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**Hearing of the Commission on Security and Cooperation in Europe (“Helsinki**  
**Commission”)**  
**June 15, 2006**

**“Human Rights, Democracy and Integration in South Central Europe”**

Chairman Brownback, Co-Chairman Smith, thank you for inviting me to testify before the Helsinki Commission today. I am pleased to have the opportunity to speak with you about human rights, democracy and integration in South Central Europe.

Our vision for the region is one of peace and stability—where the countries of South Central Europe are part of a Europe whole, free and at peace. To this end, we have worked to help prepare the region for a democratic future within NATO and the European Union.

As Under Secretary Nicholas Burns stated in his November 8 testimony before the Senate Foreign Relations Committee, the year 2006 is a crucial one for the Balkans. As we move forward to resolve the one major outstanding issue—the future status of Kosovo—we have the opportunity to put the conflicts of the 1990s behind us once and for all. But we cannot resolve Kosovo’s status without devoting increased attention to the entire region. Therefore, the Administration has intensified its engagement with the countries of South Central Europe and is committed to pursuing a policy that will accelerate the region’s integration into the Euro-Atlantic community.

Euro-Atlantic integration cannot be achieved without progress in key areas, including the issues taken up by this Commission. We have witnessed a marked overall improvement in human rights, democracy and the rule of law in South Central Europe over the past several years. The Balkans today is a very different region from a decade ago, when its people were held hostage by wars, ethnic cleansing, and the forced displacement of approximately four million people. The United States has played a major role in helping the region move towards one in which peaceful, stable, and democratic multiethnic societies respect and protect the rights and fundamental freedoms of all its people. Today the image of the Balkans is no longer that of a dark and dangerous corner of Europe, but a place where democratic governments are in place and progress is apparent every day.

Cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) has significantly improved. Persons indicted for war crimes are increasingly facing justice. Of the 161 individuals indicted by the Tribunal since its inception, only six fugitives—with the transfer of Dragan Zelenovic this past weekend—remain outstanding. With its cooperation in facilitating the December arrest and transfer of Ante Gotovina, the Government of Croatia took a major step towards addressing the injustices of the past. Serbia and Bosnia and Herzegovina’s Republika Srpska improved their cooperation by assisting with or facilitating the transfer of 17 fugitives to The Hague since October 2004. With the ICTY concentrating efforts on senior leaders most responsible for wartime atrocities, there is increasing focus in the region on

prosecuting other persons indicted for war crimes, including those cases transferred from The Hague. We are working with Bosnia and Herzegovina, Serbia and Croatia to ensure designated courts are capable of handling war crimes cases according to international standards, and to ensure these cases are tried in a fair and transparent manner. The Sarajevo War Crimes Chamber of the Bosnian and Herzegovina State Court opened in March 2005. Four cases have been transferred there from the ICTY for prosecution, and three others are expected in the near term. The Chamber also has cases that have arisen locally. The ICTY Prosecutor's Office has also sent the Bosnian State Prosecutor over 150 cases for review, investigation and possible indictment; on April 7, the Chamber handed down its first conviction in such a case. At present, there are currently over 40 war crimes cases at the Chamber, either in the pre-trial, trial or appeals stage. In addition, the State Prosecutor's Office has referred over 90 war crimes cases to lower courts in Bosnia for trial.

In Belgrade, on May 26, Serbia's Special Court for War Crimes handed down a 20-year sentence to a former Bosnian Serb officer accused of using 27 civilians as a human shield. This action followed the Special Court's first verdict, on December 12, 2005, convicting 14 Serbs of the 1991 murder, torture and inhumane treatment of more than 200 Croatian prisoners of war. Three trials are currently underway in the Special Court: one against 5 members of the Scorpions paramilitary unit for the 1995 Srebrenica-related killing of 6 Bosniak youths, another against 7 Bosnian Serb members of the Zvornik territorial defense indicted for the 1992 forceful eviction and killing of 174 Muslim Bosniaks, and a third involving 8 until-recently-active members of the Serbian police and State Security service (BIA) for the 1999 killing of 48 members of the Berisha family in the Kosovo village of Suva Reka. In Croatia, the Supreme Court on April 29 confirmed a Zagreb County court conviction of a former paramilitary member who received 15 years in prison for his involvement in killings in Srebrenica and for torture of prisoners of war near Vukovar. Croatian courts will soon begin prosecuting a case transferred from The Hague. While important work remains—and the June 3 killing in Belgrade of a key “protected witness” in the Djindjic assassination case highlights important concerns regarding organized crime and witness protection—these convictions mark a significant step forward for the region in the local prosecution of war crimes, and in establishing the credibility and transparency of the criminal justice system.

