

ATROCITIES
IN KOSOVO

HEARING
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HEARING ON ATROCITIES IN KOSOVO

THURSDAY, SEPTEMBER 17, 1998

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The Commission met at 3:05 p.m., in room 2200 of the Rayburn House Office Building, the Honorable Christopher H. Smith, presiding.

Commission members present: Chairman Alfonse M. D'Amato; Sen. Frank R. Lautenberg; Co-Chairman Christopher H. Smith; the Hon. Benjamin L. Cardin; the Hon. Steny H. Hoyer.

Congress members present: the Hon. Benjamin A. Gilman; the Hon. Eliot L. Engel.

Witnesses present: Senator Bob Dole and Assistant Secretary of State John Shattuck.

OPENING STATEMENT OF CO-CHAIRMAN CHRISTOPHER H. SMITH

Mr. **Smith**. The Commission will come to order. Let me say how very pleased we are to have two highly distinguished individuals to testify before the Commission on Security and Cooperation in Europe, and thank you for making time in your very busy schedules to be here.

I'd like to give a very brief opening statement, yield to my good friend, Mr. Hoyer, for any opening statement he might have, and then go right to Senator Dole and Secretary Shattuck.

Today's hearing of the Commission on Security and Cooperation in Europe is on the latest atrocities in Kosovo. As with Bosnia and elsewhere, the Commission has a mandate to document human rights violations where they occur in Europe, and our obligation is especially solemn when these violations are, in fact, atrocious crimes against humanity. Sadly, the atrocities in the Balkans are still taking place. However, we must go beyond mere documentation. We must witness, but we must also act.

When we hear or see what has happened in Kosovo since January, we must ask what can be done to end the violence. As with Bosnia, half measures simply prolong the misery and carnage. Now we are faced with the added death knell of the fast-approaching winter.

Hundreds, at least, have lost their lives. Hundreds of thousands are displaced from their homes, some taking refuge in forests and open fields, and tens of thousands of refugees are in neighboring Montenegro, Macedonia, and Albania.

As with Bosnia, diplomacy alone will not work, nor will more and more humanitarian assistance, as wanted and welcomed such help might be. Milosevic's relentless and deadly policies march on and on. Decisive outside intervention is required, and the military strategists of NATO are prepared. The political forces in the Congress and the U.S. Government must assess the risks and responsibilities of intervention. Documenting the crisis, as our witnesses will do today, is critical to that assessment.

Our distinguished witnesses will report on the horrible destruction caused by the attacks on villages and towns in Kosovo. The detailed reports on these attacks include inhumane brutality beyond comprehension.

The intentional displacement of the civilian population, the execution of people held in detention, the deliberate destruction of food supplies and the prevention of humanitarian aid deliveries are the tools of a determined policy of annihilation. That policy originates in Belgrade, with Slobodan Milosevic at the helm.

All the complexities of the Balkans do not erase that simple fact. Both the House and the Senate are on record as believing Milosevic is a war criminal. If he could be stopped, we would hope that the problems in the region could be resolved in a peaceful and a democratic way.

Speaking personally, I am not known as someone who readily recommends military response, but if action is not taken, knowing as we do know now that many more people will die as a result, we share a portion of the responsibility for what does happen. NATO, in my view, must act.

Today's eyewitness testimonies by Assistant Secretary of State and fellow Helsinki Commissioner John Shattuck and former Commissioner Senator Bob Dole, former Majority Leader of the U.S. Senate, who now serves as the head of the Commission on Missing Persons in the former Yugoslavia, will elaborate on those atrocities and the humanitarian crisis they recently witnessed in Kosovo.

These men, having just returned from their travels to Kosovo and Belgrade, did meet with Milosevic himself. Neither need a formal introduction, their records and their exemplary public officials and their service as human rights advocates are very well known.

Finally, let me say, Senator Dole, I'll never forget my first trip in Bosnia, when Frank Wolf and a few of us were talking to people in Croatia, faxes from your offices were coming into the office where we were. They looked to you as the leader in the U.S. Congress. You spoke out boldly and I think very effectively to the last Administration and to the current one, as to what our policy should have been and should be. Senator, I want to thank you for that great leadership.

I'd like to yield to Mr. Hoyer.

**OPENING STATEMENT OF RANKING MEMBER
HON. STENY H. HOYER**

Mr. **Hoyer**. Thank you very much, Chairman Smith. I want to join you, of course, in welcoming our fellow Commissioner, Assistant Secretary of State Shattuck, who has been tireless in his efforts to monitor, report on, and stop human rights abuses around the world.

I also want to join you enthusiastically in welcoming our former colleague, one of America's great leaders then and now, to this Commission. We look forward to his testimony.

You are correct, I was pleased to be a strong ally of Senator Dole, then Majority leader, who advocated for either the West taking action to stem the slaughter in Bosnia or lifting the arms embargo if the West were not going to act.

I think Senator Dole was one of those most responsible for strengthening the backbone of the West for when we did act, in fact, the killing stopped. Ethnic cleansing stopped. Genocide stopped. We see—while not

by any stretch of the imagination a perfect condition in Bosnia09Herzegovina—a far better place than it was when the killing was occurring.

So, Senator, I want you to know how much I respect you. You are my friend, of course, but more than that you are an American and a citizen of the world who has made a real difference. I want to thank you for that.

I look forward to your testimony. I've been to Pristina. I have visited with Milosevic, and it is my belief that what is happening in Kosovo today was foreseen by what happened in Bosnia. The West, again, is saying things that would lead one to believe that the West is prepared to act, but it does not act. I am pleased to be your ally in answering either that the killing stops, that Milosevic does what he says he's going to do, or the West acts decisively—as we know it can if it has the will to do so. I welcome both of you here, I look forward to your testimony.

Mr. **Smith**. Thank you, Mr. Hoyer. Mr. Lautenberg.

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG

Senator **Lautenberg**. Thanks very much, Mr. Chairman, and I want to say hello to my good friend and former colleague, Bob Dole. As I would have expected, Senator Dole has continued to do things, some even better than when we had our political differences. I so much respect and appreciate your interest here, Bob, and, Secretary Shattuck, yours as well. The time that you have taken and the involvement that you've had is so critical.

I had the opportunity to visit Bosnia, Mr. Chairman, and tried to go at that time to Kosovo, but they said the landing zone was "hot", to use the expression, to get there. That was in early July. One could see, Steny, what was about to happen.

We know that those in Bosnia, who agreed to a cessation of violence, were not encouraged by the vote that took place the other day. It was very discouraging to see at least the preliminary expectation of that vote: a hard line victory going back to a former position I saw a quote in the paper that scared the devil out of me: "If they don't like it in the West, that is too bad."

I met with families that had already run from Kosovo, with elderly father, mother, daughter. The son killed already, the grandson killed already. They carried the elderly over the mountains to get them to Albania. They went to Albania, and there was no refuge there, really. In good conscience, I must tell you when I get the paper in the morning, the first thing I look for is information coming out of there, in the hope that the worst of our fears aren't being realized. What is being done is almost beyond comprehension. The tactics that come from the Serbian Government to first destroy the hope and the spirit and get people out of their houses and fire artillery shells indiscriminately into peaceful neighborhoods so that people are chased out of their homes, and then round up the men. I was there at the exhumation of a grave in Bosnia. We saw identification being sought as to who was in that grave, and the condition. Hands on the remains of corpses more than 3 years dead still tethered behind their backs. Skulls shattered with holes directly from a gun. Items taken out of bits of clothing that identified people as Moslems, strips of sayings from the Koran. That kind of cruelty beyond expectation.

We can't be the center of enlightened civilization that we are and maintain that position without doing something to stop this before it goes further.

Mr. Chairman, I commend you for your interest and diligent pursuit of human rights for everyone. In this case, we know what's happening there. We've been there. We've stopped the killing in one place only like a balloon to see it starting up in another as you squeeze it. So, Mr. Chairman and Steny Hoyer, I'm always delighted to be with you because you are always on top of these issues as well. I look forward to hearing from our witnesses.

Mr. **Smith**. Mr. Lautenberg, thank you very much.

Mr. **Hoyer**. Senator Dole, this must be a very important meeting, indeed, to have two United States Senators visit the House, so we are honored.

OPENING STATEMENT OF CHAIRMAN ALFONSE M. D'AMATO

Chairman **D'Amato**. Let me say we are indeed privileged to have before us the great patriot, Senator Bob Dole, who, notwithstanding lack of formal office, carries all the power and all the clout and all of the moral authority that he has always carried. He demonstrates once again his commitment to humanity and to justice on his own initiative, without compensation, without any other reason but the most important, to achieve some justice and recognition by this government, our Congress, and by the world community as to the slaughter of the innocent that is taking place every day on our watch. How is it that the world, and this nation in particular, who have had two Presidents who have issued strong condemnation, strong warnings, seemingly forget on the altar of world political expedience?

Is it because there is no great and powerful lobby or voice of constituents or large constituent base that they do not lead, and have not led, and have shown a lack of action that I believe has made it possible, and indeed has encouraged, a madman, a killer, a person who by every reasonable standard should be sought for apprehension and trial as the war criminal that he is—he is a war criminal—to do what he has done? And let me say that in my dealings to date I am deeply distressed and disappointed with the failure of Mr. Holbrooke in regard to attempting to bring about a resolution that will bring justice. You cannot treat this despicable human being with the kind of treatment that we afford legitimate heads of state. He should be ostracized as a pariah. We should use our economic force and clout. We should galvanize our allies behind the scenes, lest the killing continue. It is a very sophisticated kind of killing. It is the raping and the pillaging which leaves the indelible mark of fear in the hearts and minds of people so that when they hear that the marauders are on their way, they leave. They leave because they don't want to be part of that pattern.

Now you have tens and tens of thousands hiding in the mountains, hiding as the brutal winter comes on and, indeed, the killing will be continued by way of nature and by failure of this country to exercise its leadership. I say this country because we understand the history of events that makes it rather difficult for the forces within Europe to reconcile their past grievances and to say we've got to, for the sake and name of humanity, stop this. Stop the killing of people because of their ethnic origins or their religious faith.

I want to commend you, Senator Dole. Let me say also to Secretary Shattuck, while I have been very critical—and I don't believe I ever made those remarks and observations before, and I don't do it because there's going to be a great deal of press attention, it's just the way I feel as it related to Mr. Holbrooke—I want to express our heartfelt thanks to you for the outstanding leadership and for the humanity and the compassion and the sense of duty and the sense of caring and concern that you have demonstrated, not only by being here but by going over where you've seen the killing fields and where you have urged us to undertake the kind of action that would reduce this opposition and maybe bring some common sense and some peace and justice. I want you to know that we are deeply—I am personally appreciative of all the efforts you have made.

Mr. Chairman, I'm going to ask—I don't know what they wrote out for me, but I'm sure that it's much more eloquent—I'm going to ask that it be placed in the record as if read in its entirety.

Mr. **Smith**. Senator Dole, if you would proceed.

TESTIMONY OF SENATOR BOB DOLE

Senator **Dole**. I'll just summarize my statement because I'm an alumni of this committee. I think this is a great committee, and I want to thank the committee for having this hearing, and certainly I want to thank John Shattuck for his dedication and devotion not only in this part of the world, but in other parts of the world, and without him giving Kosovo this high profile—and I can tell you we had a very tense meeting with this—I won't say gentleman, I'll say with Milosevic—a week ago Monday, and I thought Secretary Shattuck laid it right on the line.

Here's a man who looked us in the eye and said nothing was going to happen, the next day there were 40,000 more people driven from their homes. I don't know how to describe it. I mean, you see it on television. You read reports, as Frank says, in the paper. I watch for the same thing every day, will something good happen. You can't describe it until you take a drive, as we did, about a 6-hour drive—and we have a little map, we weren't able to get it blown up, but I'll just present it to members of the committee—and you go through village after village and you don't see anything. There's nobody there. You hear dogs barking, dogs that were left behind. It's a very eerie feeling to go through village after village after village and see no human life. Where are they? We all know where they are, they are up in the mountains. They are hiding. They are afraid.

