that Turkey is not alone in giving shelter to the refugees in that situation and giving them also a shelter until, hopefully, one day they can return to Syria.

Mr. SMITH. Thank you very much. Anything else, David?

Mr. SCHWEIKERT. May I?

Mr. SMITH. Yes, please.

Mr. SCHWEIKERT. Thank you, Mr. Chairman. Director, do you believe in your area of authority, rule of law, promotion of rule of law is part of your mandate?

Mr. LINK. Oh, yes, absolutely.

Mr. SCHWEIKERT. With that—and I can't take credit for the quote, I have to steal it from a staffer, sort of picturing the fine dinner party of a series of our Western European friends pounding on the dinner tables, saying, we need to find something to do about the corruption in Central Europe. And we have a great conversation about it, but not knowing if we have the same mechanisms that, when we come to try to promote democratic institutions and fidelity to honest elections, are we doing the same thing in showing up and institutions to ferret out, whether it be using technology or others, to eliminate corruption in some of the very countries that we've spent, you know, the last 20 years trying to bring into, shall we say, a conformity of civility?

Mr. LINK. I think we can be very concrete here. We talked a lot about Ukraine. We talked a lot about other countries. But all the reforms in the end will be wane if it is not possible to find the endemic corruption, for example, in that country. It is corruption which has been mentioned again and again. We all witnessed the latest political crisis around the possible stepping down of minister of economy and back and forth and back and forth. This is key. And it is not only key of the expectation of the U.S. or German or French citizens, it is key also to the expectations of Ukrainian citizens that this time, after Maidan, finally really something substantial is being done. And corruption can be fought. There are countries who showed it, who showed it very, very substantially. Take, for example, some—take our host country, Poland, where, in the 1990s and in the early years of the 2000s, enormous progress has been made in fighting corruption, and that needs to be enforced.

Mr. SCHWEIKERT. The Polish example is a brilliant one, and the ability to export, you know, the independent prosecutor model and some of those that were done there. Are we succeeding at populating that in—I'll go back to our Moldova or other countries in that region, because I have this intense fear that both during—if it were in a time of economic slowdown, with a layer of corruption, cascades of very bad things happen to people and it almost is a domino. If we allow one to exist, the next is coming.

Mr. LINK. Yes, but we should be careful because here this is a job which is never really finished. It comes back again and again.

Mr. SCHWEIKERT. And it's a constant vigilance.

Mr. LINK. Exactly. A good point in case here can be, if you see the latest report, the latest progress that has been made in Roma-

nia in fighting corruption, that is really tangible. Maybe the pressure exerted on Romania by the European Union in order to become a member helps here.

Mr. SCHWEIKERT. Where this continues is the movement right now in Montenegro and the discussions of how close do we, you know, pull it in—even in sort of a military umbrella, but we do know we have a series of—the corruption index is still quite too high to be acceptable to many of us. And being someone who, before getting this job, used to actually, even with a little gray hair, backpack through Serbia and Montenegro and those things, and, you know, I've never accidentally left cash in my passport so I could get, you know, certain things. But, OK, that's petty in the scale of the world we look at, but that's not—I mean, these are countries we're having discussions with on security compacts and yet we still have concerns about corruption. So I'm just—in future conversation, maybe, what else can we do? Should we be providing other resources or other mechanisms?

And then there's a one-off. Later this year under the parliamentary elections in Russia, what input do you believe you'll have?

Mr. LINK. Let me briefly just finish the part with fighting corruption. For us, that is something we can partially deal with, partially support. Unfortunately, we have no legal ways to enforce because the commitments in the OSCE are political ones, but we can raise our voice. And therefore, I also personally, also publicly in numerous occasions, raised it especially in connection with fighting corruption.

Mr. SCHWEIKERT. I know this is—and I'm speaking off the cuff, and I know how dangerous that is, because how often, particularly with the professional staff in here, have you had to apologize for things your members say? I look at some of the model that we've seen happen in Central America now, where the ability to prosecute, to pursue bad actors who are within the governmental structures, could not be done internally, so they actually brought in external prosecutors. Is it time to start looking at that model and promoting it in the organization?