To this end, we continue to provide significant assistance: our contributions to date to the Sarajevo War Crimes Chamber have reached nearly \$14 million. We will contribute \$1 million in Fiscal Year 2006 for training and equipment to increase capacity for Serbia's Special Court for War Crimes to investigate and prosecute cases, including those originating from ICTY case files. With more than \$1.5 million in assistance to Croatian courts, the U.S. has strengthened Croatia's ability to try these and other domestic war crimes cases in accordance with internationally recognized legal standards.

The majority of persons displaced as a result of the Balkan conflicts have returned home. Since the Dayton Accords were signed a decade ago, 1,012,970 people have returned to their homes in Bosnia and Herzegovina; almost half of them to places where they now constitute an ethnic minority—including areas that were the worst hit by the conflict. We are pressing governments throughout the region to assist in finding durable solutions for all remaining refugees and internally displaced persons (IDPs). Only by providing real opportunities for

sustainable returns—through the protection of vulnerable populations, the resolution of outstanding property issues, and the promotion of viable economic activities—can the region’s long-term stability and integration into Europe be ensured.

Throughout the region, the rule of law is taking hold, and countries are becoming more effective at fighting crime and administering justice. Efforts to combat trafficking in persons—an important bellwether for crime-fighting success—have been impressive throughout the region. We have made it a priority to urge authorities to make progress, including by providing strategies to help focus government efforts in all areas of anti-trafficking and using our assistance—almost \$4 million for the region in Fiscal Year 2005—to support reforms. Each of the countries in the region is now making significant efforts to fully meet the minimum standards of the Trafficking Victims Protection Act. Albania continues to demonstrate strong law enforcement efforts, convicting 54 traffickers in 2005, with Albanian courts issuing significant penalties. Bosnia and Herzegovina increased funding for victim protection and coordinated with NGOs to screen, identify, and assist victims. The Department’s Trafficking in Persons report cited Bosnia’s strike force as a best practice. Croatia is implementing a comprehensive awareness and prevention program targeting potential victims. Last May, the Macedonian government passed important witness protection legislation to provide resources and improve safeguards for victim-witnesses. Montenegro made tangible progress in prosecution and protection, and Serbia increased efforts to protect victim-witnesses. Challenges remain for the region, especially regarding the difficult issues of victim identification, witness protection, and official complicity, but given the strength of crime networks in the region, South Central Europe has made significant progress in fighting trafficking.

Efforts continue to fight organized crime and corruption which, if left unchecked, would threaten the stability of the region and the safety of its people. Albania has broken up several notorious smuggling and criminal groups, and is starting to change longstanding patterns of crime and corruption. Thanks in part to U.S. assistance in improving border security, the illicit transit of people and goods across the Adriatic has been reduced to a fraction of what it once was. The Albanian Government recently signed an agreement with the Millennium Challenge Corporation for \$13.85 million in funding to support reforms and initiatives specifically targeting crime and corruption and improving the environment for legitimate business.

Elections throughout the region have generally been judged to be free and fair. On May 21, the people of Montenegro voted in favor of independence with an exceptional turnout of 86.5 percent. The final results have been certified and announced, and the parliament of Montenegro has adopted a declaration on independence. We were pleased that the campaign and the referendum were carried out in a peaceful, democratic, and transparent manner; both sides of the vote demonstrated political maturity in handling this momentous decision. The people of Albania elected a new government last July in a much improved election which led to a smooth transfer of power, the first in the country’s post-communist period. We continue to encourage the government and political parties in Albania to complete the process of electoral reform so that local elections early next year are fully in compliance with international democratic standards.

Important reforms continue in Macedonia, whose multiethnic coalition government has completed the legislative implementation of the 2001 Ohrid Framework Agreement and is proceeding with its practical implementation. Ongoing challenges include working toward equitable representation of minorities in state structures and decentralization of authorities to the municipal level, which should enhance the efficiency and accountability of government, and offer greater protections to minorities. Continued and full implementation of the Framework Agreement remains the key to Macedonia's future as a stable, prosperous multiethnic democracy.

The Balkans have indeed come a long way since Milosevic presided over the worst human rights abuses in Europe after World War II, but important work remains.

Cooperation with the ICTY is still an issue in the region. Five of the six remaining fugitive indictees are Bosnian Serbs, and the majority of them are suspected to be in Serbia or the Republika Srpska. These fugitives include notorious indictees Ratko Mladic and Radovan Karadzic—for whom the Tribunal's doors will always remain open. This non-cooperation remains a roadblock to full integration with Euro-Atlantic institutions, and we continue to engage authorities and use congressionally-mandated sanctions to encourage compliance with the Tribunal. We will continue to expect all authorities in the region to fulfill their international obligations.