We went through 20 checkpoints in the short time we were out, in 6 hours. Serbs talk about opening up 11 distribution centers for food. The Kosovars are scared to death of the army and the Serb police force. They've already shelled, I understand, reading today's paper, three of these so-called "distribution points". Milosevic said, "Oh, you can put the Red Cross flag up, you can put the UNCHR flag up." I can tell you, it's going to be up to Congress—and I'm willing to stand up with the President of the United States and support him in anything he does today, tomorrow, next week to end the war in Kosovo, because I think he wants to do the right thing.

When I came back, I reported to Secretary Cohen because I thought it was important that somebody understood—you know, Serbia is only an hour's flight from NATO Headquarters. It wouldn't take long to get

there, in other words. I think that what we saw—of course, Secretary Shattuck had been there before and he was there after I left, and in Montenegro—but it's hard to describe. I don't believe Milosevic cares. I don't think he cares about human life.

He had the temerity to tell us he hadn't injured a single civilian. Milosevic looked us in the eye and said, "I even tried to help them, furnishing blankets, and trying to help the people and trying to coax them down from the mountains", after he had burned their homes, in some cases burned their crops, in some cases destroyed their livestock. You drive into these villages and you see the Serb homes untouched, and those that had been occupied by Albanians—tanks fired indiscriminately, destroyed the houses, burned the houses—we saw one home that was still burning.

I don't know what it takes to prick the conscience of the West—and I must say I've been critical of the Bush Administration—I mean, if you go back to the beginning, the Bush Administration sort of gave the Serbs the green light, and it's never been turned off. We don't want what happened in Bosnia to happen again, but it's happening right now. I think many people have said, we're not going to tolerate this, this is not going to stand. We asked Milosevic, "Why don't you have a cease-fire, why don't you withdraw the army and withdraw some of the police force"—and Secretary Shattuck can go into that in more detail because he asked the question time and time again. We didn't get any answer except, well, maybe the KLA, they've got to do something.

I must say, I think there have been some atrocities committed by the KLA, but in many cases they are defending their homes, defending their families. We listened to two eyewitness reports from women in tears, who saw their fathers and brothers shot before their eyes. They didn't even have a gun. They stood there—what, 30 relatives, I think, in one case—and witnessed this spectacle.

We talk about man's inhumanity to man, and I know there are problems everywhere in the world, but in this case we've made a commitment—we're talking about national honor, national character. When the United States makes a commitment, my view is we should follow through. Well, some of us were there in 1990, this situation was just beginning, and we were told then we could not go to Pristina because there were 20,000 Albanians there ready to greet us. They were driven away with hoses and clubs. This time, I remember we went to dinner one evening and met this fine doctor. What's he doing? He can't practice medicine in the hospital, so he's waiting tables. That is all he can do. There are no schools. I guess in Pristina itself they've worked out a little informal school, but when you get up into the mountains there are no schools.

We had a doctor with us, Dr. Peck, who may have accompanied you on some of your trips, who noticed the children had scabies and vitamin E deficiency. I talked with a grandmother who is concerned about her grandchildren—not concerned about herself, concerned about her grandchildren. They come down from the mountains in the daytime and go back at night because they're afraid, and all because—well, they're helpless. They're very vulnerable. Sixty percent of the people in the mountains are children, another 20-some percent are women, and many are old, and they don't have anything. Maybe they have a tarp to put over them, maybe they have a blanket, maybe they don't have anything.

It just seems to me now that this is not something we can postpone because Congress is going to be leaving. It's wintertime. It's already raining. People are going to be sick with colds and flu and fever and everything else. In another 2 weeks, it's going to be freezing. If you are going to wait for the images to come, carrying little children out of the mountains, older women out of the mountains, who have frozen to death, I think that is not the way we should react.

We've had the so-called "Christmas warning" by both President Bush and President Clinton. I think they made the correct statement, but I think we need to follow through. I know there may be some reluctance on the part of our allies, but my view is we don't have to go back to the U.N. to get another resolution. This is NATO. We don't need another resolution. NATO can act. They've threatened to act. I've got a feeling, watching Milosevic for an hour and 35 minutes, that he feels pretty good right now. He's pretty cocky right now because he knows NATO had their exercises and nothing has happened. They've got elections in Germany and other things are going on, and he feels that he can just about do anything he wants. Milosevic denies anything's happened. He doesn't accept any blame for anything.

I certainly think this is an area where you can just tell there's total nonpartisanship, bipartisanship. This is not a matter of Republicans and Democrats, this is a matter of doing what we should do as a nation. Certainly members of Congress can encourage the President any way they can, either through resolutions or phone calls or conversations—and I hope that the President will do something.

We did visit just very quickly a little village called Marusa. I think probably 300500 people live there; this is where we observed the people who fled to the mountains in the nighttime and came back in the daytime, but there's not much food there, not much to eat. It's already getting cold, slippery and muddy and all those things. I think we've touched on the humanitarian centers. We heard this chilling testimony—and I'd ask to put in the record, I didn't bring it with me—a report from the doctor who was with us that described the conditions he found with the children. I think it's very important.

Again, there are a lot of good Serbs in Serbia who don't agree with Milosevic. There are a lot of good Serb-Americans who don't agree with Milosevic. It's not an attack on that ethnic group. This is about doing what's right and doing something about what's wrong. Milosevic is an evil person. He's a bad person. He's not going to change. Every time he gets in a little trouble at home, this is what he does, it keeps him in office, so to speak.

So, I think our country and our NATO allies need to respond effectively. We cannot wait for 3 years as we did in Bosnia. There's no Bosnian army. There's no humanitarian airlift. There's barely any TV coverage, nobody knows what's happening over there. You get a little piece in the paper from time to time to make the American or European policymakers uncomfortable with their actions.

What the United States is really doing here, is asking the victims to negotiate with the people who are attacking them, and that is pretty difficult to do. Milosevic is in effect saying he's saving these Albanians from themselves, from these terrorist Albanians who are coming across from Albania—and there may be some of that. But I think there's a real attempt to impose a moral equivalence between Serbian forces and a

small band of Albanians who have taken up arms. Certainly, some have committed atrocities and they should be dealt with, but they are a very small group.

So, I'll just conclude and ask that my statement be made a part of the record. I think instead of ultimatums and deadlines, instead of firing up the engines, NATO is postponing decisions and firing up excuses. We've got enough excuses. Another 2 weeks and the excuse will be somebody carried off the mountain.

American and European diplomats hide behind official statement the situation in Kosovo is complicated. I don't think that is the case. I think these assertions are dead-wrong. It's not complicated in a sense, and nothing could be clearer. This is a war against civilians. It's not against an army, it's a war against civilians, helpless people. Milosevic told us that his police were making Albanian men try on these paraffin gloves, and if there were any traces you're held behind. The Serb forces are separating the men from their families—again. Secretary Shattuck will address that because he addressed that in our meeting. We know who is responsible. It's not that we aren't looking for someone—there he is, Slobodan Milosevic. He's responsible. Nobody would disagree in that part of the world, including, I think, many in Serbia.

I remember visiting with Serb mothers in Belgrade who had lost sons in the Bosnian conflict. I've met with the Serb mothers twice. He's never even met with the Serbian mothers who have lost their sons. You'd think he would at least care about Serb soldiers who lost their lives. My view is Milosevic doesn't really care about them. Like I said, he didn't act like a man cowering in fear of NATO action, he acted like a man who had already gotten away with everything.

So, we've got about 300,000 displaced persons in Kosovo, and probably more since we left. I think if Secretary Shattuck would comment, maybe together we can visit about the situation. But let me say again, John did a great job, and he ought to be commended for it, and I'm very proud to have made the visit with him on behalf of the Secretary of State and the President. Thank you.

Mr. **Smith**. Thank you very much, Senator Dole.

Senator **Dole**. We've been joined by Chairman Gilman, and I think he has some remarks that he would like to make briefly before you make your remarks.

OPENING STATEMENT OF HON. BENJAMIN A. GILMAN

Mr. **Gilman**. Thank you, Senator. First of all, I'd like to note that Archbishop Artemije Radosavljevic is in the back. Bishop, if you could just stand up a moment. He is the archbishop from Pristina, and represents the Serbian community and part of an group, with whom we met this morning, opposed to Mr. Milosevic. It's a well-organized opposition group. They believe in democracy, and they would like to replace Mr. Milosevic. I think we should be aware that there is that kind of an organized Serbian group.

I want to commend Senator Dole and Assistant Secretary John Shattuck for their recent trip, and particularly want to commend Senator Dole for his recent article in the *Washington Post* that really focused attention on this issue, which we need to do a lot more of so more people will recognize the need this dire humanitarian situation that we're facing.

There is a humanitarian catastrophe that is of enormous proportions and it now looms in Kosovo, and I'm pleased, Mr. Chairman, that both you and Senator D'Amato are raising this issue for us in the Congress once again. Within the next few weeks, as Senator Dole has pointed out, colder weather will be settling in the mountains and the forests of Kosovo. Hundreds of thousands of people—women, children and the elderly—face the imminent prospect not only of disease, but starvation and death.

I just had a constituent come to me within the last few weeks, who saw their elders murdered right in front of them, and they all fled. There were some 20 of them who fled their family home and are living up in the mountains, and they are afraid of getting assistance from any of our embassy people or the U.N. because they are afraid of what will happen to them if Milosevic forces find them. It's appalling.

Throughout the conflict, of course, we've supported diplomatic efforts to try to seek a negotiated settlement that would restore the legitimate rights of Kosovo's Albanian majority, and we've received briefings from the Administration, Secretary Shattuck has spoken in the past, the International Relations Committee has held hearings reviewing our policy on Kosovo, members of our staff have visited Kosovo, and discussed the situation with all parties of the conflict. We've heard numerous assurances by Milosevic and other Serb officials that they were only interested in restoring order in Kosovo, and not in waging war against civilians who had nothing to do with the insurrection of the Kosovo Liberation Army.

The Serbian Government even recently promised to establish centers in several of the larger towns of Kosovo to which civilians who had been displaced from their homes could come to receive food and assistance. They promised that the safety of the returnees would be guaranteed. But in the last few days, these pledges have been demonstrated to be absolutely worthless, and Serbian police and military forces continue to shell those very same areas deliberately targeting civilians.

Yes, NATO has finalized plans for a range of military options to be utilized in Kosovo, but NATO is awaiting "political guidance" from its member governments to make those plans operational. We're calling today upon our government to immediately begin discussions with our allies to deliver an ultimatum to Milosevic to cease all attacks by Serbian police and military units in Kosovo, or face military action by the NATO, which I think is long overdue. I regret that the language of force is the only thing that Milosevic will heed.

We must also be prepared to provide massive amounts of materiel aid, food, shelter, medical assistance, and we urge the U.N. The International Red Cross—I think, Senator, has some interest in assisting in that direction—and the private agencies who have been at work in Kosovo throughout the crisis, to be fully prepared to launch a humanitarian intervention that can reach all of those in need.

So, as I conclude, let me say that winter comes early in Kosovo. We can no longer play for time or other forms of diplomacy. Milosevic is completely untrustworthy. The lives of more than 250300,000 people in Kosovo now hang on a precarious balance between the brutality of the Serb regime and the credibility of the international communities pledged to prevent no more Bosnias in the Balkans. We must not wait until the

scenes of human misery flash across the TV screens in the next few weeks. We call on the President to exercise our nation's leadership and keep faith with the people of Kosovo. Thank you, Mr. Chairman.

Mr. **Smith**. Secretary Shattuck.

Secretary **Shattuck**. Thank you, Mr. Chairman, it's a great privilege for me to be here for two reasons. One, to be before such a distinguished commission which represents a broad bipartisan consensus on human rights; and second, to have the opportunity to appear with Senator Dole. I just want to say a few words about that before beginning the comments that I want to make on our trip together.

It is not possible, really, to put into words how important it was for him to have made this mission at the specific request of the President and the Secretary of State. To have Senator Dole in Kosovo on a difficult and even dangerous mission at this time, and to have someone of his enormous stature as an American and a citizen of the world and someone whose courage and integrity are so clear, I think demonstrated to every person with whom we spoke, from those who are the victims of this terrible situation to others including Milosevic, how deeply Americans care about the unfolding crisis in Kosovo. I want personally to express to you, Senator, how grateful I am for your willingness to undertake this mission. I don't want to say it made it easy for me, but it certainly gave us an opportunity to do things that would not have otherwise been possible.

Senator **Dole**. Thank you.