Mr. LINK. I think it is mostly time to reform the judiciary in general in Ukraine, because—

Mr. SCHWEIKERT. And I see this much more than just Ukraine.

Mr. LINK. External prosecutors can be a possibility, yes, certainly. But what we underline is that there is a serious effort to do it. We don't recommend a special model, but it needs to be tackled. I mention only Ukraine because this was the topic of the last two weeks, especially began and the actual topic. The other countries can be equally mentioned. You could mention Georgia, where whole parts of the judiciary have been replaced and there are substantial—all the police, for example, the famous example with the traffic police, which worked actually very well. That has been emulated also in different places. So sometimes these harsh measures are really needed in order to do the trick.

Mr. SCHWEIKERT. And in that case, have we done—I thought a couple years ago we did a quality job praising Georgia for doing that, the EU Economic Compact or—and forgive me if I use the wrong title—you know, its rewards and those things. So, hopefully there has been some, as our colloquialism is, carrot and stick.

Mr. LINK. Certainly incentives are important. Incentives are extremely important in order for some people really to have the courage to do the necessary work. Incentives are important. That means also encouragement from the outside. And as I mentioned—that is why I mentioned the EU example with Romania, very clear sequencing of measures. If there is a real ongoing fight on corruption, then future measures of integration in the EU can be possible. So this, I think, was good sequencing.

Regarding to the Russian Federation—

Mr. SCHWEIKERT. And that will be my last.

Mr. LINK. —Regarding to the Russian Federation, indeed elections are coming up on the 18th of September, so two large elections in the second half of the year: Russian Federation, U.S. general elections. And we indeed, therefore, are in close contact and we will certainly be ready to observe. And therefore we hope very much that there will be the possibility, and we count on that, for unrestricted access for our observers in Russia.

Mr. SCHWEIKERT. All right. Thank you, Mr. Chairman.

Mr. SMITH. Thank you.

Before we close, again, Director Link, thank you for providing us so many extraordinary insights and thank you for the work you're doing.

You know, in talking about corruption, Spencer Oliver has just joined us. Spencer did yeoman's work, exemplary work as Secretary General of the OSCE Parliamentary Assembly for decades, was one of those who helped conceive the very idea. And I have traveled and other members have traveled with Spencer, even when he was with our Commission, into the Soviet Union during the darkest days on behalf of political prisoners, as the Duma was matriculating from members being appointed to being elected.

We had probably the most interesting roundtable, three days of roundtable discussions with members of the Duma before they had to subject themselves to a popular election. And I'll never forget in one of our roundtables a member of the Duma saying—we were talking about press freedoms and what happens when you are criticized, which we all are here, and you are in Germany frequently. And when we gave answers about writing op-eds and the like, a member of the Duma said, shouldn't they just go to the gulag? It was a very insightful authoritarian dictatorship orientation.

But Spencer actually put together a conference on—in Bucharest, in the house that Ceausescu built—on corruption as the hijacker, really, of democracies. And it was an extraordinary conference. So your points about corruption in your answers, Director Link, thank you for that. Because that's why we're raising issues vis-à-vis Aliyev, because that's what some of the journalists, including the Radio Free Europe journalist was raising: Where did all that money come from? And just for doing that, they found themselves in prison with a seven-year-plus sentence.

Thank you for joining us. And thank you, Director Link, for being here. The hearing's adjourned.

Mr. LINK. Thank you very much for all the cooperation, for the strong support for ODIHR.

[Whereupon, at 2:22 p.m., the hearing was adjourned.]

APPENDIX

PREPARED STATEMENTS

PREPARED STATEMENT OF HON. CHRIS SMITH

Good afternoon and welcome to everyone joining us today, especially Ambassador Michael Link, Director of the OSCE's Office of Democratic Institutions and Human Rights. Today we'll discuss several human rights crises in Europe and Eurasia. With the collapse of the Soviet Union and end of the Cold War, many people expected that freedom, democracy, and peace, would spread throughout Europe and Eurasia. And yet now, the religious freedom of Christians, and people of other faiths, is being regularly violated. Russia invaded its neighbor Ukraine, illegally annexed Crimea, and is fueling and funding violent proxies in the eastern Donbas region of that country. Deadly anti-Semitism is again stalking European Jewish communities. The worst refugee and migrants' crisis in Europe since World War II has engulfed the continent. Autocrats are using the law, and acting outside the law, to crush democratic opposition to their despotism.

