

KOSOVO'S DISPLACED AND IMPRISONED

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MONDAY, FEBRUARY 28, 2000

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
WASHINGTON DC

The Commission met at 2:00 p.m. in room B318, Rayburn House Office Building, the Honorable Christopher H. Smith, Chairman, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman; Hon. Steny H. Hoyer, Ranking Member; Hon. Frank R. Wolf, Commissioner.

Witnesses present: John Menzies, Deputy Special Advisor to the President and Secretary of State for Kosovo Implementation, U.S. Department of State; Bill Frelick, Director of Policy, U.S. Committee for Refugees; His Grace Artemije, Serbian Orthodox Bishop of Prizren and Raska; Andrzej Mirga, Co-Chair of the Council of Europe Specialists Group on Roma and Chairman of the Project on Ethnic Relations Romani Advisory Board; Susan Blaustein, Senior Consultant, International Crisis Group; Ylber Bajraktari, Political Analyst from Kosovo.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH

Mr. SMITH. The Commission will come to order. Good afternoon. Today the Helsinki Commission is returning its focus to the Balkans, a region which has dominated our agenda. More specifically, we'll look at the current situation in Kosovo and the prospects for addressing outstanding human rights issues.

People from all ethnic groups in Kosovo continue to be displaced. Large numbers of Serbs and Roma, in particular, have had to flee Kosovo. Most Albanians have returned in their forced displacement last year, but some cannot return to their own villages and towns or have to contend with survival on property that was destroyed during the conflict. Finally, many Kosovar Albanians languish in Serbian prisons seemingly for no other reason than Milosevic's regime well document desire to inflict pain on as many innocent people as possible.

Much of our discussion today will be on the situation in Kosovo itself, but we know all too well that few efforts to build democratic and tolerant societies in Kosovo or anywhere else in the region can succeed without addressing the role of Slobodan Milosevic and the need for democratic change in Serbia itself.

Until that occurs, the international community will continue to be challenged in the region. There will continue to be friction spilling over into violence. Here in Washington and capitals across Europe there will be differing views on how to respond, especially in the deployment of our own forces and the rules of their engagement. Mitrovica is the only most recent hot spot over there.

We heard in our hearings just a few weeks ago that Montenegro might well be next on the list. Clearly we have an active interest in addressing the source of Balkan instability for the sake of your national interests and for the well being of the people—that is to say, all people who live in the region. We have a very distinguished set of witnesses today and we look forward to hearing their views.

Our first panel will consist of Ambassador John Menzies, Deputy Special Advisor to the President and Secretary of State for Kosovo implementation. He will present the views of the Department of State. We know Ambassador Menzies very well here at the Commission, going back to his days at the U.S. Embassy in Sofia, Bulgaria, to his work on humanitarian questions and then as U.S. Ambassador in Sarajevo during the Bosnian conflict, his post-Dayton work at the U.S. Institute for Peace and his current position. Welcome, Mr. Ambassador, to the Commission.

The next panel will consist of five experts. First, we will have Bill Frelick of the U.S. Committee for Refugees. A well-known advocate of people in need who will give us a quantitative and qualitative overview of the situation for the displaced in Kosovo.

Next, we will have His Grace Bishop Artemije of the Serbian Orthodox Church, who will present his views on what can be done to help the Serb community. We have Andrzej Mirga, currently a visiting Professor and Kosciuszko Fellow at Rutgers University and an expert for the Project on Ethnic Relations, and who will address the situation on the Roma. Finally, we have Susan Blaustein of the International Crisis Group, and Bajraktari, a student from Kosovo, who will address the issues of those Albanians imprisoned in Serbia and highlight the importance of resolving that issue.

I just want to say for the record for those who will view these proceedings, that the Commission on Security and Cooperation in Europe is an independent U.S. government agency. It was created in 1976, to monitor and encourage compliance with the Helsinki Final Act and other OSCE commitments. The Commission consists of nine members from the United State Senate, nine members from the U.S. House of Representatives and one member each from the Departments of State, Defense and Commerce.

The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years. This year I serve the Congress as the Chairman, and Ben Nighthorse Campbell, the distinguished Senator from Colorado, serves as the Co-Chairman. The Commission contributes to the formulation of U.S. policy on the OSCE and takes part in its execution, including through member and staff participation on U.S. delegations to the OSCE meetings and in certain OSCE bodies.

Members of the commission have regular contact with Parliamentarians, government officials, NGO's and private individuals from other OSCE participating states. The Commission convenes public hearings and briefings with expert witnesses, like we're doing today, on OSCE-related issues. It issues reports concerning implementation of those OSCE commitments in participating states. It publishes a monthly CSCE digest with up-to-date information on OSCE developments and Commission activities and organizes official delegations to participating states and OSCE meetings to address democratic, economic and human rights developments firsthand.

That being said, I would like to welcome the Ambassador again. I notice Mr. Wolf, a Commissioner, has joined us. Mr. Wolf, do you have any opening comments? I want to thank you, Mr. Wolf, for being here and yield the floor to Ambassador Menzies.

TESTIMONY OF AMBASSADOR JOHN MENZIES, DEPUTY SPECIAL ADVISOR TO THE PRESIDENT AND SECRETARY OF STATE FOR KOSOVO IMPLEMENTATION, U.S. DEPARTMENT OF STATE

Amb. MENZIES. Mr. Chairman, thank you for your kind words of welcome. It's a real pleasure to be here with you today. I've submitted a copy of my full remarks. I'd like to offer an abbreviated statement.

Mr. SMITH. Without objection, your comments will be made a part of the record.

Amb. MENZIES. During the war hundreds of thousands of Kosovar Albanians and minority groups found a safe haven in neighboring Albania, Macedonia and in other countries. Hundreds of thousands also fled their homes for the uncertainties of internal displacement elsewhere in Kosovo. In the almost eight months since the war ended, more than 800,000 refugees and displaced persons have returned to their homes in relative safety and security.

And the efforts of the international community over the course of the winter have ensured that no one was without shelter or food. This is a major accomplishment in and of itself. Gradually, peace is taking hold and resolution of the questions posed by the displaced and imprisoned are important factors in building that peace.

The key to the return of all citizens of Kosovo is security and economic development. The international communities' efforts at ensuring a secure environment for all people of Kosovo include the Kosovo Implementation Force, the United Nations International Police Force, the Indigenous Kosovo Police Service and a renewed judiciary system.

Progress is also being made on the economic front. Economic assistance will play an important and crucial role in providing citizens with the jobs and hope for the future that will turn them away from thoughts of violence and revenge and allow absorption of additional returns. A postal and telecommunications system is in place. Power plants are being rehabilitated to provide energy and a commercial bank has opened and will begin providing credit to small businesses within the next three months. We have begun talking with our allies about restarting parts of the vital Trepca mining complex. In the context of this progress on security and economic development, the U.S. has promised to work with Kosovo Serb leadership on the realization of a pilot program to begin to promote the return of Serb refugees under conditions of safety and dignity, in coordination with UNMIK, KFOR and other donors. This program could be an important first step for returns.