Secretary **Shattuck**. We saw, as Senator Dole has indicated, horrendous human rights violations, violations of humanitarian law and acts of punitive destruction on a massive scale.

We covered approximately 150 kilometers throughout central and eastern Kosovo, and I think, sufficient amount of territory to be able to reach some basic conclusions about what is going on. We did so under the auspices of the Kosovo Diplomatic Observer Mission, who are performing heroic work reporting on the deepening crisis, and we were able to elaborate extensively on what they have been reporting.

While in Kosovo, we were able to investigate accounts of the shelling of unarmed civilians by Serb security forces, such as the actions that were taken against a group of civilians fleeing the town of Senik on August 29, just before we arrived. Families seeking to escape from that town were shelled in a ravine, seven people were killed and 30 severely wounded, including small children and elderly women. This is just one example of the kind of direct and immediate assault on civilians that is underway as we speak.

As we made the trip around Kosovo, we also received very disturbing accounts directly from some of the displaced persons and families that we were meeting with, of large groups of people being rounded up and men and boys separated from women and children, very disturbing and reminiscent of some of the worst examples of what had happened in Bosnia.

When we received these reports in the field, we made immediate contact with Milosevic's office in Belgrade. We made the clear point that the United States would hold Milosevic and his government personally responsible for the well being of these individuals. Above all, we demanded immediate access to the detainees by the International Committee of the Red Cross and the release of those not charged with criminal conduct under international standards of due process.

Two days after we received the first reports of this incident, the Serbian Government released 536 of the men they had detained, but we understand that 73 men from this government action continue to be held in a prison in Prizren. In addition, there are reports of other detainees to whom the International Committee of the Red Cross does not have access, and as of this morning has yet to get access to the 73 men being held in Prizren, despite the assurance of Milosevic which is now more than 1 week old.

Obviously, the pressure brought to bear to secure the release of these 536 men was very important, but it only highlights the continuing and growing problem of this kind of action by the authorities in Belgrade.

We also received reports and eyewitness evidence that between 40- and 60,000 internally displaced persons were in and around the town of Krucevac, near Pec, a town that we were unable to visit because of shelling that was going on at the very time that we were in Kosovo. These people were too afraid to return to their homes, and they were surrounded by security forces.

In Belgrade, a particularly disturbing account was presented to us of reports that independent media outlets have again been intimidated by the government, independent journalists being accused of reporting favorably about terrorism and basically being put in a position where if they continue to do so they are in danger of being put out of business, by doing exactly what we were doing, which is publicizing the horrendous human rights abuses that are occurring in Kosovo.

Senator Dole and I met with many of these independent journalists when we were in Belgrade. They need our support. They need the spotlight, and I'm glad for the time that we were there that we were able to give it. We also are providing support in the form of assistance, direct assistance, to some independent media outlets in Belgrade.

The international community must urgently press for a cease-fire and a withdrawal of security forces in Kosovo because only under those conditions will people be able and willing to return without fear to their homes. As Senator Dole has said, there are an estimated hundreds of thousands of internally displaced persons who now are afraid to return.

In our meetings with Milosevic and other officials, we stressed the need for broad and unimpeded country-wide access for humanitarian organizations, not only for the International Committee of the Red Cross, but for all humanitarian organizations. We also underscored the urgency of unrestricted international criminal investigations of humanitarian law violations by the Yugoslav War Crimes Tribunal throughout Kosovo and Serbia, including, of course, Belgrade.

In short, Kosovo is a humanitarian emergency and a human rights crisis, and a very serious catastrophe in the making. We told Belgrade authorities and Milosevic personally that they would be held responsible for having created the situation that now exists in Kosovo. Milosevic must change these circumstances by ceasing the brutal assault on the civilian population so that people can get the help they need and return to their homes as winter nears.

In the Kosovo countryside, on more than one occasion, our delegation, as Senator Dole said, came across heavily shelled and sometimes still burning towns, long since abandoned to packs of wild dogs and heavily armed Serb police and Yugoslav army forces. Among the displaced children we saw, there was evidence of the beginnings of malnutrition. Horrendous human rights abuses are designed not just to terrify civil-

ians, but to obliterate the very infrastructure that makes daily life tolerable. The end result is destruction far beyond government claims of "apprehending terrorists". In short, Belgrade is inflicting punishment on the entire civilian population of Kosovo, where an estimated 18,000 homes have now been totally or partially destroyed.

Solving the humanitarian crisis, as Senator Dole has noted, is important, but the humanitarian crisis is only a symptom of the broader political and military crisis. It not only consumes Kosovo, but also threatens to destabilize the entire region and undermine the peace process in Bosnia.

Solving that crisis requires both a political settlement and the political will to make a settlement stick. Slobodan Milosevic must be held personally responsible for resolving this broader crisis, which is of his own making.

There is a discrepancy between Milosevic's stated policy of favoring returns and the very nature of the operations carried out by security forces in the past few weeks. These operations have led to further killing and wounding of civilians, to large-scale destruction of private property, and to further mass displacements. They have created a climate of deep and widespread fear in which people will not return to their homes.

There are steps that the United States is taking and will continue to take to ratchet up the pressure on Milosevic—and I might say that perhaps the most important kinds of steps are the very ones that we're talking about here in this bipartisan congressional and private citizen and State Department and executive branch discussion of these issues.

We are increasing our focus on violations in Kosovo of humanitarian law and serious human rights abuses, and publicly stating that we are holding Milosevic personally responsible for these abuses.

We are stepping up the capability of the international community to take action on Kosovo, whether Milosevic wants our involvement or not. We reserve the right to intervene in all necessary ways to address the humanitarian and human rights emergency and to help its victims in Kosovo and Serbia at large.

Milosevic's attempt to politically prop himself up through his Kosovo adventure has severe economic consequences for Serbia and Montenegro. We are increasing our efforts to ensure that all of our allies understand the gravity of the crimes being committed in Kosovo, and the dangers of indirectly propping up this regime through the purchase of state assets by international investors at fire sale prices. Milosevic is on the ropes economically, and should be kept there.

We are strengthening the "justice track" on Kosovo. The International Criminal Tribunal for the former Yugoslavia in The Hague has clear jurisdiction over the events in Kosovo, as has been stated by the Tribunal Chief Prosecutor, and we're increasing our support for the work of the Tribunal. We made a contribution at the very early stages of this recent crisis to assist the Tribunal in stepping up its investigations of war crimes in the Kosovo area.

After I departed Belgrade and Pristina, I traveled to The Hague to debrief the President of the Tribunal and the Chief Prosecutor. They are working on Kosovo, and we should give them any and all support necessary to bring any and all perpetrators of these crimes against humanity, particularly at the high levels, to international account.

When the Kosovo conflict first broke in late February, we moved to quickly make an emergency contribution to do just that.

While I was in The Hague, The President of the Tribunal released a letter that she had just sent to the United Nations Security Council, pointing out the urgency of the Tribunal's work and the Milosevic government's record of flagrant noncooperation. Milosevic's record of zero-compliance with the Tribunal is reprehensible, and we are giving our full support to this initiative at the Security Council.

We are increasing our efforts to deploy independent forensic experts to the region, something that we discussed in our meetings both with Milosevic and with others. Both Serbs and Albanians claim that the bodies of their countrymen have been found in mass graves across Kosovo. In our meeting with Milosevic, we pressed him to allow international experts to investigate these reports.

Mr. Chairman and members of the Commission, in less than 5 weeks, as we all have been saying, winter will set in, but food and shelter alone are not adequate to resolve this humanitarian crisis. People will not return to their homes in the current climate of fear. A cease-fire and reduction of security force levels are preconditions for a solution to the humanitarian crisis. Freedom of access for the ICRC and humanitarian NGOs is essential. Serb authorities in Belgrade asserted that the Red Cross and others would have unfettered access, but to date this commitment has not been implemented.

We urge all involved to end the violence. Responsibility for ensuring the safety of the civilian population lies with the Milosevic government. It must stop its brutal assault on towns and villages and withdraw security forces. Meanwhile, Albanian political representatives and the Kosovo Liberation Army should do all they can to end civilian deaths and harassment. They should provide information on missing Serbs in Kosovo.

Finally, we are stepping up our support for the democratically elected Government of Montenegro, which I also visited last week, to build civil society and assist the people of Kosovo who have sought refuge in Montenegro. While we are concerned that the Montenegrins have closed their border with Kosovo—and, incidentally, I just met 2 hours ago with the Montenegrin Foreign Minister to state our strong objection to that action—we are impressed by their willingness up to now to assist refugees and to cooperate with international humanitarian relief agencies as well as the War Crimes Tribunal, and to begin to build democracy in their region, which is, of course, right on the edge of Serbia and just below a very strong demonstration of what can happen if the right kind of leadership comes in.

In conclusion, the crisis in Kosovo is a symptom of a larger emergency in Serbia. Ultimately, only the establishment of a democratically elected government that reflects the will of all the people of Serbia and respects civil society, opposition voices, and an independent press will end this larger crisis. That, above all, is, and should continue to be, our objective. Thank you, Mr. Chairman.

Senator **Dole**. Could I just make one point. I mean, I think Secretary Shattuck has touched on it and so have you. There's no question about it, more humanitarian aid is desperately needed, but that is not going to solve this problem. This is a political problem. This is a political

crisis. It's a military crisis, too. It's a war against civilians. But we can maybe help them through the winter, but that doesn't solve the problems we should have learned in Bosnia.

I'm not certain whether Milosevic follows what we do in Congress, he didn't mention anything, but I think the fact that the House took up the Chairman's resolution, Senator D'Amato's resolution, passed it by a voice vote, what, 2 days ago, at least sends a strong signal, and underscores again the totally nonpartisan, almost unanimous, support of Congress in the event the President decided to take appropriate action.

Chairman **D'Amato**. Senator, I understand you have a number of slides.

Senator **Dole**. Yes, they are very brief.

Chairman **D'Amato**. The Committee would like to see them.



Slide 1

Ms. **Baratta**. This, as you can see, is a burned out house on the way to Suva Reka. That was one of the first places we stopped and got out of our vehicles on the tour that we took.



Slide. 2

This is one of the so-called humanitarian centers set up by the Serbian Government in Orahovac—



Slide. 3

—but they didn't have many supplies, that is what was inside. That was the sum total. There were very few Albanians there.



Slide. 4

This is the garbage dump at Orahovac where there is a mass grave, but international forensic experts have not been able to go in to determine whose bodies are in there.



Slide. 5

This is the little village of Marusa that Senator Dole and Secretary Shattuck described, where Albanians come in in the daytime to their homes, then flee at night. There are many children in this village.

**Slide. 6**

Same village.

**Slide. 7**

While we were speaking to the villagers, this tractor pulled up from another village. It was bringing people who are fleeing shelling and who had told us stories that the men were being separated from the women in the village they were coming from.



Slide. 8

This is in the village of Kijevo, a house that was just set on fire probably just before we got there and was still burning, about 100 meters from a Serbian police checkpoint. That is it.

Senator **Dole**. We weren't permitted to take pictures of many places.

Secretary **Shattuck**. There were no military targets, no military activities or anything. There was a large number of military personnel, heavily armed, that we could not photograph.

Senator **Dole**. But the thing that doesn't show there is the almost total destruction of some of these villages. You had just one little house there. I think we had reports of as many as 50 people living in maybe two rooms.

Chairman **D'Amato**. Secretary, both the House and the Senate have passed resolutions stating a belief of Congress that Milosevic is responsible for war crimes, and basically working through the International Tribunal to undertake the prosecutorial effort.

Could you give us the status as to where that stands, and what efforts, if any, our country has made to provide evidence? I'm going to be very blunt with you; has our country provided sufficient resources to help the gathering of evidence so that we can have an indictment? Does the court have, in your opinion, sufficient evidence to make a presentation?

Secretary **Shattuck**. Well, let me speak first about the support, and then about where it may be—what it may be producing.

We are the largest supporter in terms of dollars, in terms of personnel, and we have many prosecutors who have been recruited from the Department of Justice and from state prosecution agencies, who are on-loan, if you will, to the Tribunal.