Violent anti-Semitic attacks increased 100 to 400 percent in some European countries between 2013 and 2014. Anti-Semitism, and the evil goal of killing Jewish people, is hardwired into ISIS and those it inspires. Perhaps no other group in Europe is more at risk from ISIS attacks than the European Jewish community. That is why I authored House Resolution 354 as a blueprint for vital actions that are needed to prevent another Paris, Brussels, or Copenhagen. The House of Representatives passed it unanimously and I intend to hold a hearing over the coming weeks to explore what is necessary to ensure these actions are taken.

In Crimea, the occupying authorities have targeted and retaliated against the Crimean Tatar people for opposing the annexation and the rule that has followed. Crimean Tatars have been arrested, detained, interrogated, and sometimes charged with extremism, illegal assembly, or belonging to an unregistered religious group. Religious minorities, including the Ukrainian Greek Catholic Church, have likewise been repressed. Crimeans who opposed or oppose the Russian takeover of Crimea, or have been unwilling to seek a Russian passport, have been at risk of a crack-down. Restrictions have proliferated, including even on the teaching of the Ukrainian language or access to Ukrainian culture.

Repression is also rife in Azerbaijan. The Commission recently held a hearing on the terrible plight of political prisoners in Azerbaijan, particularly the imprisonment of Radio Free Europe/Radio Liberty journalist Khadija Ismayilova. According to the Committee to Protect Journalists, Azerbaijan leads all of the countries in Eurasia in jailing journalists. In 2015, the government imprisoned many well-known activists, including Anar Mammadli, the courageous head of EMDS, the leading election monitoring organization in Azerbaijan. He spoke the truth about the fraudulent 2013 presidential election and is still paying the price. I met with Anar's father—a very gentle man—just a few months after Anar was arrested and saw how Anar's family is suffering from this injustice.

More than 40 years ago, all the countries of Europe, the United States, and Canada, formed the Conference on Security and Cooperation in Europe, to prevent and respond to these kinds of crises. Today we will hear about how the Organization for Security and Cooperation in Europe, the successor to the Conference, is responding to these challenges. Our witness is Ambassador Michael Georg Link, Director of the OSCE's Office of Democratic Institutions and Human Rights—ODIHR for short.

Director Link has held this position since July of 2014 and has been an excellent, effective director. Previously, he was Minister of State for Europe in the German government, focusing on the OSCE, EU, Council of Europe and NATO. From 2005 to 2013, Director Link was a Member of Parliament in the German parliament, and for most of that time, he was an active member of the OSCE Parliamentary Assembly, a key part of the OSCE. He is a former chairman of the supervisory board of the Center for International Peace Operations (ZIF), the board of the German Foundation for Peace Research and a past council member of the Foundation for German-Polish Cooperation. Director Link continues to be active in international NGOs, including the German Council on Foreign Relations, the German Association for Eastern European Studies, the Southeast Europe Association, and the German Atlantic Association.

Director Link, thank you for being here today. We look forward to your testimony.

PREPARED STATEMENT OF HON. BENJAMIN CARDIN

I welcome today's hearing with Michael Georg Link, the Director of the OSCE's flagship institution for the protection and promotion of human rights.

Director Link, every OSCE participating State, including my own, has freely undertaken a body of commitments to respect fundamental freedoms, to build democratic institutions, to safeguard the rule of law, and to protect minorities. None of us has a perfect record; none of us can ever consider the job done. For that reason, one of the most important commitments of the Helsinki Final Act comes from the 1991 Moscow Document:

"The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the [OSCE] are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the state concerned."

Unfortunately, in the years since the Moscow Document was adopted, Russia has created a model for anti-democratic measures. It has violated the territorial integrity of Georgia and Ukraine, supports extremist parties outside of Russia and, in effect, represents the greatest threat to human rights and democracy in Europe and Eurasia.