The continued detention of Albanians in Serbia remains a tragic and acutely vexing issue for the international community. Given our lack of diplomatic relations with Belgrade, it is difficult for the U.S. government to directly pressure the Milosevic regime on this issue. Since last summer, however, the State Department has consistently worked to raise the public and diplomatic profile of this issue and to leverage key players inside Serbia who can make a difference.

We're supporting indigenous human rights non-governmental organizations working in this area, such as the Humanitarian Law Center. We have provided \$350,000.00 to the United Nations High Commis-

sioner for Human Rights Mission in the FRY—that is Serbia and Yugoslavia—which was appointed by Bernard Kouchner to lead the international effort to secure the release of the detainees.

We are pleased that through the work of the High Commissioner on Human Rights and the Humanitarian Law Center, some women and children have been released for humanitarian reasons. We have also repeatedly raised the matter diplomatically with UNMIK, with the ICRC, the International Commission on Missing Persons and bilaterally with NATO member states.

In addition, the U.S. has begun a dialogue with the community of St. Egidio to engage the FRY government on this issue. Others in the international community are also making efforts to promote release of these prisoners. For example, the Finnish government has negotiated with Belgrade for their release. The truth is that European nations are in a better position than the U.S. to take the lead on the issue. Some of our European Allies like Italy, have representation in Belgrade and can pressure the Milosevic regime. Canada and Japan also have representation in Belgrade. It may be possible to encourage greater Russian participation in this effort.

Let me also touch briefly on the situation in Mitrovica. First of all, KFOR dealt with the recent unrest in Mitrovica quickly and decisively. Indeed, there have been no serious confrontations between Serbs and Albanians since February 13, when KFOR responded to the upsurge of violence there. We hope that no additional outbreaks will occur as a result of the bombing this morning.

That said, Mitrovica remains a potential flashpoint. Serbs from all over Kosovo fled to Mitrovica as KFOR deployed and Serb Security Forces left. They drove thousands of Albanians out of their homes in North Mitrovica and have been trying ever since to develop an enclave that is ruled by Serbs controlled by Belgrade, a place where the authority of UNMIK does not reach. Indeed, Serb hardliners in Mitrovica effectively scuttled an earlier attempt to bring Serbs into UNMIK's interim administrative council.

While many of the Serbs in North Mitrovica have security concerns, those concerns are not justification to drive people out of their homes or to partition northern Kosovo from the rest of the province. Ethnic Albanians are understandably frustrated by what they see as a hardening of the occupation of their homes in North Mitrovica. Extremists on both sides are willing to exploit the exasperation of the Albanians and the fears of the Serbs for their own nefarious purposes.

In order to resolve the problem, UNMIK and KFOR are working closely together to eliminate the bars to freedom of movement by both communities across the Ibar River, to insulate the north from troublemakers, to provide security for Serbs in the north, and facilitate two-way returns of Albanians back to the north and Serbs to the south.

Additional efforts to revitalize viable local industries are underway, as are efforts to develop Serb media independent of Belgrade's control. But ensuring a secure environment is a sine qua non for progress in all other areas. Some additional troops have been deployed to the city and the police presence greatly increased with both elements conducting visible joint security operations.

UNMIK is appointing international judges and prosecutors to make sure that malefactors are tried and detained as per the law. This concludes my brief prepared remarks and I would be happy to address any questions.

Mr. SMITH. Thank you very much, Mr. Ambassador. Just let me ask you, is there a Reuter's report on the wire right now for today that there was a Serbian bus that was blown up in Mitrovica? There are also reports of the celebration of the KLA coming into being in 1996, also slated for today. Ceremonies apparently will take place, which obviously could act as a touchstone for more violence.

What has been done or what is planned by KFOR and by all of the interested parties, in these circumstance to mitigate the possibility of violence? And are we talking about more powder keg situations in the near future?

Amb. MENZIES. Well certainly Mitrovica is one of the flashpoints that we must watch very carefully. It has been the focus of great attention from all parties. We were saddened by the reports of the bus and yet encouraged by the fact that no lives were lost. It was a bus heading northward out of Mitrovica this morning and was blown up, as I understand it, by a mine.

The KLA anniversary is a potential point of rallying from some elements, but I'm encouraged by the fact that they do not necessarily represent the majority of the Albanian population even. We have noted with great satisfaction the continuing support from moderates among the Albanian community. We hear about the trouble spots and about the activities of extremists, but the broad sweep of the people is opposed to that.

They, as the other minorities and as the Serbs in the region know, they are all familiar with thuggery and they know it and they know what they don't like. And so we're encouraged by that. We do think that KFOR has certainly the force that it needs to stop this from getting out of hand. That is in fact their job to assure that there are no returns to open conflict. We believe they have the power to do so.

The infusions of police, the beefing up of the international police force there will also go a long way. We also were talking to the people on the different parties to encourage them to use what influence they have to prevent outbreaks of violence in this area as in others.

Mr. SMITH. Just let me ask you in terms of Mitrovica and also northern Kosovo, does our intelligence pick up any indications that Milosevic is sending in paramilitaries or is supporting it in any material way? Or are these local, truly indigenous uprisings or acts of violence that we're seeing?

Amb. MENZIES. I think it is safe to say that there is a good degree of control emanating from Belgrade. The authority that is extended by Milosevic is not always clear to follow. It's almost like following a money trail, you can't always say that paramilitaries have been sent in or un-uniformed MOP forces, that's Ministry of Interior Police, or other elements like that.

But his authority does extend and is clear to us. The exact nature of that, that authority though is a little harder to pin down. But it's clearly not strictly an indigenous uprising or something like that. In fact, we think that most of the Serbs of the region probably oppose his influence.

Mr. SMITH. You point out in your testimony and follow up with that comment that KFOR is seeking to insulate the northern troublemakers. How is that accomplished?

Amb. MENZIES. It is accomplished by them taking charge of the situation, by not allowing things to get out of hand, by paying closer attention to the international boundary. I think this is something that UNMIK

is working on together with KFOR, to try to gain a sense of who is coming in and who is going out. It is in the interest of all parties to have that sort of a sense.

We don't want problems elsewhere back in Serbia that might, for example, be exported by extremist elements among the Albanians as well.

Mr. SMITH. Let me ask you, there was a report today on Radio Free Europe that the Yugoslav military was building itself up in Montenegro and just as I pointed out in my opening comments, we had a hearing and heard some very distressing early warning signals about what appears to be happening in Montenegro. What is your take on that and what can we do, again, to try to lessen or mitigate that flashpoint?

Amb. MENZIES. The U.S. is providing a good deal of assistance to Montenegro, both in this fiscal year and in fiscal year 1999. If a supplemental comes forward then that will be covered also in the supplemental and expansion of our efforts there. We believe it's terribly important to stabilize Montenegro, to preserve it in the course that it has chosen for itself. We believe it is a positive influence back on Belgrade and on Serbs who live in other regions.

And we do not support the idea of them moving toward independence at this point. We don't want to see them pushed in that direction. We want to see them stabilized and their economy brought back into life and made much more vibrant.

Mr. SMITH. Could you speak to the issue of the Roma? We sent a letter on July 14, pointing out that even the UNHCR thought it was incapable of protecting them and we raised concerns that the Roma continue to be persecuted and killed. What specific proactive measures are being taken to protect the Roma?