The return of refugees and IDPs constitutes a major unresolved issue within the region, and significant efforts are still needed to ensure that displaced persons have the freedom and perception of security to return to their homes if they so choose. Approximately 360,000 people remain displaced in Serbia and Montenegro (80,000 refugees from Croatia, 35,000 refugees from Bosnia and Herzegovina, and 225,000 IDPs from Kosovo, according to official United Nations High Commissioner for Refugees [UNHCR] estimates), 190,000 displaced persons in Bosnia are still seeking a durable solution. An additional 100,000 Bosnian refugees living outside Bosnia continue to express an interest in return. In Bosnia, Croatia and Kosovo, we continuously and strongly encourage authorities to provide a welcoming atmosphere for minority returns, including through reconstruction of housing and infrastructure.

Throughout the region, we continually urge authorities at all levels of government to implement their commitments and to facilitate returns. A number of U.S.-funded projects that focus on agricultural producers, microcredits, small business creation and more accountable local government contribute to the sustainability of returns. Democracy Commission small grants contribute to the capacity building of local NGOs, including those who represent minority returnee communities.

Overall returns to Kosovo are far too low, and we are working closely with Kosovo's provisional government to create a more conducive environment for returns. Earlier this month, Kosovo officials signed a Protocol on Returns with the United Nations Mission in Kosovo (UNMIK) and Serbia delineating each party's responsibility for facilitating returns, including defining the parameters for returns to places other than one's home. The Contact Group has also developed with UNMIK a list of 13 priority Standard action items, many of which focus on

minority rights and call upon Kosovo officials to do more to enforce property rights, ensure funding for returns and prosecute individuals responsible for inter-ethnic crimes.

We continue to provide assistance to help these vulnerable populations. In Fiscal Year 2006, our Bureau for Population, Refugees and Migration will provide \$13.8 million for activities related to the protection, return, and local integration of displaced persons in the Balkans; of this total, \$11.3 million will fund UNHCR's efforts in the region, and \$2.5 million will go to NGO programs in Kosovo and Serbia. For the last three years, the Bureau of Population, Refugees and Migration Ambassador's Fund has provided our embassies in the region with funds for small-scale projects that benefit minority communities. These projects have included the contribution of educational materials to schools, as well as the reconstruction of vital community infrastructure (schools and clinics) in sensitive return areas. Through Support for East European Democracy funding, we also support economic and democratic development necessary for sustainable returns, assist municipalities where local government and minority communities work together to foster returns and build a multiethnic society, and fund institutions to resolve outstanding property claims. The United States has also granted refugee status to approximately 150,000 individuals displaced from Bosnia and Herzegovina over the last fifteen years.

Governments are judged on how they treat their most vulnerable citizens—and ethnic minorities in the Balkans remain vulnerable to discrimination and violence. There are places where ethnic minorities feel unsafe and unwelcome in their communities, as in parts of Kosovo. In the Serbian province of Vojvodina minorities have experienced in the recent past instances of discrimination, hate speech and vandalism to property. Our embassy has kept a careful watch there and reports notable improvement. Protection of minority rights is a priority U.S. objective throughout the region. Just as there can be no true reconciliation until all war criminals are brought to justice, there can be no lasting peace until religious and ethnic minorities feel welcome and secure.

The protection of minorities is central to our policy in Kosovo. We actively support the ongoing UN-led negotiations to determine Kosovo's future political status this year. The resolution of Kosovo's status must ensure that Kosovo's minorities are protected and that Kosovo remains multi-ethnic. It must also promote stability in the Balkans and further this region's integration into the Euro-Atlantic community. Since last November, the United States and other members of the Contact Group (including France, Germany, Italy, Russia, the United Kingdom and the United States) have supported UN Special Envoy Martti Ahtisaari's efforts to broker agreements between Serbia and Kosovo that would solidify a multi-ethnic Kosovo where Kosovo Serbs and other minorities are confident of their safe, secure and prosperous future. Contact Group ministers agreed last January that every effort should be made to achieve a negotiated solution in the course of 2006. With our Contact Group partners and in coordination with the U.N. Mission in Kosovo, we continue to press the Kosovo government to implement U.N.-developed standards for good governance and protection of minorities. These standards aim to enforce property rights, increase freedom of movement, prosecute perpetrators of inter-ethnic crimes and provide adequate funding for the return of the displaced. The promotion of human rights and fundamental freedoms remains at the forefront of our Kosovo policy, as it has been throughout the Balkans for over a decade.