Just two weeks ago, on January 31, Chechen Republic leader Ramzan Kadyrov—who was appointed by Vladimir Putin—posted a surveillance-style video of former Prime Minister Mikhail Kasyanov and Vladimir Kara-Murza as if the two men are viewed through the scope of a rifle. This video, and its accompanying text, are widely understood as a death threat.

The fact is that critics of the Kremlin are assassinated at an alarming rate. Vladimir Kara-Murza nearly died last year after being poisoned. Kasyanov has assumed the leadership of a leading opposition party that was previously headed by Boris Nemstov. Nemstov was assassinated near Red Square in Moscow early last year while preparing a report documenting Russian troop involvement in the war in Ukraine, contrary to the Russian Government's assertions. In October 2015, Kara-Murza testified at a Helsinki Commission hearing on the rule of law in Russia. I deplore the death threats made against these two men.

The threats against Kasyanov and Kara-Murza are more than the latest salvo in Russia's attacks on civil society. They are clearly intended to send a warning message to any and all in the political opposition before parliamentary elections in September. As such, they are also an attack on commitments to free and fair elections that the Russian Federation has freely undertaken in the Helsinki process.

I am keenly aware that many OSCE participating States have called on the Office for Democratic Institutions and Human Rights to do more—even while they are giving less. The OSCE as a whole faces acute challenge across the region and I believe the organization must be given resources commensurate with the tasks assigned by the participating States.

The refugee and migrant crisis is at the forefront of these challenges, and continues to test not only OSCE participating States in Europe, but also OSCE Partner States and neighboring countries. I welcome an assessment from you on your recent efforts to monitor human rights concerns related to the crisis and your recommendations on how the OSCE and participating States can play a greater role in transferring knowledge gained during earlier conflicts that resulted in significant refugee streams.

In my capacity as OSCE PA Special Representative on Anti-Semitism, Racism, and Intolerance, I have been monitoring the hateful reaction to the influx of refugees and migrants, often from officials in countries whose own nationals had been given refuge in the past to escape from war or oppression. Racism and anti-Muslim bigotry are key obstacles to moving policy making beyond border security to long-term integration and resettlement efforts. I welcome efforts to partner with you on initiatives, including combating hate and racial or religious profiling by law enforcement.

Of course, these are issues that I am not only monitoring abroad, but also here at home in the United States and in Maryland. I have introduced a legislative package known as the BALTIMORE Act, which would help communities nationwide by "Building And Lifting Trust In order to Multiply Opportunities and Racial Equality" (BALTIMORE). The Act would make a number of critical law enforcement reforms, including ending discriminatory profiling and insisting on state and local accountability for law enforcement officers. I am pleased that a number of provisions con-

sistent with the BALTIMORE Act and my Law Enforcement Trust and Integrity Act were included in the FY '16 omnibus appropriations measure.

As we observe Black History Month in February and the International Decade for People of African Descent, I commend ODIHR's efforts to identify and support practical measures to combat hate crimes and other forms of bigotry impacting persons of African descent in the OSCE region. I hope that the OSCE will continue to address racism and xenophobia and build coalitions across communities to combat hate.

ODIHR's work in defense of vulnerable populations, from Roma to religious minorities to refugees, is a cornerstone for stability of the region and reflects the core humanitarian commitments of the Helsinki Final Act.

Your leadership in expanding OSCE efforts to combat anti-Semitism in the aftermath of some of the most heinous attacks on the Jewish community in recent history is laudable. I look forward to working with you and your staff on this momentous effort.

Among OSCE institutions, the ODIHR has a partner in the OSCE Parliamentary Assembly. It has always been our view that each brings their own unique contribution to a common goal, and the Helsinki Commission actively engages in the activity of both. We are particularly proud of the efforts of Spencer Oliver, the recently retired Secretary General of the OSCE PA, to make sure that the Assembly is integrated into the OSCE diplomatic framework. We hope cooperation between the ODIHR and the Assembly continues. The Assembly can bolster the ODIHR as it faces recalcitrance from the participating States resisting democratic transition. The coordinated response to Azerbaijan's attempt to condition election observation is a case in point, and many of the parliamentarians are outspoken human rights advocates. I would welcome the Director's thoughts on intensified cooperation between the OSCE PA and ODIHR.