Amb. MENZIES. First of all, we recognize this is a serious problem. There are about 20,000 Roma still in Macedonia who need to return, just as there are Serbs who have fled Kosovo as well. We want the Serbs and the Roma both to return. We did not conduct the bombing campaign so that it would be a Serb-free zone or a Roma-free zone, but so that all the peoples of Kosovo could live in security and peace. With that as background, we have been working with the OSCE, with UNMIK and with KFOR to assure first that the security is taken care of.

That is truly the most important issue on the ground. And we have the different elements which are slowly coming on to line. We only have 2,300 international police there of the 4,718 that I think have been requested. The Kosovo Police Service, which is a very neutral organization is not yet stood up in the way that it needs to be. The training program is thorough but it is putting insufficient numbers through at the moment.

We're looking at ways of expanding that. The OSCE has offices which focus on the needs of minority groups and seeks to address them directly. We'll be working with them. But again we are working generally through the security apparatus, to first create the environment that makes return safe for all of the peoples of Kosovo.

Mr. SMITH. Let me yield to my good friend, Mr. Wolf.

**OPENING STATEMENT OF HON. FRANK R. WOLF,
COMMISSIONER**

Mr. WOLF. Thank you, Mr. Smith. I appreciate Mr. Smith having the hearings and welcome, Mr. Ambassador. I'm certainly not an expert on Kosovo although I read every article I can get my hands on and

I was there in February before the fighting broke out. And then I went back in April during the fighting and was up on the border in Kukes for a good while and then went back to Kosovo in late August and early September of last year.

There are a couple of recommendations that I made, I wanted to ask you about it, but your testimony triggered a couple of points that I'd just like to speak and I'm just speaking for myself. You mentioned bringing in Russian soldiers. I would not bring in Russian soldiers. I think they've done enough damage down in Chechnya with all of the brutalities that have been done. So I think to bring in the Russian military would be a destabilizing thing and I'm quite frankly glad that they are not there in great numbers and don't think they should be invited in.

Secondly, I think it's important for our government to speak out boldly, with compassion, but forcefully to the KLA. I was one of the Republicans that voted in support of the bombing. There were only a handful of us. I didn't vote to bomb over there to have the KLA turn around and do the same thing that the Serbs were doing to them.

There were not many in the Congress, frankly, on either side who wanted to do this. But for the KLA to be doing to the Serbs what was done to them certainly violates the golden rule. Christ said, do unto others as you would have them do unto you. The golden rule does not say, "Do to them what you didn't want them to do to you." I think we should make it absolutely clear that it is unacceptable for any of these activities to be taking place, be it Serbs targetting Albanians, or Albanians targetting Serbs, but particularly now with what we see with the Kosovo Albanians. I don't know if you want to make a comment about that, but I think it's important that we speak out. And frankly I'm really not hearing the President speak out very much on this issue. This issue seems to be drifting off his radar screen to some respects.

Obviously it is not drifting off of yours and the State Department's, but it's off of his. I think he has to speak out. He gave us all the rhetoric and all the talk, much of what I agreed with during the period, but he has been relatively silent since that time. He has to use the bully pulpit of the presidency of the United States to say to the KLA, we were there when you needed us, but now it is inappropriate, it is unacceptable and we will not stand by to allow this to be done to the Serbs. You agree with that?

Amb. MENZIES. Well, I agree with much of what you said, or almost all of it. Let me just say that we have regularly made the point to the KLA or former KLA, let me put it that way, because the KLA is out of business now. There may be some residual longing for it and there may be other extremist elements that are arising that emanate from former members of the KLA, but it is gone as far as we're concerned.

As we have, however, addressed many Kosovo leaders at many avenues and at numerous times urging restraint, urging participation with the structure and urging them to turn away from violent acts and to turn toward the legal processes that are slowly evolving. We have made those points consistently and frequently to the people on the ground. And let me come back to a point that I think is—

Mr. WOLF. At what level?

Amb. MENZIES. At—

Mr. WOLF. What level of our government has—

Amb. MENZIES. Well, certainly it's taken place at every level I know of that communicates with Albanian leaders.

Mr. WOLF. When the President was there during that period of time he went to Macedonia, did he meet with any of the leaders of the so-called former KLA to express his strong feelings with regard to this?

Amb. MENZIES. I'm sorry, I'm just not informed as to exactly whom he met with or I don't recall exactly whom he met with. Maybe one of my colleagues can—

Mr. WOLF. Has General Clark been down there to meet with—

Amb. MENZIES. He had met with them I'm certain, as have many other of the NATO Commanders on the ground frequently. And these meetings take place regularly. But I want to point out that there is one Kosovo leader who is a figure of passive resistance, who was the leader throughout the period of oppression before the war broke out and that's Mr. Rugova. Rugova, no one would call him an extremist, I think, today. And he still enjoys overwhelming support among the populous.

As I suggested, the people of this region know thuggery when they see it and they turn away from it. And so I think that's a very hopeful sign. We are making those points and we make them constantly, and whenever we feel that there is a potential for something to go wrong. But it is a constant theme and it is having some results on the ground, which I can't really get into in this context.

Mr. WOLF. Would they be considered a war criminal for their actions if they're caught? If we find somebody who has been active in doing this, is he then subject to severe punishment?

Amb. MENZIES. To severe punishment, but under civil law. Now there is a legal code which is operative. It is the law of 1989, as opposed to the later law. So as the court systems come on line, they will be held accountable for criminal acts. I'm told that the President, in his November speech, did condemn ethnic cleansing.

Mr. WOLF. But I think he has to speak out much more forcefully, and he has to continually speak out. Those of us who supported him in this effort are demanding that he speak out. He cannot be silent on this issue. This Administration does not have the greatest record on human rights. They should have spoken out with regard to the Russian troops down in Chechnya.

The pictures on the tv the other day, the brutality that took place down there—I think he has to personally speak out on this issue, publicly. I think it's one thing to say privately, but the more that comes out of the bully pulpit, the presidency, I think is good. The questions I would ask you, are in the recommendations that I put in my trip report and I believe I sent a copy to you and to the State Department.

The first recommendation was, I said Rugova seems to be the best hope for unifying Kosovo at this time and we should encourage him. He has a lot of residual respect among the people for his years of speaking up for them. He is committed to non-violence and is a known commodity to the west. Are we siding with him? Are we encouraging him? What's wrong with doing it, after all the effort that we put into it. Are we standing with somebody like that?

I believe that it should be the policy of the United States Government to stand with somebody like that.

Amb. MENZIES. It's difficult for us to always pick winners that we want to back exclusively over others. Do we support what he stands for? Of course we support what he stands for. But we support other moderate voices and there are many on the ground. We do not support the extremist voices, and we will not.

Mr. WOLF. The other recommendation, I said there should be psychological help for the physical rebuilding. And then I said there needs to be a spiritual dimension involved. If you're talking about reconciliation and bringing people together, it isn't just bricks and mortar. Is there any major effort of bringing, from a spiritual point of view, of bringing together the Serbs and the Albanians with regard to reconciliation, other than loans and things like that? Is there any special effort being made from a spiritual point of view?