We have been right from the outset the major supporter of this enterprise, and in February of this year we gave the Tribunal another substantial grant specifically for its investigative work on Kosovo. As a result, the Tribunal has now opened an office in Belgrade and is under-

taking under, as you can imagine, extremely adverse situation, investigations in Serbia, including Kosovo. But its ability to get access to places is very limited. It's a critical need for forensic specialists to be able to get in as they have gotten into Bosnia, something that Senator Dole and I pressed very hard on Milosevic and said, if you're going to make allegations about mass graves involving Serbs and parade the media in front of them and claim these are Serb graves, let's get some forensic people in here who really are credible and who can look and see what the situation is, including the grave that we saw in Orahovac.

Senator **Dole**. If I could just interrupt, he was very critical of the Commission for Human Rights which has done a great job in Bosnia, but it's nothing but a political organization. He didn't want any part of them, didn't want them coming in to have any freedom to operate at all, or to investigate.

Secretary **Shattuck**. So we have moved to try to create the investigative machinery that is needed to conduct an investigation all the way to the top, and there is—the evidence should go wherever it takes them.

The U.S. has also provided substantial amounts of information available MD30 that would be useful to the Tribunal, both on the kinds of observations of the kind we've been describing here and other kinds of information that we might have. We've had an ongoing relationship with the Tribunal in that way.

Our position is that the evidence should be used to prosecute any and all persons at the highest and other levels, but particularly at higher levels because it is there that decisions are made and actions are taken.

I can't tell you because I'm obviously not in the investigative process or business myself, what the status of the Tribunal's work on any indictment of the highest level people in Belgrade might be, or anywhere else, but we are strongly encouraging and we're trying to open the political space for the Tribunal to be able to do its work. We're also working with other governments to get them to make more contributions.

Chairman **D'Amato**. Just to make an observation, it seems to me that anything less than a demonstration of power—whether that is economic power or other power—that is really applied very forcibly to selected targets and/or economic situations is not going to bring Milosevic around to a change in conduct. Would you agree with that?

Secretary **Shattuck**. Well, certainly, as I said in my testimony, the pressure needs to be increased substantially on Milosevic.

Chairman **D'Amato**. Then let me ask you, how about spelling out some of those things that would bring about—you know, because it's rather elusive. Tell me about the power, or tell me about pressure. What kind of pressure?

Secretary **Shattuck**. I am not in the NATO planning business, so I'm really going to——

Chairman **D'Amato**. If you were, what would you do?

Secretary **Shattuck**.—I leave that to others to comment on, but I will——

Chairman **D'Amato**. Well, now, wait a second, I don't mean to be—but I can't let you just go on like that. Are you then suggesting, by the nature of your reply, that this is a matter—because you said I'm not a NATO planner—that it's military in nature? Are you suggesting that—you know I'm going to keep after you, right?

Secretary **Shattuck**. Yes, good point. I believe there are many different areas that need to be ratcheted up.

Chairman **D'Amato**. Would you comment on those with some degree of specificity?

Secretary **Shattuck**. Yes. First, certainly, strengthening and getting the rest of the world to go along with all of the economic measures that have been put into place. I mention in my testimony the importance of basically assuring that nobody comes in and buys up at a fire sale, state assets in Serbia, as has happened in the past, which results in a big infusion of capital for the Milosevic government. We have a strong ban on that, and we want to make sure—we're going to work with other governments to make sure they do, Europeans and others.

Chairman **D'Amato**. OK. What else?

Secretary **Shattuck**. That also includes other economic measures, including the recent decision by the Europeans to ban their flights, the JAT flights, and certainly the U.S. is involved in that as well.

Chairman **D'Amato**. Let me ask you, Mr. Secretary—and I want you to understand, this does not diminish my respect for you and your activities, but I'm going to be pointed—I understand that that ban is not really a ban, that there are people who are not observing that. Is that correct?

Secretary **Shattuck**. Certainly, we have seen reports that up to now the British have not implemented it.

Chairman **D'Amato**. Why haven't we brought the Brits along and suggested—or whoever it is, whether it's the French, the Brits, or whoever—and got them to join with us? What are we doing in that connection?

Secretary **Shattuck**. I correct my last answer. As of this morning, the British are now onboard, as a result of a significant amount of work that we've been doing.

Chairman **D'Amato**. All right. So now we're banning some flights. What flights continue, if any?

Secretary **Shattuck**. The state airline flights are banned, period, flat-out, there are none whatsoever.

Chairman **D'Amato**. Well, have we banned commercial flights? In other words, we don't permit commercial flights of U.S. carriers in there, right? Is that correct?

Secretary **Shattuck**. I believe that is.

Chairman **D'Amato**. You see, here we are, we're talking about an area that seems to me it's rather easy for us, and it should be, to ascertain what kind of compliance, if any, we are getting? Who's working with us and who is not? Now, I'd like to know about that. It seems to me—and, again, I'm going to apologize to you personally—but it seems to me that we have not, and are not, demonstrating the kind of commitment from this Administration that would have all of these sanctions enforced. It shouldn't be you and one assistant and one person back on the desk. What are we doing? Are we really going to all of our allies and saying something as simple as, "Hey, no more flights in and out of there"? I mean, you have trouble giving specifics—and, again, it's not just giving a report to this committee as it relates to the effectiveness of this one rather small area of sanctions. It's important. It's a step. Do you follow why this is rather distressing because lives are being lost? We are not even using the economic tools—forget about the military tools—economic tools at our disposal. I'm wondering what's

going on over in the State Department. I am not a strong supporter of what I have seen coming out of this Administration as it relates to this tragedy that is unfolding.

Now, tell me, do you have a report on that?

Secretary **Shattuck**. Well, let me give you, no U.S. carriers are engaged in—there are no flights—

Chairman **D'Amato**. Well, are the French flying in? Are the Germans flying in? Are others flying in?

Secretary **Shattuck**. There are no EU Federal Republic of Yugoslavia flights.

Chairman **D'Amato**. Russia?

Senator **Dole**. Yes. They probably—in fact, we landed there.

Chairman **D'Amato**. What other economic restrictions—are we going to be working to achieve, with the Russians and with others, to get some level of cooperation in the economic area?

Secretary **Shattuck**. Yes.

Chairman **D'Amato**. The clock is ticking on me.

Secretary **Shattuck**. We have consistently taken the lead in strengthening all the economic measures, including now the investment ban, the arms embargo which we have succeeded in imposing on the whole Federal Republic of Yugoslavia, the ban on flights, and certainly all other forms of specific assistance that would go to the government. But we'd be glad to give you more information, if you want, on the details, but I'm indicating that the United States has basically been in the lead of trying to ratchet up all of these economic sanctions, and it's succeeded.

Chairman **D'Amato**. They are succeeding.

Secretary **Shattuck**. Yes.

Chairman **D'Amato**. In closing down those areas of economic activity, is that what you're saying?

Secretary **Shattuck**. Yes.

Chairman **D'Amato**. OK. I think that the committee's purpose will be well-served if you could provide us with just how comprehensive the sanctions are that have been passed, and then the status of them in terms of how many of them, how many of those sanctions have been implemented, and what countries are working with us. Maybe it takes us giving some public attention to those who are not working with us, and maybe if the Russians in certain areas aren't working with us, I have to be very candid, maybe we shouldn't be working with them and making dollars available and making aid available, you know, during their time of crisis. They can't have it two ways. They can't be milking the cow at this end, and at the other end starving the cow. So we're the cow here. We're providing aid to lots of people, and it just seems to me that we need some cooperation, otherwise, we're going to have no other recourse but the other option, as it relates to force.

So, again, I don't want my remarks as it relates to the tough questions I've asked you in any way to reflect upon what I know to be a dedicated great public servant, in your own case, in terms of doing what you're doing. I do feel that the Administration, and the Bush Administration—let me not make this partisan, I think that is important—we made a lot of statements, never followed through, and then we've given this guy every reason to believe, very much like with Saddam Hussein,

that he could do anything because we weren't going to be there. We are the "Knights of the Big Wind", the "paper tiger", and that is what we have been so far. But, unfortunately, there are lives being lost.

I thank all of the members of the committee who have been so indulgent in permitting me time to make these statements and make my observations.

Senator **Dole**. Could I just say a word. Secretary Shattuck, of course, is limited to the human rights field. I guess since I'm out of everything, I'm not limited to anything.

[Laughter.]

But I think it would be fair—and I think Elliott would agree, and Ben would agree, who just arrived and we appreciate your coming and your strong support—but I think it's going to take the use of force. I mean, we've tried everything else with this guy. I mean, a hearing aid won't help him. Milosevic doesn't hear anything. But if he hears a few other things whizzing over, I think we'd get his attention.

Chairman **D'Amato**. I'm beginning to come to the belief that if you tell somebody you're going to use force over and over and you never use it and you never take some selected targets they stop believing you. There are targets that have great economic implications, their storage and fuel facilities, their transportation facilities, their electric power plants. You can ratchet it up, you don't hit the most important target first. You pick a target of some consequences, and then say we will increase the pressure on you. Heck, they're killing these people, they're driving them out—how much worse is it going to be? It can't be much worse, can it? Well, it will get worse if we do nothing, I think that is the point, and what's going to happen is the killing is going to be done by the elements, by the weather, and so you can't point to him and say he shot these people or he burned these people.

Senator **Dole**. That may be his strategy, so he can say, "I didn't do anything, they froze to death".

Chairman **D'Amato**. I think that is his strategy. But, again, I want to thank all of my colleagues for being as indulgent as they have been because I know that Senator Lautenberg has spent a great deal of time and effort on this issue, he's been there, he's witnessed this. All my colleagues have a great deal of time invested, so I know they have their questions and observations to make. I want to thank both of you.

Mr. **Smith**. I will note that Commissioner Ben Cardin and Elliott Engel from New York have found us, and Tom Lantos, the Ranking Member on the Subcommittee on International Human Rights was also here but had to leave.

Let me ask a couple of things. Senator Dole, you mentioned the astonishing ability of Milosevic to lie right to your face. Frank Wolf and I also had that experience. We were in Vukovar right before it fell. It was a chilling experience. MIGs were flying over. We saw bomb fragments everywhere, buildings that had been leveled. The destruction was ongoing. Two months later Vucovar fell, and massive executions occurred.

When we met with Milosevic right after that, we looked him in the eye, we talked about what we had seen with our own eyes. He said, "It didn't happen." He suggested it was a figment of our imagination. We shouldn't believe a man who is a pathological liar. I'm not suggesting any of us are, but he has tried to fool the West so many times, and it's about time he was held accountable.

Let me also make the observation that many of us, Mr. Hoyer and I and others, have always made the strongest possible statement as you did as Leader of the Senate. That diplomacy only works when it's backed with credible threat of force and, if that fails, the use of force. I believe there would have been no Dayton agreement, there would have been no movement whatsoever on the diplomatic front had the Croats not mounted their massive counterattack in the Krajina region in 1995 and put hundreds of thousands of Serbs to flight, telling Milosevic that he has now met a match, and that he was going to suffer losses. All of a sudden he wanted to talk. Right now, there's nothing of that kind in Kosovo, and we have a situation where Milosevic is reigning with impunity and lying about it as usual. Secretary Shattuck, when you talk about holding him personally responsible, does that mean we are collecting information to bring an indictment, as the resolution that Mr. D'Amato wrote. We introduced it on the House side. Mr. Gilman, Mr. Hoyer and I, and others, offered the resolution on the floor and it passed with just one dissenting vote. I think it passed unanimously in the Senate.

Larry Eagleburger, as one of his parting shots as Secretary of State, told us all that this man is a war criminal and has to be held accountable. So, is it time to move to that stage and indict this monster for the terrible things he does?

The third point, after the issues concerning the use of force and Milosevic's indictment, would be on the humanitarian side. What kind of feedback did you get as to why the Serbian authorities would not give visas to Physicians for Human Rights and other very reputable and responsible organizations that want to get in to Kosovo? Are they targeting humanitarian groups, like the Mother Theresa Society and others?

Senator **Dole**. They've killed people in the Mother Theresa Society.

Mr. **Smith**. I yield for answers to those three, if you would.

Secretary **Shattuck**. Well, let me speak to them briefly, and as best I can. First, your point about force, as I said, and others at a much higher level of our government than I have said, all steps are possible, and NATO has gone beyond discussing operational concepts and has begun identifying specific forces to take part in a particular mission. I think everyone understands the need for the threat to be credible.