Unfortunately, Azerbaijan has distinguished itself negatively by the large number of people it has imprisoned in violation of Principle VII of the Helsinki Final Act, which recognizes the right of individuals to know and act upon their human rights. While I am heartened that Leyla and Arif Yunus have been released from prison, I urge the government of Azerbaijan to drop all charges against them and allow them to leave the country for medical treatment.

While our focus in the OSCE has shifted to more problematic regions and countries, one legacy of the Balkan conflicts of the 1990s is the Organization's relatively strong presence in the region. The improved performance of Western Balkan countries in the last two decades can be credited, in part, to the ongoing engagement of the OSCE—but the work to be done in the region is not complete.

At a time of renewed tensions between Russia and the West, as well as dwindling enthusiasm by European and Euro-Atlantic structures to enlarge membership, several of these countries feel they are in a state of limbo—not becoming part of Europe but being kept on its perimeter—with little incentive to make serious progress to achieve their aspirations for integration. Migrants and refugees transit the region, nationalism remains a potent force, and local populations can be vulnerable to violent extremism. Some countries face political crises and may be losing ground in terms of implementing Human Dimension commitments. I would like to hear the Director's views on how ODIHR can respond to the challenges in the region, perhaps with additional focus on preparations for the Macedonian elections in a few months.

Finally, I want to commend you for your excellent stewardship of the Europe's largest annual human rights meeting, held every year in Warsaw, and your leadership on the full range of commitments to protect human rights and democratic institutions and to combat discrimination and bigotry.

PREPARED STATEMENT OF MICHAEL GEORG LINK

Dear Chairman Smith, Esteemed Members of Congress, Commissioners, Ladies and Gentlemen,

It is a great pleasure and an honour for me to speak in front of you today. As you know, the Office for Democratic Institutions and Human Rights will be celebrating the 25th anniversary of its foundation this year, and I can only thank you for your continuing interest and support of our work in all these years. It was the United States government who proposed to create specialised OSCE institutions to assist participating States in the implementation of their human dimension commitments a quarter of a century ago, and I am happy to report that this commitment to our work has never faded. We truly appreciate the fact that this Commission has always kept human rights and the human dimension of security at the top of the OSCE's agenda.

In the 25th year of our existence, the scope of our work is as broad and as deep as ever. Whether in the fields that we are probably most known for, election observation or fighting anti-Semitism, or in the areas of fighting discrimination against Christians or Muslims, fostering integration of the Roma minority or combating trafficking of human beings, our extremely dedicated and able team of experts is able to offer a very broad set of activities in assisting our participating States, despite ever dwindling resources.

Let me, however, start by expressing a serious concern of mine: I am deeply troubled about the decreasing attention human rights are receiving in the OSCE.

- The OSCE is a major regional organization whose very essence is to connect Human Rights to Security, but its commitments in the field of human rights are less and less respected in numerous participating States.
- The OSCE is about connecting Human Rights to Security, but it is no longer able in its Ministerial Meetings to agree in consensus on new texts in its human dimension.
- The OSCE is about connecting Human Rights to Security, but its main institutions in the human dimension like ODIHR are not funded properly in order fulfill their mandates.

That is why our work depends more and more on extrabudgetary funding outside the official OSCE budget and I would like to ask you for your support to continue ODIHR's work, driven by our common values.

This is, for example, the fight against anti-Semitism. As Ambassador Power put it last year at the 2014 Berlin declaration commemorative event: rising anti-Semitism "is often the canary in the coal mine for degradation of human rights more broadly." All OSCE participating States agree on this principle: anti-Semitism is indeed a worrying signal for human rights overall.