Amb. MENZIES. Perhaps not quite that directly. But in many ways it is something that underlies a lot of what we do. For example, the Archbishop is here with us today, as is Father Sava and their colleagues. We have worked with them to try to work on a common purpose for the future. We have reached several agreements of areas we would like to cooperate in and where we think we can work together to promote peace in the region.

This is based on the spiritual and moral leadership which is being shown by the gentlemen that are here today to speak to you. So it is underlying what we're doing. We've given five million dollars for psychosocial programs in the region which do have a spiritual component to them. But for most of us the work we're engaged in is a good cause in which we are anxiously engaged trying to do something which we think is certainly spiritual in its nature.

Mr. WOLF. Well, I would say that I understand, but even to this day there has not been healing and reconciliation in Bosnia Herzegovina. If you go to Sarajevo there are not a lot of Moslems in downtown Sarajevo going on to Banja Luka to buy shirts. Nor are there many Moslems going to Mostar. I think the healing and the reconciliation hasn't really taken root in Bosnia. I worry that there was not five years ago and now we have such a short time that I don't really see it. So my own sense is, and again I speak for myself, I believe it will be helpful to have different religious denominations and people to come together in a sense of healing and bringing people together for reconciliation. The best thing that you could do for the Albanian Kosovo family or Serb family is to bring them together and bring that healing. It took a while, even if you recall in our country, after a civil war. But you have to begin to heal and it takes leaders and the spiritual leaders to come together and love one another and really model the healing.

Otherwise, I think the thing will be a failure. I have two other questions and then I'll just kind of end. One of the concerns that I expressed, I said the whole region could be become a center of organized crime activity involving drugs, prostitution and smuggling. Where is the organized crime effort and what are we doing in the western countries with regard to that? How bad is the organized crime effort now or is it improving? And is there any special effort being done with regard to that?

Amb. MENZIES. Before I turn to that, I'd like to come back to your final point. Because I think the effort you have described would be extremely welcome. But it is difficult for the U.S. government to lead that particular effort. NGOs can best do that kind of work, in my experience and I would encourage that, that kind of work on the ground. But let me turn to organized—

Mr. WOLF. Did the government help fund, what if we were to bring all sides together in Macedonia for a three or four days of sitting down together, breaking bread together, talking with each other, arguing with each other, getting to know one and one another? Would the governments support an effort?

Amb. MENZIES. We'd have to look at a proposal, but I think that you would find a good deal of interest in that kind of a proposal. But again, I can't commit to it. Well, we'll try to get somebody to make the proposal. My last comment, unless you wanted to make a comment.

I was going to address organized crime, that's fine.

Mr. WOLF. Okay. Well, I'd like you to do that and then I have one last question with regard to organized crime. You were going to comment on the organized crime.

Amb. MENZIES. Organized crime, yes. We are working on organized crime. The British have a proposal to provide an organized crime or to develop an organized crime unit. We're in close consultation with the British, French and other potential donors to see exactly what the dimensions of such a unit will be and we'll be moving very swiftly forward on this as part of the United Nations International Police Force.

So we take this very seriously as well. And we're concerned about it. It's the greatest threat to democracy. And lastly, it's not a question, it's a statement. I think there has to be a major effort with the young people. The number of young people that are just hanging around, doing nothing, sitting in coffee shops and just doing nothing, and idle hands and nothing, after what they've been through. So I think a major effort and somehow the young have not been quite so hardened.

A major effort with both the Serb population and the Albanian population, particularly the young people to really engage them. Whether it is, you know, the rebuilding or whether it is soccer, sports and activities. But to bring the young together, I think, would be helpful. With that, I may submit some other questions but I appreciate, you have a very tough job and we'll try to put together a proposal and maybe working with Mr. Smith and others and see if you would be willing to fund it.

And it would be under the category of reconciliation, bringing people together to learn to get along. I thank you.

Mr. SMITH. Thank you very much, Mr. Wolf, and let me ask you a few follow up questions with regards to organized crime. Our Commission intervened just a few weeks ago on behalf of a number of Ukrainian women. La Strada, an NGO, made us aware of the fact that they had been trafficked into Montenegro for the purposes of prostitution. As you may know, I've introduced what I consider to be sweeping, landmark legislation.

It has been co-sponsored in a bi-partisan way by many members of Congress to impose a life imprisonment on those who are involved with trafficking, mostly of women exploited for prostitution purposes. But also to try to go after those countries that are not doing all they could possibly do. The Organized Crime Unit, the Strike Unit, and the like, will that put a major emphasis on the trafficking of women?

Amb. MENZIES. I certainly hope that will be part of its focus. We're hearing more and more stories about this and there's more and more evidence emerging that this is going on in Kosovo and it's something that we would like to see stopped. So I hope that this will be one of—

Mr. SMITH. For what it's worth, whatever you could do to try to, I mean it's a matter of enforcement even of existing law, albeit it's weak in some cases, but to really crack down on those who are involved in these heinous acts.

Amb. MENZIES. We also hope, through the Department, to work with the NGO sector as well, on identifying some of the potential means of combating this through cultural and social approaches.

Mr. SMITH. In February, Human Rights Watch came out with a very strong statement with regards to innocents who had been killed as a result of the Kosovo bombing.

This study by Human Rights Watch rejected any notion that NATO committed war crimes. But it did argue that in waging a war to stop Serbs from killing or driving out Kosovo Albanians, 90 percent of the pre-war population of the ethnic Serbian province, NATO officials themselves violated the Geneva Convention both in the selection of targets and the use of cluster bombs. After a six-month investigation including three weeks of interviewing witnesses, the Human Rights Watch Team determined that one-third of the number of the lethal episodes and half the casualties could have been avoided if NATO forces had strictly followed the rules.

Now many good people that I know and respect supported the bombing. I was against it, but reasonable men and women can disagree. This goes to the nature of how the bombing was actually prosecuted. What is your take on that, and secondly, what is being done regarding this report which tries to bring some kind of harmony, some kind of conclusion to the state of hostility, especially the state of mind where people are still at each others throats?

Amb. MENZIES. Well, we fundamentally disagree with some of the conclusions of that report which tend to deprecate NATO's efforts to preserve life and not to destroy it. Of course we deplore the loss of innocent life. That was not what this campaign was about, at all, but to preserve life. We had seen some of the worst atrocities Europe has seen since the second World War, take place in Kosovo. We had seen a population movement such as we have not seen in Europe since people were expelled from regions in the mid '50's.

And so we were responding to a very pressing series of events. I can't really speak for the Department of Defense on the details of each one of the findings of the report. But I would simply say that it has always been our policy to try to preserve life.

Mr. SMITH. I appreciate that. Any further comment for the record that could be made, we would appreciate that, because it is something that—

Mr. WOLF. Before you go—I just want to make one, no, after you finish, that's all right.

Mr. SMITH. Well, I'll yield and then I have one final—

Mr. WOLF. Well, I just wanted to raise, I felt a moral obligation here. A number of the families talked about their loved ones that are in prison in Serbia, and I know you cover it adequately in your testimony, but I believe the U.S., the U.N and everybody else should really press the issue of missing Albanians held in Serbia. I know you care deeply about it and I know it's in your testimony, but I just want the record to show that it's an issue we care about. Thank you.