The United States position has been very publicly stated, that we do not believe a Security Council resolution is necessary as the legal basis were such event to occur.

Now, I really am not able to say more than that at this point, except that the President yesterday, and the Secretary of State on several occasions, have made it very clear that this process on this track, this NATO track, is continuing apace, and that is a very important set of points.

On the issue of war crimes, as I indicated to Senator D'Amato, the United States is the strongest supporter of this Tribunal, and we have specifically given assistance to the Tribunal to conduct investigations in Kosovo. We believe that the Tribunal should go wherever the evidence takes it, and we are providing all the evidence and information that we have that might be appropriate for its use.

Mr. **Smith**. If I could ask you, how much did we provide, and is it sufficient? Is it effective?

Secretary **Shattuck**. In terms of support?

Mr. **Smith**. Yes, the amount of financial support, are there things not being done because of insufficient dollars?

Secretary **Shattuck**. I can't give you—unless somebody has the information for me—yes, the recent contribution was \$1.075 million for the purposes of this Kosovo activity. As I said, the amount of support that the United States is providing not only in dollars, but personnel and information, I think, is great. We will provide additional information and support, which is what I said to the Chief Prosecutor and the Chief Judge when I was there a week ago. We are prepared, especially in working with the Congress, to find whatever ways and means we need to provide whatever the Tribunal needs.

Now, the evidence should go wherever it takes them, and I think that is a very important principle, and that has been made very clear to the Tribunal.

Finally, on the humanitarian issue, certainly, as Senator Dole has indicated, the tragic loss of life by the killing of three Mother Theresa workers, I think, is perhaps the most powerful answer to that question.

Senator **Dole**. I'd just underscore, I think the fact that Milosevic refused to let forensic experts in and said Doctors Without Borders and Physicians for Human Rights are nothing but political groups. He kept referring to the International Red Cross that they would be welcome. Well, they don't have that capability, they don't have that jurisdiction to go in and make determinations. But no question about it, Milosevic is not cooperating. He's in denial. Nothing is happening. He claims he doesn't know anything is happening. In fact, as I said, Milosevic told us nothing would happen, and in 36 hours you had these big attacks, driving people out of their homes. As I said, there's not any army there. The Albanians have a few rag-tag armed people left—what's the name for it, not KLA, but the other—UCK—and we even met with Adam Demaci, the guy who has been in prison for 28 years, and says he's the spokesman for the KLA, trying to see why he couldn't get together with President Rugova and have sort of a united front in the negotiations. We tried to touch all the bases. We know that there have been some few areas where we think the Albanians may be responsible, but it all was started by Milosevic. Bottom line is he's the bad guy.

Mr. **Smith**. Mr. Hoyer. Thank you, Senator.

Mr. **Hoyer**. Mr. Secretary, I apologize for leaving, we had a debate on the floor, and it's ongoing now, on Section 907, with reference to Albania and Azerbaijan—Armenia and Azerbaijan, a significant difference.

Mr. Secretary, I've read your statement. It chronicles, as Senator Dole has done and as all of us believe to be the case—and we read in the newspapers on a daily basis what we're saying—the repeat of Bosnia, which was, I suppose, the repeat of other onsets of atrocities of genocide at other times in history.

I, as some members of this commission know, have spoken repeatedly of President Bush's formulation of a "New World Order", Persian Gulf type, where the United States was not individually attacked, but we responded.

I do not see in your statement, and you may not know, what are the criteria for military action to be undertaken by NATO? What is it that Milosevic needs to do before we will stop sitting on the sidelines and watching carnage, and coming and testifying in committees, and wringing our hands, and writing about, and lamenting the carnage and the genocide and the ethnic cleansing that goes on, and we report it and you go and see it?

When will we say to the person I call the "Butcher of Belgrade", enough. We responded in Afghanistan. We responded in Sudan to a direct attack on the United States. I thought that was appropriate. The President did the right thing, and he had bipartisan support. Speaker Gingrich was one of the first people out saying, yes, that is the right thing to do. I'm sure, Senator—I don't know—but you were very close by.

My point, Mr. Secretary, is that there seems to be no dispute as to what's going on. The United Nations, in Bosnia, "talked tough and carried no stick", and Milosevic, with impunity, continued. What does he do that really impels us to act?

Secretary **Shattuck**. Well, obviously, Mr. Hoyer, this is a very difficult question, and I can't say that I have an easy answer for it. I can certainly say that the events could be a single atrocity or the accumulated weight of all those that have already taken place. I think that was very clear in the Bosnia situation. There are differences between Kosovo and Bosnia, and it's probably not useful to go into all of the obvious differences, including the general situation in the country. But the bottom line—and I think this is clearly—

Mr. **Hoyer**. If I could intervene, I accept your premise, and there are differences, there are significant differences. Frankly, the West's position, essentially, is not consistent with some of the parties that want independence and sovereignty.

Having said that, President Bush and President Clinton both set down a marker and said, as I understood it, that if force were used and, in effect, ethnic or other atrocities were committed, we would act.

Secretary **Shattuck**. Well, another answer—which I'm not sure how you will view this one, but I think it is a very important point—is that there are no "red lines", if you will, because to establish a red line is to send a signal that operating below that red line with impunity is acceptable. Obviously, there is the very great importance of creating a high degree of uncertainty in Belgrade about what kind of conduct would trigger what kind of response. Again, the President and the Secretary have said that all steps are very much under consideration. The recent developments in moving to identify specific forces and beyond the general operational concept, I think, is worth noting.

This is a subject over which, obviously, I have very little information, and I'm also, I think, way below the level where decisions are going to be made, so I'm going to leave it at that.

Mr. **Hoyer**. Mr. Secretary—and I join with Senator D'Amato—obviously, all of us on this commission, as you know, are very big supporters of and appreciate the actions that you have taken personally. I ask you not because I think you're responsible, but because you are in the Administration and would know the policy.

Let me make a suggestion, because I understand the operating below the red line—that wouldn't be my line. I would say to Mr. Milosevic, if you have not withdrawn your troops in 72 hours—that's not operating below any line—if you have not withdrawn your troops, if all military action has not ceased, we will act, period. No further notice. We will discuss with you whether or not that has happened, but there will be no notice to you further. You can put on your clock, 72 hours from now you will lose significant assets in and around Belgrade—maybe a power plant or something else—just as we did in Afghanistan and Sudan and Iraq and other places where we—and we, collectively, NATO—set down a marker.

So, I understand your problem, but I don't think it has to be simply—the Chairman is leaving now, and the Chairman said very frankly that maybe we ought to talk a little more, political solutions and all that—I, frankly, think we're beyond that because, as Senator Dole says, he does not listen to anything other than force—nothing. There is nothing that we can see in the history of the Bosnian crisis—and while it may be different in terms of the political situation on the ground, and the relationships between Kosovo and Belgrade and an independent nation recognized by the world—I accept that, but what is not different is that Slobodan Milosevic has never, ever withdrawn except in the face of real force—never. Every time we threatened it but did not follow it through, he kept going.

I don't ask you to respond to that, it's not a question, it's an observation. But I would hope, and I intend to also make this point in support of Senator Dole, frankly, and yourself, to the Administration, that we need to make it very clear that the timetable is very short, that we will not stand by and see additional ethnic cleansing, additional murder—and if winter is here in 3 weeks and people start freezing, it will be not our fault, but it will not be without our complicity.

Mr. Smith. Thank you, Mr. Hoyer. My good friend, Mr. Lautenberg.

Senator Lautenberg. Thanks very much, Mr. Chairman. Secretary Shattuck, you are, unfortunately, the bearer of the message, and we hope it flows both ways. Criticisms, if any, are not intended to be directed at you personally. Senator Dole, as usual, you are there to serve the country and to serve humanity. You've done a terrific job, and I, for one, really appreciate the fact that you've continued to manifest a public interest in an important area, and do it so well.

I look at that guy Milosevic and think about what he's doing. He's thumbing his nose at us. He doesn't care what we say. He's got to see something that we do. The other countries want to hold our coats while we go fight, and that is not acceptable. Mr. Hoyer said here that we won't accept it.

It's not true. We might accept it, unwillingly. If we don't move, we're accepting it. It's outrageous that these war criminals would get away with ethnic cleansing. We know that genocide was at its worst in the middle of this century, and we saw it and swore that we would never stand by and see it happen again. Yet now these people don't give a damn about what the world is saying.

I agree with you, whether it's 72 hours, or whatever the timetable is, time is fleeting. The best opportunity to save people is on us now. What will the world do if there are 500,000 refugees suddenly thrown into Eastern Europe and places around—and Albania comes apart at the seams. Do you think we're going to be able to stand by and say, well, unless you obey the rules, we're going to get angry. What kind of fight is this?

Senator Dole. We're going to pass a resolution.

Senator Lautenberg. Senator Dole served more heroically in the same war that I did.

Mr. Hoyer. Senator Dole said we're going to pass a resolution.

Senator Lautenberg. Will we have any left? I think we've used all our resolutions at this point.

Senator Dole, has the threat of war crimes trials for Kosovo meant anything in your view? Now, I'm an author of the statute on arresting war criminals. Has it meant anything to deter some of these deeds?

Does anybody pay attention? We caught one guy, he committed suicide before the sentence was carried out—I didn't feel sorry. But does it deter them in any way, the prospect of being tried?

Secretary **Shattuck**. Well, obviously, the evidence would indicate in Kosovo, no. However, I think the Congress, in working with us to establish this first ever instrument of international justice after Nuremberg and, frankly, very different from Nuremberg in the sense that Nuremberg was a victor's justice—it was just, but we were totally in charge.

This is a justice which is being brought to bear on the international scene, without the resolution politically or militarily of some of these events.

Now, specifically, on the Tribunal, over the last year, we have seen basically a 300-percent increase in the number of people who are being held in The Hague. There are now 31 held in The Hague, and quite recently there were only six or seven. My math is probably a little off, but that is a significant change.

Over half of all the indictees of the Tribunal in Bosnia have, in fact, been captured. Clearly, Karadzic, Mladic, and other high-level indictees must be brought to justice, and this Tribunal is in business until they are.

Now, the question of Milosevic and the conduct that we've been discussing in Kosovo, I think the Tribunal is a very critical piece of this. It is not the solution. It's not going to solve the problem that we're talking about here, that has immediate—whatever number of hours Mr. Hoyer and others are talking about—but it is a critical part of the long-term process of bringing about a political solution and of putting real pressure both on Milosevic and giving courage to those who are his opponents because of the prospect, always—and I think more real now than ever—that the work of this Tribunal could go really anywhere, and particularly in Belgrade.

So, the short-term deterrent effect, very difficult to point to. The long-term importance, absolutely critical.

Senator **Lautenberg**. Well, I'll tell you, I met with Ms. Plavsic—and she didn't request it, but intimated that if we picked up Karadzic or Mladic, that we might make heroes of them to the people, and thereby alter maybe, or influence the outcome of the election that has just been held—the vote is being counted now. Well, we didn't arrest them, and the Serbs didn't care anyway, and they are throwing Ms. Plavsic out of office, and she was somewhere in the middle of the road, I would say, slightly on the right side, and so it's done no good.

Senator **Dole**. The United States spent \$100 million, I read in the *New York Times*, trying to track down these war criminals.

Senator **Lautenberg**. Yeah, and they walk around, by the way, in full view. Now, the question is whether there's enough courage in there to say, OK, you did it, you are a criminal, and we're going to get you, and we may have to use some military force—I know there are complicated logistical and legal questions, but we have to solve the problem in a materially significant way.

I know, right now, that the Peacekeeping Force, the British sector, the French sector, they work, and they are keeping some very hostile actions from turning into conflict. But I think, frankly, gentlemen, that we have to say to Russia, either help us or stay out. Russia is now rocking on its heels, as you very well know, Bob Dole—it is in very bad

condition. And Russia, like everybody else, turns to us to solve the problem. The other countries want us to come in there with the money, make sure the IMF gets funded. We ought to say, OK, guys, you have a responsibility in this, too, and you stay out of this thing, unless you're going to be on our side. We want to stop this killing before it's too late.