Anti-Semitism was first condemned in an OSCE document in 1990. Other declarations have been adopted afterwards, including the 2004 Berlin declaration, reinforced 10 years later by the Basel Ministerial Council decision. In this decision, participating States have expressed their concerns about the rise in anti-Semitic incidents. They declared unambiguously that international developments, including with regard to the situation in the Middle East, never justify anti-Semitism. In addition, they called for enhanced efforts in combating anti-Jewish hatred, including through education and remembrance of the Holocaust, and in monitoring, reporting and investigating of hate crimes.

ODIHR's activities today revolve around three pillars that are constantly mentioned in our commitments: hate crimes, education, and Holocaust remembrance.

First, hate crimes. Anti-Semitic hate crimes remain a challenge throughout the region. A recent attack against a Jewish man in France has opened a debate on the opportunity to wear religious symbols. In the US, civil society organisations have reported an increased number of registered anti-Semitic incidents on college campuses. ODIHR has a strong mandate to collect and report on hate crime data and on capacity building for law enforcement. Unfortunately, only 10 of the 57 participating States have submitted official information on anti-Semitic hate crimes for the latest reporting cycle, whereas civil society information covered 29 countries.

The second pillar of our work against anti-Semitism is related to the development of educational materials which are shaped by the local reality. Our teaching materials have been implemented in 12 participating States, with the potential for expansion to additional countries. This teaching material is more than ever important today, when expressions of anti-Semitism on the internet are various, and often go hand in hand with declarations that aim at rewriting Second World War history and its atrocities.

This leads me to the third pillar of our work in this field—Holocaust remembrance. To date, 34 participating States commemorate the Holocaust on 27 January, while many countries hold commemorations on different days. In almost two thirds of OSCE participating States, at various levels of education, children are taught about the tragedy of the Holocaust.

Where education and remembrance do not suffice, we should strengthen our efforts in ensuring the security of Jewish communities.

All these pillar will be combined in our newest project, called “Turning words into action.” This project is set out to help turn these words into action by providing government officials, parliamentarians and civil society with the knowledge and skills they need to effectively address anti-Semitism. It will enable governments to respond to the security needs of Jewish communities, counter anti-Semitism through education and finally foster coalition building. The project was made possible thanks to a generous contribution of the German government—thus giving an excellent example of how countries can support ODIHR’s work through extra funding.

We would like to do more of this work, for instance in the field of fighting discrimination of Christians—a topic of huge importance in the OSCE states to which I am personally very committed. With more funds, ODIHR would be able to do much more work in this field.

Let me give you an update on our activities in Ukraine, where we are very active in different areas. The situation in the country is still difficult, despite some progress made in the past two years. We need to redouble our efforts to stabilize the country through reform.

- We are supporting reform in Ukraine through strengthening its civil society.
- We are supporting reform in Ukraine through observing its elections and giving recommendations on how to improve in this area.
- We are supporting reform in Ukraine through giving legal advice to the parliament on how best draft laws in accordance with international human rights standards.
- We are supporting reform in Ukraine in bringing religious communities together, to become engines of national dialogue.

Let me stress on two points:

1. The human rights situation on Crimea is deeply worrying. Despite not having been granted access, ODIHR was able to publish a comprehensive report on the situation six months ago, a strong document showing the difficult state of the rights of national minorities and other citizens. We are ready to follow up on this report, but for this we need access for ODIHR monitors.

2. We have to make all possible efforts to bring peace to this country. I believe that the so called Minsk package, agreed upon last year, is still the best way to achieve it. ODIHR stands ready to do its part in observing possible local elections in the conflict areas of the Donbas regions as part of a political settlement. But these elections are contingent upon a sustainable ceasefire and the political will to hold them. The equation is simple: Where there is war, there is no voting. Elections are only possible where there is peace: “Bullets have to be replaced by ballots.” We therefore fully share the view of the German Chancellor, who reconfirmed last week after her meeting with the Ukrainian President, that a ceasefire was the essential pre-condition for the implementation of the Minsk package.

In conclusion, Mr. Chairman, let me thank you and this Commission, as well as the United States of America, for their support to our activities. I would be very happy to answer your questions now.

Thank you.