Mr. SMITH. I thank the gentleman. Before you answer, I, too, have concerns about that as well. We have a Kosovar Political Prisoner List that has 1,100 people on it. You mentioned a 1,300 to 5,000 guesstimate as to how many. There have been some rather scathing criticisms of the ICRC and its handling of the prisoners. When the bombing was stopped, what were the conversations, what was the state of play with regards to getting a full and total accounting and hopefully the release of those individuals who were and still remain behind bars in Serbia?

Why was that not part of the bombing exchanges in terms of diplomatic traffic?

Amb. MENZIES. I think because it wasn't included in the previous discussions between Ahttisari and the Serbs. I think that is the fundamental reason that it was excluded in the end. Again, I'm not the expert on that, but that has certainly been my impression. Let me just say there was no deal made on this side at all that I am aware of, or anything else that would lead to a nefarious interpretation of that.

It is lamentable that these people are still held. It is an outrage that they are still being held and sold and their freedom is purchased by families sometimes. That's about the only way to get them out. We will continue to push this issue. We have young people in our Department, like Albert Sovalos (phonetic), who is here with me today, who are absolutely dedicated to that purpose. And we will continue to press.

Mr. SMITH. What leverage do we have and is there any evidence of torture?

Amb. MENZIES. Certainly there is evidence of beating. There are reports of that. As far as torture goes, I don't have specifics at hand at the moment. Our leverage is limited, but we are able to stimulate a lot of concern for the issue among, first of all, our allies. And we've been working carefully through various angles. I wanted to come back to a point, because it was in this context that I mentioned the Russians.

And it was to provide diplomatic pressure on the Serbs to release these people, and in various contexts, that has come up, and it will continue to do so. We will first work through those angles. We will work through the NGO community, which has had some success. NGO's have been effective in monitoring trials, in even defending people who are accused, and pursuing the interests of all of those who are still detained.

The U.S. has put about half a million dollars into these efforts and will continue to do that kind of work, you can be sure. We're not going to forget these people.

Mr. SMITH. Do you have an estimate as to how many of the people have been visited and is it a one-time visit or do they get frequent visits? We have some information that suggests that ICRC is visiting some 1,700 prisoners in Serbia, and that was January 12, 2000. But I don't know if that is accurate. What is the Department's take on how many people have actually been visited, the frequency of visits and what is being gleaned as to their state of health or lack of it?

Amb. MENZIES. I don't know the frequency of the visits but I believe that many of them have been visited certainly more than once. They've been visited by the ICRC, but they cannot visit all of them. Some of them may be in military prisons, some of them may be moved from one place to another. So I don't have accurate figures on how often they've been visited. We think that most of the 1,700 that they cite, certainly have been visited.

Mr. SMITH. If you could, for the record, provide that, it would just help—

Amb. MENZIES. We would be glad to provide that to you.

Mr. SMITH. I appreciate that. Mr. Hoyer.

OPENING STATEMENT OF HON. STENY H. HOYER

Mr. HOYER. Thank you very much, Mr. Chairman. I apologize, Mr. Ambassador, for missing the majority of your statement and unfortunately I can't stay long. But we all share the concern and I think we also share the outrage that this continues, the kind of activity that Mr. Milosevic has been conducting for the past decade.

So I thank the Chairman for this hearing and I would ask that my testimony be included in full at this point in time in the record. Obviously there is no objection to that, so it will be done, I'm sure, by the Chairman. Mr. Ambassador, I want to also say that I have been a very strong supporter of the Administration's policy, and this Commission has been a very strong supporter of the War Crimes Tribunal in The Hague.

I am very concerned about the ongoing violence perpetrated by Albanians now against Serb minorities. The basic premise of course is that until we stop the cycle of violence, we will be expending an awful lot of both psychological effort and real assets effort without a lot of success. Clearly, the continued imprisonment of these Albanians whose sole crime was speaking out for justice in their country, adds to the violent cycle. The United States and its western allies need to escalate the pressure that we have available to us to resolve this prisoners issue.

We must also to bring to a halt the violence perpetrated in Kosovo itself. They both feed on one another and the United States needs to be perceived as very genuine when it seeks to end the cycle of violence, whoever perpetrates that violence. Doing so I think will enhance our ability to succeed. So I want to thank the Chairman for having this hearing. The subject matter is critical and we need to continue to raise this issue.

Unfortunately, when we go off the television screen, many people forget. And one of the purposes of the Helsinki Commission, of course, is to continue the focus on human rights abuses so that we will remember, act and hopefully ameliorate those situations. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Hoyer. And your statement, without objection, will be made a part of the record. Bob Hand, who is the Staff Specialist, I'd like to yield to him for any questions he might have?

Mr. HAND. I just have one question. Earlier this year, in January, there were elections in Croatia, which has produced an enormous political change in that country. They have increased the prospect, not only for cooperation in Dayton implementation and cooperation with the Tribunal, but also, at long last, the return of large numbers of Serbs to Croatia that were displaced in 1991, and again in 1995.

I hope that happens very quickly and that these people can come back to their homes. But in terms of our hearing here, I was wondering if you could comment on the implications of the fact that Serbs will finally be able to go back to Croatia. What implications does that have on Serbia itself, but then also what implications might that have in terms of returning populations in Kosovo?

We also have in Montenegro and Macedonia, multi-ethnic governments that seem to be working together now. Maybe there is a positive trend here in the midst of all the gloom. I was wondering if you could just comment on that as it relates to Kosovo and Serbia?

Amb. MENZIES. Let us hope that Mesic's call to his people over television, saying that all are welcome to return, is the beginning of an avalanche of returns. I hope that's the case because, as you know, and have stated, throughout the region, return has been one of the critical issues and one of the critical stumbling blocks to enduring peace, to reconciliation, and to the democratic future of the region.

We think this is an extremely positive move that seems to be indicated in Croatia. We hope that it will be the beginning of a process that will prevail in the region. We have a long way to go, but I think this is a very good place to start.

Mr. HAND. But if it does, could you just say a little bit more; will it have any implications on Kosovo or are Serbia and Kosovo isolated from these other developments taking place?

Amb. MENZIES. I would hope that it would have some, some impact, but I think it will be more suasive than real. I think the real power, that will prevent returns at least on one side, is still in Belgrade. And until that power is removed or replaced by something more benign, that it reflects more of the popular will rather than a limited sociopath, then I think we're going to have trouble.

I would hope that on the other side that when that change takes place there will be softening of positions. An American philosopher once said that those who do not remember the past are doomed to repeat it. Well, in the Balkans you find that may not be true—that often those who remember too much of the past in the wrong way are doomed to repeat it.

There is something to be said for forgiving and possibly forgetting. I think that we will see a change but it's not going to be affected in Kosovo because of Croatia. It will have a positive influence, but not as directly as we might wish.

Mr. SMITH. Thank you, Mr. Hand, Mr. Ambassador—

Mr. HOYER. Mr. Chairman, to reiterate, Mr. Ambassador, I think forgiving and forgetting is a fine principle. But like the Hatfields and the McCoys, if you don't bring the violence to a stop, there is no time for forgiving or forgetting. I know you know that, and that it's our policy. The reason this Commission so strongly supports the War Crimes Tribunal, and the reason we're so intent on resolving the prisoners issue and the violence issue in Kosovo, is because forgiving and forgetting will not be possible until people believe that justice is prevailing at least to some degree. That they do not have to personally seek vengeance and retribution. I think that is the cycle that you refer to in your comment.