All you have to do is see the faces, the mothers and the children. They don't care any less about their children than we do about ours, or their elderly, or their parents, or their brothers, or their sisters. Pain is written all over their faces. When you see the sacrifices they make—a family in Albania without a pot, honestly, brings in a family from Kosovo. I said, "how can you do this?" They said, "We have no choice." Suddenly the household was enlarged by about nine more people. It was a small house. I said, "Well, why don't we sit down," and she took out a thin mat, and that is where we sat. But she brought in those people. They didn't have their own means, but they brought in people.

Senator Dole, you're right, we're not condemning all Serbians, we're condemning those who visit that kind of violence that they have. But when you see the destruction that they do, it's so methodical, it's so cruel, it's so inhuman, and it's designed to dissolve their spirit, dissolve their character, and dissolve their families, and we can't permit it. Steny, I agree with you, it's time. The gauntlet has been thrown down, Milosevic has thrown it down, and, boy, we ought to pick it up. I'm going to go to the Senate floor, I promise you, in the next couple of days and really try to get some action going because I can't stand it. I can't, in good conscience—I don't know these people, but I know that they're human beings, and that we, in the United States, can only hold our heads high if we make sure that we do as much as we can to protect other people, and I hope we'll do it. Thank you.

Mr. **Smith**. Senator Lautenberg, thank you.

Senator **Dole**. I think Senator Lautenberg made a good point because in some of these villages, you know, the Serbs and the Albanians live as neighbors. They weren't having any problem until the police and the Yugoslav army started shelling homes of the Kosovars, and burning them down and burning their crops. I know in some cases that is not the case, but in most of these little villages we were in—and I know the argument about the ethnic hatred that was raised during the Bosnian conflict, and that has been there for hundreds of years. But, I think if we had waited for our allies in Bosnia, we never would have acted.

This is the United States of America, and if the President is looking for somebody to support him in something, I think we can all march down to the White House, embrace him, and say, OK, Mr. President—

Senator **Lautenberg**. You did it when you were in office, I had great respect.

Mr. **Smith**. Mr. Engel.

OPENING STATEMENT OF HON. ELIOT ENGEL

Mr. **Engel**. Thank you, Mr. Chairman. I want to thank you and Senator D'Amato for the good work that you both do. I have spent a good deal of my 10 years in Congress dealing with this issue, and I want to say to Bob Dole, I read your statement, I couldn't agree with it more, 100 percent, and thank you for all the work you've done through the years. I know it's made a difference in people's lives, particularly this issue,

and in Kosovo know your name and know that you've done more than probably anybody else in the Congress to champion their cause, and I thank you. Secretary, I also appreciate the good work that you do.

I agree with virtually everything that's been said here. The last time I tried to enter Kosovo was several months ago, and I was denied a visa by Mr. Milosevic. We tried here, we tried in Skopje, we tried the border, and they wouldn't let us in. I, too, have had the experience of meeting with him in Belgrade where he lies to your face and tells you you are uninformed, you are misinformed, who tells you such lies, it's not true, and a day or two later you find out not only was it true before, but it was true afterwards as well.

I've come to the conclusion—and, again, as everyone said—the only thing he understands is his resolve, and to me it's just so evident—while, of course, it's not an identical parallel between Bosnia and Kosovo—the fact is, as one of my colleagues has mentioned, until we grab the bull by the horns, until we move and show him that we meant business in Bosnia, he wasn't willing to make any concessions, and we had 200,000 people killed with ethnic cleansing. Unless we do it again, show the resolve again—and it has to be us because I've given up, unfortunately, on a lot of our allies who have weak knees—it's not going to be done.

We need to do—and I'm convinced, more than ever before—impose a no-fly zone and have air strikes in Kosovo, and tell Milosevic unless he stops doing whatever he is doing, we are going to bomb and impose a no-fly zone.

I want to also say that I think that ultimately, as was pointed out before—Senator Dole said it—there are two crises. The immediate crisis is humanitarian, but the long-term solution is political, and I want to tell you, this policy which I've now seen under two Administrations, this bankrupt policy of saying we favor autonomy is absurd, as far as I'm concerned. Autonomy didn't work before when there was a full Yugoslavia, when you had counterbalances to Serbian influence, when you had the Croats and the Bosnians and the Macedonians and all the other people in the former Yugoslavia, autonomy didn't work then, and now when you essentially have a Yugoslavia which is so Serb-dominated, it won't work. It won't work now. I think that self-determination, ultimately, is the only solution, the only fair solution. Maybe you cannot get from step one to 10 overnight, but we certainly should lay out a long-term program which gives the Kosovars the right I believe all peoples have, and that is the right to self-determination.

So, I am deeply disappointed in our policies. I again fear that unless we make the moves that we need to make and show resolve, we're going to see the same thing all over again. The early signs in Bosnia are happening where the international workers aren't allowed to come in. It's just happening all over again. The contact group was a joke. The only country which really worked with us to any degree in that contact group was Britain, and even Britain sometimes doesn't do what I think ought to be done, but at least they were backing what's right more so than any other countries. I agree with what was said about the Russians and everybody else. Maybe it's time to say to them, if you want help in this way, you'd better help us that way or else we're not going to do it.

So, I just want to ask Secretary Shattuck—you know, we talk a lot about ethnic cleansing. Do you see ethnic cleansing? I see it. I'm told constantly, no, it's not really, it's different, it's different than Bosnia. I think it's splitting hairs, and I'd like to hear what you have to say about that.

Secretary **Shattuck**. I see crimes against humanity, war crimes, and atrocious human rights abuses. I don't think, for my own purposes, it helps whether or not the label "ethnic cleansing" is used or not. These are violations of international criminal law, and that is exactly what they need to be treated as.

There are, in fact, people being chased out of their homes. There isn't the same kind of problem of other people coming into their homes the way there was, in order to take over territory in Bosnia. So, in that sense, technically, I don't believe it is ethnic cleansing, but that doesn't trouble me one way or the other because I think the issue is what is actually going on, is it criminal conduct, from an international humanitarian criminal law standpoint? The answer is, yes, it is, and there are various ways, including the shelling of unarmed civilians intentionally, things of that nature. Whether that is ethnic cleansing is irrelevant, in my view, because the issue is, is it a violation of international humanitarian law.

Senator **Dole**. We did raise that, I might say, on our visit with Milosevic, and he went through the ceiling. He started giving us his whole history of Albania and the terrorists in Albania. We at least raised it on the record, I don't think they kept any notes.

Mr. **Engel**. Senator Dole, you've dealt with this issue extensively for so many years, and before anybody knew where Kosovo was in the Senate or in Congress, you were standing up for human rights.

What do you see in terms of on the ground, the people there, do you see despair? Is there a feeling that the United States has abandoned them? There was so much hope in terms of the United States coming to help, and I hear from so many of our officials, well, you know, they have to understand the cavalry isn't coming in to save them, is sort of our attitude, which disturbs me greatly. What's the feeling on the ground there, do the people feel that we've let them down, or are they still hoping that we're going to do the right thing?

Senator **Dole**. They're still hoping. I mean, I must say, the Albanian people are amazing. They were smiling. They had nothing, everything had been destroyed. But they still believe that the United States will do something. They believe that we're a good country and good people, and that we will bring our allies along, NATO along. I don't think they've given up on us, but I must say, as I said earlier, if we wait until they start bringing bodies out of the mountains frozen to death. Some say that is Milosevic's strategy. If they freeze to death, he didn't kill anybody, they could have gone home. He's already saying they don't have to stay in the mountains, they can go home. They can't go home because they are harassed by the Yugoslav army and the Serb police force. They have to go through checkpoint after checkpoint. But I think there's still confidence that we will do the right thing, but to do the right thing, we don't have much time.

Mr. **Engel**. Thank you. I just hope we do the right thing, and I don't think it's too late. I don't think that we've got to have U.N. Security Council approval, I think that is absurd. I think that if push comes to shove and we have to act on our own, we ought to do it. Thank you. Thank you, both.

Mr. Smith. Let me ask one final question—and thank you for your excellent answers and leadership. There are many of us who believe that in Bosnia there was an actual genocide. Then pursuant to the provisions of the Genocide Convention, certain actions should have been triggered.

Secretary Shattuck, more specifically, do you believe a genocide is occurring in Kosovo, and what responsibilities as a signatory to the Genocide Convention would that require us to fulfill, if it is indeed so labeled?

Secretary **Shattuck.** I can't really give a legal conclusion, that is obviously the jurisdiction of the people who are prosecuting and the War Crimes Tribunal. I will say that my own conclusion, as a lawyer and someone with eyes and ears, and the partnership with Senator Dole here, I have, as I said to Mr. Engel, reached the conclusion that crimes against humanity have been committed. People have been attacked in open settings, their homes have been destroyed, massive punitive damage has been afflicted against a civilian population. I think that is the conclusion that I draw from what I've seen.

Mr. Smith. Could I ask for the record that you provide an analysis of whether or not this indeed is a genocide, and what then would happen if it were labeled or called a genocide under that definition.

Secretary **Shattuck.** We will certainly answer that.

Mr. Smith. Let me conclude by thanking our distinguished Senator Dole and Secretary Shattuck. I think we must note—looking at your itinerary—that this trip was done at great risk to yourselves. I know that for you and your delegation this was a hazardous trip, and the protections are slim and none when you venture into such hostile territory. So, we're very appreciative, and I think everyone who is concerned about human rights should be very grateful that you took that risk. In the immortal words of one of my favorite singers, John Lennon, it's good to have the both of you back. Thank you. The meeting is adjourned.

[Whereupon, at 4:52 p.m., the Commission was adjourned.]

APENDICES**OPENING STATEMENT OF CHAIRMAN ALFONSE D'AMATO****ATTROCITIES IN KOSOVO: SHATTUCK AND DOLE REPORT**

Today, the Commission on Security and Cooperation in Europe holds its third hearing this year on the subject of Kosovo. Our witnesses today, Assistant Secretary of State John Shattuck and Senator Bob Dole, have just returned from a trip to Kosovo and will report to us on what they saw, what they believe will happen next, and what U.S. policy should be to address the Kosovo crisis. I welcome both of them and commend them for their dedication and tireless work on this issue and the cause of human rights in general.

The Commission's hearings on March 18th, June 25th, and today document a deteriorating situation that threatens the stability of the southeastern corner of Europe and that promises to become, very soon, a humanitarian catastrophe. I, my distinguished Co-Chairman, Congressman Chris Smith, and others have spoken directly and plainly about what must be done to solve the problem. Yet no meaningful action has taken place and the situation continues to worsen.

Two Presidents of the United States, George Bush and Bill Clinton, both warned Milosevic in writing against using force in Kosovo and said the U.S. would act to stop such attacks. So far, this warning has been hollow, and Milosevic is well along toward achieving a military solution to his Kosovo problem.

Worse, Milosevic's forces are conducting what appears to be another campaign of ethnic cleansing, only relying on the forces of nature to do what the murderers did in Bosnia. Serbian police, paramilitary, and military forces appear to be engaged in a calculated process of driving ethnic Albanians out of their villages, looting the villages, burning the houses, shops, and crops, and killing the livestock.

While there are no accurate figures, perhaps as many as 70,000 of the more than 200,000 people driven from their homes by these tactics are living in the outdoors in the fields and forests, with minimal food, no shelter, and no medical care. The harsh Balkan winter is coming, and these people will die of famine, disease, and exposure unless the Serbian aggression is halted immediately.

Why is there no action? The short answer is that there is no political will. As I understand the situation, NATO's military command is fully prepared to act in a full range of responses if given the order. But the order has not come.

Some NATO allies are reportedly refusing to agree to Alliance military action in Kosovo against Serbian forces without a new United Nations Security Council resolution explicitly authorizing "the use of all necessary means" to halt Serbian aggression. And such a resolution will not be adopted because the new Primakov government in Russia is sure to veto it.

**WRITTEN STATEMENT OF CHRISTOPHER H. SMITH,
CO-CHAIRMAN**

Today's hearing of the Commission on Security and Cooperation in Europe is on the latest atrocities in Kosovo. As with Bosnia and elsewhere, the Commission has a mandate to document human rights violations where they occur in Europe, and our obligation is especially solemn when these violations are, in fact, atrocious crimes against humanity. Sadly the atrocities in the Balkans are still taking place.