**MATERIAL FOR
THE RECORD**

PREPARED STATEMENT OF BRIAN ARDOUNY

Chairman Smith, Co-Chairman Wicker, distinguished Commissioners, the Armenian Assembly of America (Assembly) welcomes today's important hearing. We share the concerns of the Commission with respect to threats to religious freedom and the rule of law as well as the specter of anti-Semitism, whether in Europe or beyond.

The Assembly especially appreciates the Commission's ongoing vigilance in shining a bright light on human rights violations in an effort to bring about much needed change and to protect religious and minority communities. In particular, we remain deeply concerned about the safety and well-being of Christians and other minorities at risk in the Middle East and elsewhere. As ISIS continues its brutal targeting of innocent civilians, images of which evoke the horrors of the Holocaust, the Armenian Genocide, and other crimes against humanity, it reminds us all about the urgent challenges before us and the need to redouble our efforts to prevent atrocities from occurring.

We also appreciate the work of the Organization for Security and Cooperation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR), as well as the OSCE Minsk Group which seeks to find a peaceful resolution to the Nagorno Karabakh conflict. We welcome the introduction of the Azerbaijan Democracy Act of 2015 by Chairman Smith, which sends a strong message that the United States takes the defense of human rights and fundamental freedoms seriously.

As the Commission is aware, the Assembly remains deeply concerned about the authoritarian regime in Azerbaijan, its jailing of journalists and abandonment of democratic values, and the impact it has on the region, particularly for America's ally Armenia. Unfortunately, these authoritarian trends have spilled over into the OSCE-mediated Nagorno Karabakh peace process wherein the Azerbaijani government continues to violate the 1994 cease-fire agreement at an alarming rate and with more powerful weaponry.

According to reports filed with the United Nations (UN) and the OSCE, there were over 11,500 cross-border violations committed by Azerbaijan against Armenia from 2014 through 2015, constituting an estimate of more than 200,000 shots fired. In Armenia's Tavush region, a kindergarten has been the repeated target of sniper fire. This is an outrageous violation. The targeting of innocent civilians and children must end.

With respect to the line of contact between Nagorno Karabakh and Azerbaijan, there have been over 54,000 cease-fire violations committed by Azerbaijan during the same period. These violations constitute an estimated total of nearly 1 million shots fired.

Some of the weapons used by Azerbaijan in its attacks against Armenia and Nagorno Karabakh in 2014–2015 include: grenade launchers, large caliber machine guns, large caliber sniper weapons, mortars, and howitzers. Not surprisingly 2014 and 2015 have been marked by increased civilian deaths and casualties. The OSCE Minsk Group Co-Chairs in a Joint Statement in December 2015 said "there is no justification for the death and injury of innocent civilians." "We especially condemn the use of mortars and other heavy weaponry," the joint statement highlighted "and regret deeply the civilian casualties these weapons have caused."

These violations constitute a clear disregard for the rule of law and pose a direct threat to fundamental freedoms. Given these egregious violations, the Assembly welcomed last year's initiative by House Foreign Affairs Committee Chairman Ed Royce and Ranking Member Eliot Engel to address the dramatic increase of deadly cease-fire violations. In their letter to Ambassador James Warlick, U.S. Co-Chair of the OSCE Minsk Group, they called for three concrete steps to be taken. These include: (1) an agreement from all sides not to deploy snipers along the line of contact; (2) the placement of OSCE-monitored, advanced gunfire-locator systems and sound-ranging equipment to determine the source of attacks along the line of contact; and (3) the deployment of additional OSCE observers along the line of contact to better monitor cease-fire violations. The letter was signed by 85 Members of Congress.

We hope that these recommendations are implemented to help ensure the safety and security of the people of Armenia and Karabakh. Further, we strongly urge the Commission to support this important initiative by convening a special hearing to examine the scope and nature of these violations as well as review steps needed to bring about a peaceful resolution of the conflict. The United States has a vested interest in advancing peace and bringing stability to the region—and a key to stability is respect and adherence to the fundamental tenets of the rule of law and human rights.

Chairman Smith and Co-Chairman Wicker, we commend you for holding this hearing and look forward to working with the Helsinki Commission on these and other pressing issues as we pursue shared values in promoting democracy, respect for human rights, and the rule of law.



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