Amb. MENZIES. Congressman, I couldn't agree with you more. One of my favorite—

Mr. HOYER. I know that.

Amb. MENZIES. But one of my favorite Historians put it this way: to do justice to the living, however belatedly, should matter.

Mr. SMITH. Thank you. And just let me again thank you for your testimony. I just want to say and you might want to comment on this. About a month from now will be the anniversary date of the initiation of

the bombing. I have some concerns because anniversary dates need to be watched very carefully and some caution must be exercised to ensure that there are no unintended actions that happen.

I would hope that there would be a muted—celebration would be the wrong word—because again I didn't support the bombing, but many do believe that we're at the current situation because of the bombing, to ensure that there are precautions taken, that we are proactive in ensuring that the anniversary date does not become something that we would not want or might not have anticipated.

So I just hope that every single anniversary date is looked at, including the initiation of bombing, because again, today, we're seeing some action and maybe there is just one mind that was preset and could not have been anticipated but I think we have to proceed with caution, as we moved into those dates.

Amb. MENZIES. I appreciate your—

Mr. SMITH. Thank you very much, Mr. Ambassador, we look forward to working with you in the near future.

Amb. MENZIES. Thank you very much. It has been a pleasure to be here with you. Thank you.

Mr. SMITH. I'd like to ask our next panel if they would proceed to the witness table. I had previously introduced him, but I'll take just a brief moment to welcome Mr. Bill Frelick of the U.S. Committee for Refugees, His Grace Bishop Artemije of the Serbian Orthodox Church, and we also have Andrzej Mirga, currently a visiting Professor at Rutgers University. We will also hear from Susan Blaustein of the International Crisis Group, and finally Ylber Bajraktari, a student from Kosovo who will speak to us at this session.

I would ask that our witnesses do keep their statements between five and seven or eight minutes, enough to really get across their point, and then we will proceed to questioning. Mr. Frelick.

**TESTIMONY OF BILL FRELICK, DIRECTOR OF POLICY,
U.S. COMMITTEE FOR REFUGEES**

Mr. FRELICK. Thank you, Mr. Chairman. I very much appreciate the opportunity to testify today. I do have fairly extensive written remarks which I would like to have submitted for the record and will keep my comments primarily to some of the recommendations in the paper, which start basically on Page 13, and therefore skip over some of the descriptive matters.

I traveled extensively in Serbia and Montenegro, outside of Kosovo, in December. I was in opposition and government-controlled municipalities. I spoke to local NGOs, international representatives, and government officials at every level. I primarily spoke to displaced people and refugees in the region. There are about 240,000 people displaced into Serbia and Montenegro from Kosovo. It's very hard to distinguish them or separate them in terms of a needs assessment from nearly a half million refugees that have come in, primarily from Croatia, but also from Bosnia.

The needs vary quite a bit from group to group and I won't dwell on it, but certainly the lack of jobs, the lack of purchasing power income is an overwhelming problem that they have. I visited a variety of collective centers, many of them were quite dreary. These people have been in collective centers since 1995, or earlier among the refugee population.

The group that was the worst off, unquestionably, was the Roma, known as “Gypsies” by many. They were, across the boards, much worse off than the Serbs. In many cases they were living in abandoned buildings, squatting, with no assistance whatsoever from any quarter. Looking at some of the recommendations that I make in the paper, I grapple with really two sides. One is the humanitarian assistance side and the other is the protection and durable solutions side. I wanted to touch on both of those.

In terms of humanitarian assistance, we are really faced with the quandary of having an economic sanctions regime in place to isolate Milosevic—appropriately so. And yet at the same time we want to avoid the humanitarian consequences to the civilian population, and in particular the most vulnerable elements of that population—the elderly, the sick, and refugees and displaced people. Thus far, I don’t think that we’ve succeeded very well in helping to maintain an adequate level of humanitarian assistance in the face of the sanctions regime.

We are left with a particularly difficult situation because the essential monopoly on humanitarian assistance is in the hands of the Yugoslav Red Cross. And the Yugoslav Red Cross, particularly at its upper echelons, has close links with the government or with the elites that run the country. Whether there is a direct governmental connection or not is hard to prove. We talked about the money trail earlier. It’s hard to make those exact links.

The U.S. government has earmarked its humanitarian funding in such a way that money that touches on the Serbian Commissioner for Refugees and the Yugoslav Red Cross should not be coming from U.S. coffers. And that puts the onus on the humanitarian arms of the international community to come up with alternative distribution networks.

And I support the development of those alternative distribution networks. I think it is a healthy thing. It will help the civil society to grow. But it’s not going to be easy, it’s not going to be inexpensive, and it’s not going to happen quickly. In the meantime, we are likely to see a great deal of suffering for people who are caught in the gap. We need to think about our multi-lateral assistance in ways that set actual markers where we can see that the earmark that’s been placed is used to leverage some reforms that will help to do a better job of actually meeting these humanitarian needs and not have money diverted in ways that would be inappropriate.

So I suggest six conditions that should be set, that would have to be met before multi-lateral assistance could go back through the Yugoslav Red Cross. I list those in my testimony. I think they are all doable, in fact they’ve all essentially been agreed to in principle, they just haven’t been implemented. This includes:

1. an international independent audit of the Yugoslav Red Cross;
2. independent registration of internally displaced people and refugees;
3. access for international monitors;
4. accurate and complete beneficiary lists;
5. a legal framework for NGOs operating in the country; and
6. direct access for NGOs operating in the country.

I also suggest that UNHCR, in its negotiations with the government over payments for the running of collective centers, should make its own earmark to ensure that the unofficial collective centers, those abandoned buildings that I talked about are also included and that the Roma get the support and the attention that they desperately need.

On the protection side and the durable solution side, I am also encouraged, as Mr. Hand had mentioned, about the elections in Croatia. I hope that there will be significant repatriation. However, I think we need to recognize that the overwhelming majority of refugees and displaced people are not going to be able to return to Croatia, Bosnia, and Kosovo. I think that we need to work to fund local integration projects so that they can begin to renew their lives in Serbia and Montenegro.

For those who cannot remain in Serbia and Montenegro and who cannot repatriate or return, I identify eight groups who I think we should consider for resettlement. These are particularly vulnerable groups who basically fall between the various parties to the conflict. The first group would be Roma, out of Kosovo, particularly Albanian speakers who don't have a place in Serbia.

We need to recognize that the Roma in Kosovo were largely sedentary people. They were not nomads. Secondly, would be ethnic Albania "collaborators" who fear for their lives in Kosovo and more recently in the Albanian areas of Serbia such as Presevo, that have had to flee out of the Albanian-speaking areas and into Serbian-speaking areas.

The third group would be Serbian draft evaders. There is an Amnesty International Report that I would recommend to all of you. Some of these young men have received prison sentences of up to five years for their conscientious objection to the war.