An especially vulnerable ethnic group, the Roma—along with the Ashkalia and Egyptian communities—continues to suffer disproportionately throughout the region. Whether it be physical harassment from police, lack of access to basic services such as education, health care and housing, or societal discrimination, the Roma are among the most marginalized of minorities. Croatia, Macedonia and Serbia and Montenegro participate in the Decade of Roma Inclusion. After months of active engagement by our Embassy in Sarajevo, Bosnia and Herzegovina is preparing to apply for membership in the Decade of Roma Inclusion and expects to complete its remaining action plans by September 1. As a result of our advocacy, the Bosnian Ministry of Human Rights and Refugees has honored its commitment to fund the activities of the Council of Roma. We are also providing a \$40,000 grant through the Department's Human Rights and Democracy Fund for Romani NGOs to conduct a nationwide population survey, which will draw attention to critical areas that the government must address. Our Embassy in Sarajevo has nominated a Romani activist for an international visitors program on managing diversity in a multi-ethnic society, in addition to awarding a number of Democracy Commission grants to Romani NGOs to address human rights issues of concern to Bosnian Roma. The Maryland National Guard humanitarian medical mission is also scheduled to set up one-day clinics in July in four different Roma communities near Tuzla, providing several thousand Roma with access to basic medical, dental and optometry services.

In northern Kosovo, we continue to closely monitor and support UNMIK's efforts to relocate approximately 500 displaced Roma from dangerously contaminated IDP camps. On June 6, representatives from the U.S. Office in Pristina visited 248 Roma now residing at a cleaner, safer temporary facility. Work is also underway to rebuild this community's original neighborhood, to which some families may be returning to as early as August. Work is clearly underway, one of the three lead-contaminated camps has been closed, and lead abatement therapy is expected to begin next week. We are transferring \$1 million in assistance to help UNMIK meet the immediate medical emergency needs of this population, and continue to engage UN and Kosovo officials to encourage their active efforts to ensure these individuals have a durable solution.

While each of the countries in the region generally respects the right of religious freedom, we have been closely following recent legislative restrictions on religious freedom. We share the Commission's concerns regarding Serbia's Law on Churches and Religious Organizations, and our Ambassador in Belgrade has led efforts to engage the government by urging Prime Minister Kostunica and President Tadic to pursue positive changes in the legislation. We are watching closely for the ameliorative amendments promised by the President. In Kosovo, we are pressing the authorities to adopt expeditiously the internationally accepted draft religious freedom law that would foster increased tolerance in Kosovo.

We continue to pursue political reform throughout the region. Last month's defeat of the constitutional reform package by two votes in Bosnia and Herzegovina was disappointing, but we will continue to support the efforts of the Bosnian people to modernize their constitution and to streamline their state government. The Bosnian parties that back constitutional reform have called for a renewed effort after the October elections; we will strongly support such an initiative. In advance of Macedonia's July 5 parliamentary elections, we are pressing political

party leaders to address the serious flaws evidenced in the 2005 municipal elections as well as working with major parties to develop issues-based campaigns and enhancing participation by women, youth and other minorities, such as Roma. We have provided funding there for smaller NGOs to conduct voter education campaigns and worked with the Islamic community to gain their public support for free and fair elections and guarantees for individual voting rights. We continue to work with Government of Croatia to increase transparency, develop codes of ethics, and increase public accountability, thereby increasing citizens' faith in government. The civil society sector is growing stronger in the Balkans, and non-governmental organizations are proving to be strong partners in the transition to democracy and free market economies. But the sector is still in need of support, both financial and political, in order to keep the transitions on the path to "irreversible democracy."

Our leadership is key to continued progress in the Balkans, but the United States works closely with our European allies and through multilateral organizations. With our Contact Group partners, we support President Ahtisaari's efforts to resolve Kosovo's status. Through the OSCE, we advance elections that meet international standards and we work with allies to promote democratization through the observation of elections, expansion of civil society capacities in the region, and monitoring of freedom of the media. Through NATO, we continue to help play a key role as a guarantor of security in the region. In Kosovo, the NATO-led KFOR provides a stabilizing force, which is particularly important during the status negotiation process. In addition, the prospect of enhanced relationships with NATO, through Partnership for Peace or membership in the institution itself, provides the impetus for needed political, economic and defense reforms throughout the region.

Despite the extreme toll the Balkan wars have taken on the lives of its people, they are moving ahead. Those who once fought each other are now cooperating to advance political and economic reforms, strengthen respect for minorities, ensure opportunities for all citizens, aid civil society organizations that support vulnerable populations, and resolve post-conflict problems and cross-border issues. In this respect, our goals for South Central Europe are coming to fruition, and the United States and the international community, including this Commission, can take pride in our contributions. The promise of stability and Euro-Atlantic integration looms closer than ever for much of the region, and those who fear being left behind have taken notice. The international community's continued involvement will be necessary to ensure democratic institutions are strong enough to endure, that tolerance and ethnic reconciliation triumph over past hatreds, and that the countries of the region adequately prepare themselves to take their rightful place in Europe.