However, we must go beyond mere documentation. We must witness, but we must also act. When we see or hear what has happened in Kosovo since January, we must ask what can be done to end the violence. As with Bosnia, half-measures simply prolong the misery and carnage. Now we are faced with the added death knell of the fast approaching winter. Hundreds, at the least, have lost their lives. Hundreds of thousands are displaced from their homes—some taking refuge in forest and open fields, and tens of thousands of refugees are in neighboring Montenegro, Macedonia and Albania.

As with Bosnia, diplomacy alone will not work. Nor will more and more humanitarian assistance, as wanted and welcomed such help might be. Milosevic's relentless and deadly policies march on and on. Decisive outside intervention is required, and the military strategists of NATO are prepared. The political forces in the Congress and the U.S. Government must assess the risks and responsibilities of intervention. Documenting the crisis, as our witnesses will do today, is critical to that assessment.

Our distinguished witnesses today will report on the horrible destruction caused by the attacks on villages and towns in Kosovo. The detailed reports on these attacks include inhumane brutality beyond comprehension. The intentional displacement of the civilian population, the execution of people held in detention, the deliberate destruction of food supplies, and the prevention of humanitarian aid deliveries are the tools of a determined policy of annihilation.

That policy originates in Belgrade, with Slobodan Milosevic at the helm. All the complexities of the Balkans do not erase that simple fact. Both the House and the Senate are on record as believing Milosevic is a war criminal. If he can be stopped, we would hope that the problems in the region could be resolved in a peaceful and democratic way.

Speaking personally, I am not known as someone who readily recommends military response, but, if action is not taken, knowing—as we do know—that many more people will die as a result, we share a portion of the responsibility for what does happen. NATO must act.

Today's eyewitness testimony by Assistant Secretary of State and fellow Helsinki Commissioner John Shattuck and former Commissioner Senator Bob Dole, who now serves as head of the Commission on Missing Persons in the Former Yugoslavia, will elaborate on the atrocities and the humanitarian crisis they recently witnessed in Kosovo. These men, having just returned from their travels to Kosovo and Belgrade, did meet with Milosevic himself. Neither need a formal introduction; their records as public officials and as human rights advocates are well known. I thank you very much for coming and look forward to your testimony.

WRITTEN TESTIMONY OF SENATOR BOB DOLE

Mr. Chairman, Members of the Commission:

Thank you for this opportunity to testify on a matter of grave importance to American political and security interests in Europe: the war in Kosova. I commend the Helsinki Commission for focusing its attention on the situation there and on the need for an effective US policy response.

Last week, I returned from a human rights and fact-finding mission to Kosova with Assistant Secretary Shattuck. Before I continue with what we learned, I would like to take a moment to thank Secretary Shattuck for placing Kosova high on his agenda and, consequently, making this trip happen. There are few places in this world, at this point in time, where such egregious violations of human rights and humanitarian law are taking place.

I was last in Kosova in 1990, when the repression against the Kosovar Albanians had just begun. The Kosovars had been stripped of their political autonomy, their parliament shut down and their rights as articulated in the Yugoslav constitution were effectively suspended. The beginning of an apartheid-like system was just becoming apparent. It was clear then that conflict would come if Slobodan Milosevic were not challenged.

Upon my return, I joined the few voices warning the Bush administration that war would come to Yugoslavia. And, it did. First Slovenia, then Croatia and not long after, Bosnia.

As terrible as the war in Bosnia proved to be, the war that the Bush and Clinton administrations feared most was in Kosova—where it seemed inevitable that conflict would easily spread into neighboring countries, destabilizing the entire region. As a result, in 1992, President Bush warned Serbian leader Slobodan Milosevic that the United States was prepared to use military force against Serb-instigated attacks in Kosova. When he took office, President Clinton repeated this so-called Christmas warning.

Now six years later, Milosevic is again on the warpath. Based on what I have seen, there should be no doubt that Serbia is engaged in major, systematic attacks on the people and territory of Kosova.

Prior to my trip, I had seen some television reports of the suffering in Kosova. These few images, however, were only a pale reflection of the widespread devastation of lives, property, and society in places like Orahovac and Malisevo, and other towns. Many homes have been firebombed; we saw one home ablaze only yards away from a group of Serb police. Entire villages have been abandoned. We encountered armed-Serbian police every couple of miles and twenty checkpoints in just six hours.

The Albanians we met—mostly women, children, and the elderly—are living in fear for their lives. Ironically, in the village of Marusa, they were the lucky ones, living in their homes by day and fleeing to the forested hills at night. Tens of thousands of others are afraid to return at all or have no homes to which to return. Nevertheless, the children, in particular, are already showing signs of a vitamin deficient diet; they have sores on their mouths and most have scabies or other skin ailments resulting from a lack of sufficient hygiene.

We met with representatives from humanitarian organizations whose personnel have been harassed and even attacked. These aid organizations do not enjoy freedom of access, nor can they bring in certain criti-

cal supplies because Belgrade has placed an internal embargo on them. Some of these representatives expressed their serious concern and reservations about Milosevic's plan to open 11 "humanitarian centers" run by the Serb police. I must say that this reminds me of the so-called "safe havens" we saw in Bosnia, except this time they would be run by those who are responsible for attacking civilians. Ethnic Albanians are afraid to go where there are Serb police or other Serb armed forces. And so, despite the near freezing temperatures at night, hundreds of thousands of Kosovar Albanians remain hiding in the hills—without adequate food, water or shelter.

During our visit, we also heard chilling testimony from eyewitnesses to human rights abuses and atrocities, including direct artillery attacks on civilians; seizures at gun point; and, as in Srebrenica in Bosnia, the separation of women and children from men.

The war in Kosova shares many of the worst characteristics of the war in Bosnia. The primary victims of Serbian attacks are civilians.

But it is not just the situation on the ground that gives me a sense of *deja vu*, but also the failure of the United States and our NATO allies to respond effectively to this situation. Mr. Chairman, America cannot wait three years, as it did in Bosnia, to deal with this foreign policy crisis. We cannot wait three months. Unlike Bosnia, there is no Bosnian army, there is no humanitarian airlift—there's barely any TV coverage to make American and European policy makers uncomfortable with their inaction.

Instead of acting forcefully, America is asking the victims to negotiate with those who are attacking them. In addition, there is a real attempt to impose a moral equivalence between Serbian forces and the small band of Albanians who have taken up arms against them. The KLA is not a genuine army; some of its members have attacked civilians and such crimes must be condemned. But, it is hardly surprising that after years of hearing empty promises by the West that passive resistance would be rewarded and that the "Christmas warning" would be carried out, some Kosovars would rather take primitive arms in their own hands to defend their homes and families. While militarily unimpressive, the KLA factions are not in essence terrorist cells, rather armed resistance.

The bottom line is that once again, Western diplomats are trying to avoid the tough decisions and are desperate not to take on the person most responsible for the misery, suffering and instability in the Serbia and the region: Slobodan Milosevic.

Instead of ultimatums and deadlines, instead of firing up the engines, NATO is postponing decisions and firing up excuses. American and European diplomats hide behind official statements that the situation in Kosova is "complicated" and that NATO needs UN Security Council authorization to act.

Both of these assertions are dead wrong. First, the situation is not complicated. Indeed, it could not be clearer: This is a war against civilians, and we know who is responsible: Slobodan Milosevic. Second, NATO does not need and should not seek UN Security Council resolution authorizing it to take action to respond to a crisis in Europe that threaten stability in the region. All NATO needs is some leadership—from the United States first and foremost, and then from Britain, France and Germany.

Unfortunately, when Secretary Shattuck and I met with Milosevic ten days ago, he did not act like a man cowering in fear of NATO action. Instead, he acted like a man who had already gotten away with murder and would be rewarded for it. Milosevic denied any offensives were underway or being planned, yet within 24 hours of our departure, a serious offensive was begun in the region of Pec.

With 300,000 displaced persons and winter fast approaching, Kosova is already a humanitarian and human rights catastrophe. However, the problem in Kosova is not by definition a humanitarian one. It is a political and military crisis, whose most visible symptoms are humanitarian. And so, while more humanitarian aid is desperately needed, such assistance will not solve the problem.

The time is long overdue for the US to embrace a policy that will end Milosevic's reign of terror in Kosova. The failure to address the status of Kosova at Dayton may be the single greatest failure of the already badly-flawed Dayton peace process.

The United States and its NATO allies must press urgently for a cease-fire and a withdrawal of Serbian police and military forces by a date certain. It must back this with an ultimatum to use major force immediately and effectively.

With a cease-fire and withdrawal of all Serbian police and Yugoslav Army forces, people can safely return to their homes and rebuild their lives with international assistance. Only if civilians are not under attack can Albanian and Serbian leaders engage in genuine negotiations with the goal of achieving a sustainable peace that is built on democratic institutions. Such a peace would guarantee that instability would not spread into Montenegro, Macedonia or Albania. Such a peace would also strengthen the position of the fledgling democratic opposition in Serbia and deprive Milosevic of the opportunity to distract Serb citizens from their deteriorating economy and near-pariah political position in Europe.

In conclusion, let me emphasize that half-measures and interim deals will not do. The options are not easy, but that cannot be a justification for Band-Aid diplomacy. American officials have publicly pledged not to allow the crimes against humanity that we witnessed in Bosnia to be repeated in Kosova. From what I have seen this weekend, such crimes are already occurring. American credibility and European stability are on the line. What is urgently needed now is American leadership and a firm commitment to a genuine and just peace in Kosova.

**WRITTEN TESTIMONY OF JOHN SHATTUCK,
ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN
RIGHTS AND LABOR**

Thank you, Mr. Chairman, for giving me the opportunity to brief the Helsinki Commission on Senator Dole's and my recent trip to Kosovo. I want to start by paying tribute to Senator Dole for his willingness to undertake this difficult but critically important mission at the request of the President and the Secretary of State. His great stature as one of our country's most distinguished citizens, and his wisdom and courage, emphasized to all who met with us how seriously Americans regard the deepening crisis in Kosovo.

I am also pleased to be here under the auspices of the Commission, since I serve as an Executive Branch commissioner to this organization.

Senator Dole and I spent four days examining the situation in Kosovo. Over this period, we had the opportunity to meet with Kosovo's political, academic, and religious leadership, and to speak directly with eyewitnesses and victims of human rights atrocities. Senator Dole and I saw horrendous human rights violations, violations of humanitarian law, and acts of punitive destruction on a massive scale.

We covered approximately 150 kilometers in Kosovo, focusing on the central and eastern parts of the province. While in Kosovo, we were able to investigate accounts of the shelling of unarmed civilians by Serb security forces, such as the actions that were taken against a group fleeing the town of Senik on August 29. Families seeking escape were shelled in a ravine seven people were killed and thirty severely wounded, including small children and elderly women.

As we made the trip around Kosovo, we also received severely disturbing accounts of large groups of people being rounded up and men and boys separated from women and children. Upon receiving these reports, we made immediate contact with the office of Slobodan Milosevic and his foreign policy advisor. We made the clear point to them that the United States would hold Milosevic and his government personally responsible for the well-being of these individuals. Above all, we demanded immediate access to the detainees by the International Committee of the Red Cross and the release of those not charged with criminal conduct.

Two days after we received the first reports of this incident, the Serbian government did release 536 of the men they had detained, but we understand that 73 men from this government action continue to be held in a prison in Prizren. In addition, there are reports of other detainees to whom the International Committee of the Red Cross does not have access, and as of this morning has yet to get access to the 73 men being held in Prizren, despite the assurances of Milosevic that are now more than one week old.

We also received reports and eyewitness evidence that between 40 and 60 thousand internally displaced persons were in and around the town of Krucevac, near Pec. They were too afraid to return to their homes and were surrounded by security forces.

In Belgrade, we received reports that independent media outlets have again been intimidated by the government. These journalists have been accused of reporting favorably about terrorism by publicizing the mas-

sive human rights abuses that are occurring in Kosovo. Senator Dole and I met with many of these independent journalists when we were in Belgrade.

The international community must urgently press for a cease-fire and a withdrawal of security forces in Kosovo, because only under those conditions will people be able and willing to return without fear to their homes. There are estimated to be hundreds of thousands of internally displaced persons who cannot now return.

In our meetings with Milosevic and other officials, we stressed the need for broad and unimpeded country-wide access for humanitarian organizations, not only for the International Committee of the Red Cross, but for all humanitarian organizations. We also underscored the urgency of unrestricted international criminal investigations of humanitarian law violations by the Yugoslav War Crimes Tribunal.