The fourth group would be Slavic Muslims from Kosovo. I think it's very instructive to see one of the most recent groups that has fled Kosovo is the Gorani. These are people for whom there was never any suggestion that they collaborated. What we see is ethnic cleansing, pure and simple, directed against people because they are Slavic-speaking.

The fifth group would be people, a fairly small number, who are still refugees, mostly from the Krajina region of Croatia who are still living in collective centers in Kosovo.

The sixth group is, again, probably a relatively small group of people, but people that would be in Albanian-Serbian mixed marriages. We have a category like that for resettlement out of Bosnia, as many of you know.

The seventh group would be ethnic Albanians from Serbia proper, of Presevo in particular, who are now in Macedonia. Finally, the eighth group would be other minorities. There are small minorities of Jews, of Turkish-speaking people, and some within the broad Gypsy community that don't want to be referred to as "Roma" or some of the other groups. Some that call themselves "Egyptians" in fact. So that, those would be the groups that I would suggest have particular vulnerability. And the difficulty for the United States is that most of these people are internally displaced.

The UN High Commissioner for Refugees will only refer for resettlement people who are refugees, who have crossed an international border. We do have within the Refugee Act of 1980, the power to resettle people directly from within their country of origin. I think it would be

well within reason for President Clinton to issue a Presidential Determination that would allow in-country processing and I think we could do it out of Podgorica, Montenegro very easily, in fact.

I think doing that would set up a mechanism that would allow us to reach many of these highly vulnerable people that otherwise are still in considerable danger. Thank you very much.

Mr. SMITH. Thank you very much, Mr. Frelick, for your very extensive and comprehensive testimony and series of recommendations. I think you give us a great deal to look at and for the Administration and all interested parties and we're very grateful for that, as usual. The U.S. Committee for Refugees is providing an enormous amount of leadership and we do thank you for that.

I'd like to ask our next very distinguished speaker, Bishop Artemije, if he would proceed.

**TESTIMONY OF HIS GRACE ARTEMIJE, SERBIAN ORTHODOX
BISHOP OF PRIZREN AND RASKA**

INTERPETER. His Grace Bishop Artemije will say a few introductory words in Serbian and I will continue reading the English text.

His Grace ARTEMIJE (speaking in Serbian through an interpreter unless otherwise noted). Mr. Chairman, respected members of Congress, ladies and gentlemen. It is my distinct pleasure and privilege to be here with you today and speak about the latest developments in Kosovo. The last time I spoke here was in February, 1998, just before the war in Kosovo began, and on that occasion I strongly condemned both Milosevic's regime and Albanian extremists for leading the country into the war.

Unfortunately, the war came and so many innocent Albanians and Serbs suffered in it. Many times we have strongly condemned the crimes of Milosevic's regime in Kosovo while our church in Kosovo supported suffering Albanian civilians and saved some of them from the hands of Milosevic's paramilitaries. After the end of the Kosovo war and return of Albanian refugees, the repression of Milosevic's undemocratic regime was supplanted by the repression of extremist Kosovar Albanians against Serbs and other non-Albanian communities in full view of international troops.

Freedom in Kosovo has not come for all equally. Therefore, Kosovo remains a troubled region even after eight months of international peace. Kosovo Serbs and other non-Albanian groups in Kosovo live in ghettos without security, deprived of basic human rights—of life, free movement, and work. Their private property is being usurped. Their homes burned and looted, even eight months after the deployment of KFOR.

Although Kosovo remained more or less multi-ethnic during the ten years of Milosevic's repressive rule, today there is hardly any multi-ethnicity at all, in fact the reverse is true. Ethnic segregation is greater now than almost at any other time in Kosovo Serbian history. Not only are Serbs being driven out from the province, but also the Roma, Slav Muslims, Croats, Serb-speaking Jews and Turks.

More than 80 orthodox churches have been either completely destroyed or severely damaged since the end of the war. These ancient churches, many of which has survived 500 years of Ottoman Muslim rule, could not survive eight months of the internationally-guaranteed peace. Regrettably, all this happens in the presence of KFOR and the UN. Kosovo more and more becomes ethnically clean while organized crime and discrimination against a few non-Albanians is epidemic.

Two-thirds of the pre-war Serb population, about 200,000 people fled the province under the Albanian pressure. In addition, more than 50,000 Roma, Slav Muslims, Croat Catholics and others were also cleansed from Kosovo. More than 400 Serbs have been killed and nearly 600 abducted by Albanian extremists during this same period of peace. Tragically, the suffering of Serbs and other non-Albanians proportionately, with respect to population, represents more intensive suffering in peace time than the Albanians suffered during the war.

This is a tragic record for any post-war peace mission, especially for the mission in which the western governments and NATO have invested so much of their credibility and authority. Despite sympathy for all of the suffering of Kosovo Albanians during the war, their post-war indiscriminate retaliation against innocent civilians cannot be justified in any way. It is becoming more and more a well-orchestrated nationalist ideology directed toward achieving the complete ethnic cleansing of the province.

The extremists believe that without Serbs and their holy size in Kosovo, independence will then become a fait du complete. The present repression against non-Albanians is carried out with the full knowledge of the Albanian leaders. Sometimes these leaders formally condemn repressive actions, but in reality haven't done anything to stop the ongoing ethnic violence and discrimination.

Even more, some of them are instigating rage against Serbs developing the idea of collective Serb kills and branding all remaining Serb civilians as criminals. There is much evidence that the KLA leaders bear the direct responsibility for most of the post-war crimes and acts of violence committed in Kosovo. As soon as KFOR entered the province, KLA gunmen took over the power in the majority of the cities and towns and immediately organized illegal detention centers for Serbs, Roma and Albanian collaborators.

They began killing people listed as alleged criminals and seized a large amount of property previously owned by Serbs and other non-Albanians. KLA groups and their leaders are directly linked with Albanian Mafia Clans and intelligence officers for Tirana, as Mr. Bukoshi (phonetic) said recently and have developed a very sophisticated network of organized crime, drug smuggling, prostitution, white slavery and weapons trading.

According to the International Press, Kosovo has become the Columbia of Europe and a main gateway for western Europe. The strategy behind the KLA purges of Serbs was very simple. Quarter by quarter, a city would be cleansed of Serbs and their property would be either burned or sold for a high price to Albanian refugees, including Albanians from Albania and Macedonia who flowed into the province through unprotected borders along with hundreds of thousands of Kosovo refugees.

The KLA, although officially disbanded, is still active and their secret police, the PU, are continuing their intimidation and executions. Now, more and more of their victims are disobedient Kosovo Albanians who refuse to pay their taxes and protection money to extremists. The Albanianization of Kosovo is proceeding in a way many ordinary Albanians did not want. The gangsters have stepped into a vacuum left by the slowness of the west to adequately instill full control over the province.

Kosovo is becoming more like Albania, corrupt and archaic and ruled by the gun and the gang. Serbs and many non-Albanians still do not have access to hospitals, the university and public services simply because they cannot even freely walk in the street. They are unemployed and confined to life in poverty within the rural enclaves out of which they can travel only under KFOR military escort.

The Serbian language is completely banished from public life. All Serb inscriptions, road signs and advertisement have been systematically removed and the usage of the Serbian language in Albanian-dominated areas is reason enough for anyone to be shot right on the spot. Thousands of Serb books in public libraries have been systematically burned, while all unguarded Serb cultural monuments and statutes have been torn down and destroyed.