In short, Kosovo is a humanitarian emergency and a human rights crisis, and a very serious catastrophe in the making. We told Belgrade authorities and Milosevic personally that they would be held responsible for having created the situation that now exists in Kosovo. Milosevic must change these circumstances by ceasing the brutal assault on the civilian population so that people can get the help they need and return to their homes as winter draws near.

In the Kosovo countryside, on more than one occasion, our delegation came across heavily-shelled and sometimes still-burning towns, long since abandoned to packs of wild dogs and heavily-armed Serb police and Yugoslav army forces. Among the displaced children we saw, there was evidence of the beginnings of malnutrition. Such horrendous human rights abuses are designed not just to terrify civilians but to obliterate the very infrastructure that makes daily life tolerable. The end result is destruction far beyond government claims of "apprehending terrorists." In short, Belgrade is inflicting punishment on the entire civilian population of Kosovo, where an estimated 18,000 homes have now been totally or partially destroyed.

Addressing the looming humanitarian crisis in Kosovo will require massive intervention by the international humanitarian relief community in order to prevent as many as possible of the tens of thousands of internally displaced persons from starving or freezing to death this winter. But as Senator Dole has noted, the humanitarian crisis is only a symptom of the broader political and military crisis that not only consumes Kosovo but also threatens to destabilize the entire region and undermine the peace process in Bosnia.

Solving that humanitarian crisis requires a political settlement, and the political will to make a settlement stick. Slobodan Milosevic must be held personally responsible for resolving this broader crisis, which is of his making.

There is a discrepancy between Milosevic's stated policy of favoring returns and the very nature of the operations carried out by security forces in the past few weeks. These operations have led to further killing and wounding of civilians, to large-scale destruction of private property, and to further mass displacements. They have created a climate of deep and widespread fear.

There are several steps that the United States is taking to ratchet up the pressure on Milosevic, and as both the President and Secretary Albright have stated, all options are on the table. We are increasing our focus on violations in Kosovo of humanitarian law and serious human

rights abuses, and publicly stating that we are holding Milosevic personally responsible for resolving the human rights and humanitarian crisis he created. Ambassador Chris Hill is urgently seeking to broker a peace accord that moves beyond quick fixes and delivers a lasting solution. We are in close contact with our European allies on both the human rights crisis and the ongoing negotiations; in fact a representative of the European Commission accompanied Senator Dole and me on our trip.

We are stepping up the capability of the international community to take action on Kosovo, whether Milosevic wants our involvement or not. We reserve the right to intervene in all necessary ways to address the humanitarian and human rights emergency and to help its victims in Kosovo and Serbia at large.

Milosevic's attempt to politically prop himself up through his Kosovo adventure has severe economic consequences for Serbia and Montenegro. We are increasing our efforts to ensure that all of our allies understand the gravity of the crimes being committed in Kosovo, and the dangers of indirectly propping up this regime through the purchase of state assets by international investors at fire-sale prices. Milosevic is on the ropes economically, and should be kept there.

We are strengthening the "justice track" on Kosovo. The International Criminal Tribunal for the former Yugoslavia in The Hague has clear jurisdiction over the events in Kosovo, and we are increasing our support for the work of the Tribunal in investigating and prosecuting those who are committing war crimes and crimes against humanity.

After I departed Belgrade and Pristina, I traveled to The Hague to debrief the President of the Tribunal, Judge Gabrielle MacDonald and Chief Prosecutor Louise Arbour on the findings of our trip. The Prosecutor is hard at work on Kosovo, and we should give her any and all support necessary to bring perpetrators of these crimes against humanity to international account.

When the Kosovo conflict first broke in late February, the U.S. moved quickly to make an emergency contribution to the Tribunal to jumpstart the investigations. The Tribunal's work on Kosovo is now moving forward.

While I was in The Hague, Tribunal President Judge MacDonald publicly released a letter she sent to the United Nations Security Council, pointing out the urgency of the Tribunal's work and the Milosevic government's record of flagrant non-cooperation. Milosevic's record of zero compliance with the Tribunal is reprehensible, and we are giving our full support to this initiative at the Security Council.

We are increasing our efforts to deploy independent forensic experts to the region. Both Serbs and Albanians claim that bodies of their countrymen have been found in mass graves across Kosovo. In our meeting with Milosevic we pressed him to allow international experts to investigate these reports professionally on an urgent and unrestricted basis.

Our immediate task is to work to end the humanitarian crisis in Kosovo now. In less than five weeks, winter will set in. But food and shelter alone are not adequate. People will not return to their homes in the current climate of fear. A cease-fire and reduction of security force levels are preconditions for returns. Freedom of access for the International Committee of the Red Cross and humanitarian NGOs is essen-

tial. Serb authorities in Belgrade asserted that the Red Cross and others would have unfettered access, but to date this commitment has not been implemented.

We urge all involved to end the violence. Responsibility for ensuring the safety of the civilian population lies with the Milosevic government. It must stop its brutal assault on towns and villages and withdraw security forces. Meanwhile, Albanian political representatives and the Kosovo Liberation Army should do all they can to end civilian deaths and harassment. They should provide information on missing Serbs in Kosovo.

Finally, we are stepping up our support for the democratically-elected government of Montenegro, which I also visited last week, to build civil society and assist the Kosovars who have sought refuge there. While we are concerned that the Montenegrins have closed their border with Kosovo, the broad-based willingness of the Montenegrin government to assist refugees and to cooperate with international humanitarian relief agencies as well as the War Crimes Tribunal has demonstrated that the underlying crisis in the region is the lack of democracy and respect for basic human rights in Serbia under the Milosevic regime.

The crisis in Kosovo is a symptom of a larger emergency in Serbia. Ultimately, only the establishment of a democratically-elected government that reflects the will of all the people of Serbia and respects civil society, opposition voices and an independent press will end this larger crisis.

Thank you, Mr. Chairman.

**QUESTION FOR THE RECORD SUBMITTED
TO ASSISTANT SECRETARY SHATTUCK
FROM COMMISSION ON SECURITY AND COOPERATION
IN EUROPE**

DATE: SEPTEMBER 17, 1998

Question 1. In a discussion with Chairman D'Amato, Secretary Shattuck said he would be willing to provide the commission with more information on the details of the economic sanctions against the Federal Republic of Yugoslavia, both the outer wall which already was in effect and the additional sanctions like the investment ban and the ban on flights. The Chairman responded that he would like information on how comprehensive the sanctions are—what sanctions have been adopted and how have they been implemented—including which countries are working with the United States regarding sanctions and which are not.

Answer. The "outer wall" of sanctions emerged out of the negotiations leading up to the Dayton Peace Accords. These sanctions were considered necessary to elicit Belgrade's cooperation on resolving a number of issues which are crucially important to establishing a lasting peace in the former Yugoslavia.

Specifically, these sanctions include a prohibition on membership in international organizations such as the UN and the OSCE, access to international financial institutions, particularly the IMF and the World Bank, and normalization of relations with the United States.

Removal of the "outer wall" of sanctions, either in whole or in part, is tied to Belgrade's progress on five major issues: full cooperation with the International Criminal Tribunal for the Former Yugoslavia, a negotiated settlement for autonomy for Kosovo, continued cooperation in implementing the Dayton Peace accords, democratization in the FRY, and the resolution of outstanding state succession issues concerning the former Socialist Federal Republic of Yugoslavia.

In response to the Milosevic regime's crackdown in Kosovo, on June 9, 1998, President Clinton issued Executive Order 13088 imposing new sanctions on the Government of the FRY(S&M) and the Governments of the Republics of Serbia and Montenegro. These new sanctions block all property and interests in property of the Government of the FRY(S&M) and the Governments of the Republics of Serbia and Montenegro in the United States. Executive Order 13088 prohibits any transfer of FRY(S&M) property without a specific license from the office of Foreign Assets Control, Department of the Treasury. Financial transactions with the Government of the FRY(S&M) and the Government of the Republic of Serbia, including trade financing, are prohibited. On June 18, 1998, OFAC issued General License No. 1 excluding the Republic of Montenegro from the new sanctions.

The "outer wall" is not a monolith. We have made clear to authorities in Belgrade that we are prepared to engage in a gradual process of dismantling the Outer Wall in exchange for significant and irrevocable progress in our areas of concern. The pace of any improvement in relations depends entirely on Belgrade's actions. To date, Belgrade's record on the issues linked to the "outer wall" has been far short of acceptable. We will continue to press the issues with senior FRY and Serbian offi-

cial at every opportunity and will continue to emphasize that there will be no improvement in the FRY(S&M's relations with the international community until it begins meeting its obligations.

On September 9, 1998, the European Union adopted a regulation banning FRY(S&M) registered or operated aircraft from flying between the FRY and the European Community. All EU member countries have honored this regulation, with the exception of Greece, which has chosen to honor a bilateral treaty concluded with the Socialist Federal Republic of Yugoslavia requiring a six month notification before suspension of treaty obligations. Greece has said that it will conform with the EU regulation in March 1999. Many non-EU countries have joined in the flight ban including: Bulgaria, Cyprus, The Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovenia, Iceland and Norway. Notably, Switzerland has not imposed a flight ban.

On June 22, 1998 the Council of the European Union adopted a regulation to freeze Government of the FRY(S&M) and Republic of Serbia funds held abroad (No. 1295/98). On July 24, 1998, the Council of the European Union adopted a regulation prohibiting new investment in the Republic of Serbia (No. 1607/98).

Question 2. Is what is happening in Kosovo genocide, and what responsibilities would the United States, as a signatory to the Genocide Convention, and other parties to the Convention be required to fulfill if what is happening in Kosovo were labeled "genocide"?

Answer. We are deeply concerned about the killings and massive destruction of civilian property that has occurred in the last year in Kosovo. We have been actively engaged in seeking a settlement that will provide democratic self-government in Kosovo. Our leadership, especially in NATO, has helped establish a cease-fire.

The International Criminal Tribunal for the former Yugoslavia (ICTY) has the mandate and full US support to investigate violations of international humanitarian law in Kosovo. We have provided voluntary financial support to the ICTY for this purpose. The U.N. Security Council has affirmed the ICTY's jurisdiction and the obligation of the FRY Government to grant access for ICTY investigators throughout the FRY. The ICTY has the authority to investigate whether genocide or other crimes within the ICTY's jurisdiction have occurred in Kosovo and who is responsible for them. We are determined that the ICTY fulfill its responsibilities in Kosovo. Many top US officials have pressed the FRY Government to comply fully with its obligations to cooperate with the Tribunal. Under the 1948 Genocide Convention, the crime of "genocide" occurs when certain acts are committed against members of a national, ethnic, racial or religious group with the intent of destroying that group in whole or in part. Among the relevant acts are killing, causing serious bodily or mental harm and deliberately inflicting conditions of life calculated to bring about physical destruction of the group.

While precise numbers of casualties are difficult to determine, it has been estimated that more than one thousand people have been killed in the fighting in Kosovo since last February, many of them non-combatants. Hundreds of thousands of people have been displaced from their homes. Since the US-brokered cease-fire in October, however, the UNHCR reports that many of these people have returned to their homes and most have found some form of shelter with friends or relatives, if

not in their original homes. Parties to the Genocide Convention undertake to prevent and punish the crime of genocide within their territory. A State Party may fail to perform its obligation to prevent the crime of genocide within its territory. Other States Party to the Convention may resort to any one of a number of possible responses e.g., diplomatic, economic, judicial, or military. The choice is discretionary to each State Party.

The Genocide Convention also requires parties to provide effective penalties for persons who have committed acts of genocide within their territories. The prosecution of persons charged with genocide is the responsibility of the competent courts of the state in which the acts take place or of a competent international tribunal, such as the ICTY in this case. The violence in Kosovo this year is part of ongoing oppression by Belgrade of the people of Kosovo, especially since 1989. The United States Government has led the international response to that oppression. In particular, we have made clear that the FRY cannot expect to join the international community until there is substantial progress toward democratic self-government in Kosovo. The so-called "outer wall" of sanctions, which is also linked, among other things, to the progress of democracy in Serbia and to cooperation with the Tribunal, bars the FRY from joining international organizations and receiving assistance from international bodies, such as the IMF and the World Bank.