The Serbs who remain in major cities are in the worst situation of all. Out of 40,000 pre-war Serb population of Pristina, the Capital, today there remain only 300 elderly people who live in a kind of house arrest. They cannot go into the street with military protection and only thanks to KFOR soldiers and humanitarian organization do they receive food and medicines which they are not allowed to buy in Albanian shops. Almost all Serb shops are now in Albanian hands.

In other areas, Albanians are greatly pressing Serbs to sell their property under threats and extortion. Those who refuse usually have their houses torched or are killed as an example to other Serbs. Grenade attacks on Serb houses and the few remaining Serb shops and restaurants force more and more Serbs to leave Kosovo. If this suppression and persecution is continued unabated it is likely that soon most of the remaining Serbs will also be forced to leave Kosovo.

On the other hand, KFOR presence in Kosovo, presence in Kosovo has given Albanian extremists free hands to do what they want because one of the KFOR priorities has been thus far to avoid direct confrontation with the extremists in order to escape possible casualties. On the other hand, we cannot but say that if KFOR had not been in Kosovo during this rampage of hatred, not a single Serb or Serb church would have survived.

We sincerely appreciate the efforts of many men and women from all over the world who are trying to bring peace to Kosovo, even within a rather narrow political framework in which KFOR must act. An especially volatile situation is in Kosovo's Mitrovica, the only major city where a substantial number of Serbs remain. During the most intensive wave of ethnic cleansing in June and July, many Serb IDPs, internally displaced persons, from the south, found refuge in the north of the province in the Mitrovica area.

In order to survive they organized a kind of self-protection network in preventing KLA Mafia to enter the northern fifth of the city. KFOR, aware that the free access of Albanian extremist groups to Mitrovica would cause a Serb exodus, blocked the bridge connecting the southern and northern part of the city. Albanian extremists have since then made many attempts to make their way into the northern part of the city saying that they wanted an undivided and free city.

Serbs on the other hand state that they are ready for a united city only if Serbs would be allowed to go back to their homes in the south and elsewhere in Kosovo. Serbs also hold that only Kosovo residents be allowed to return to their homes. A few weeks ago, after two terrorist attacks against a UNHCR bus and a Serb café, in which a number of

Serbs were killed and injured, radicalized Serbs began retaliatory actions against Albanians in the northern part of the city, causing the death of several innocent Albanian citizens, and served to broaden the crisis.

The Mitrovica crisis is not playing out in a void by itself and must be approached only in the context of the overall Kosovo situation. The fact remains that after the war extremist Albanians have not been fully disarmed and have continued their repression and ethnic cleansing of Serbs and other non-Albanians, wherever and whenever they have had an opportunity to do so.

Unfortunately, such a situation as we have now in Kosovo has opened the door for the Belgrade regime which is now trying to profit from this situation and consolidate a division of Mitrovica for their own reasons. Each Serb victim in Kosovo strengthens Milosevic's position in Serbia. Albanian extremists, on the other hand, want to disrupt the only remaining Serb stronghold in the city in order to drive the Serbs completely out of Kosovo.

Regretfully, the international community seems not to be fully aware of the complexity of the Mitrovica problem and has, despite all Albanian crimes and terror in the last eight months, one-sidedly condemned the Serbs for this violence. This skewed view of the problem will only serve to encourage Albanian extremism, confirm Milosevic's theory of anti-Serb conspiracies that he uses to solidify his holding power and will eventually lead to the exodus of the Serb community in Kosovo.

Milosevic obviously remains at the core of the problem, but he's not the greatest cause of the current round of violence and purges. The international community therefore must find ways of controlling the Albanian extremists. We maintain our belief that the present tragedy in Kosovo is not what Americans wanted when they supported the policy of the Administration to intervene on behalf of suffering Albanians. In fact, the international community now faces a serious failure in Kosovo because it has not managed or marginalized extremist Albanians while at the same time Milosevic has been politically strengthened by bombing and sanctions which ordinary Serbs understand as directed against innocent civilians.

Therefore, we expect from the international community and primarily from the United States to show the same determination that was shown during the war in now protecting and supporting Kosovo Serbs and other ethnic groups who suffer under ethnic Albanian extremists. A way must be found to fully implement UN Resolution 1244 in its whole. We have a few practical proposals for improving the situation in Kosovo.

One, KFOR should be more robust in suppressing violence, organized crime and should more effectively protect the non-Albanian population from extremists. This is required by the UN Resolution. Two, more international police should be brought to Kosovo. Borders with Macedonia and Albania must be better secured and UNMIK should establish local administration with Serbs in areas where they live as a compact population.

A Judicial system must become operational as soon as possible. International Judges must be recruited at the stage when Kosovo Judges cannot act impartially due to political pressures. Three, the interna-

tional community must build a strategy to return displaced Kosovo Serbs and others to their homes soon by providing better security for them and their religious and cultural shrines.

Post-war ethnic cleansing must not be legalized nor accepted. Private and church property has to be restored to rightful owners and law and order must be established and fully enforced. Without at least an initial return of Serbs, Roma, Slav Muslims and others, Kosovo elections would be unfair and unacceptable. Four, the international community, especially the United States, should make clear to Kosovo Albanian leaders that they cannot create an ethnically cleansed state under the protectorate of the western democratic governments. Investment policy and political support must be conditioned to full compliance by Albanian leaders with a UN Resolution 1244.

KLA militants must be fully disarmed. The ICTY should launch impartial investigations of all criminal acts, both by Serbs and Albanians. Five, the international community should also support moderate Serbs in regaining their leading role in the Kosovo Serb community, and thus provide for the conditions for their participation in the interim administrative council structure, since the cooperation of moderate Serb leaders with KFOR and UNMIK has not brought visible improvement to the lives of Serbs and their remaining enclaves.

Milosevic supporters are gaining more supporters among besieged and frightened Serbs and this can seriously obstruct the peace process. Moderate Serbs gathered around the Serb National Council need their own independent media, better communication between enclaves and other forms of support to make their voice better heard and understood within their own community. International humanitarian aid distribution in Serb inhabited areas currently being distributed more or less through Milosevic's people who have used this to impose themselves as local leaders, has to be channeled through the church and the Serb National Council Humanitarian Network.

Six, last but not least, the issue of the final status of Kosovo must remain frozen until there is a genuine and stable progress in eliminating violence and introducing democratization, not only to Kosovo but also to Serbia and the Federal Republic of Yugoslavia. It is our firm belief that the question of the future status of Kosovo must not be discussed between Kosovo's Albanians and Serbs only, but also with the participation of the international community and the future democratic governments of Serbia and the Federal Republic of Yugoslavia and in accordance with international law and the Helsinki Final Act.

We believe in God and his providence, but we hope that the United States Congress and Administration will support our suffering people which want to remain where we have been living for centuries in the land of our ancestors. Thank you.

INTERPETER. We would only ask, the Bishop respectfully requests that his prepared statement and publication listing of the destroyed churches in Kosovo through October, be accepted and entered into an official record of this hearing.

Mr. SMITH. Thank you very much. And without objection, we will put the report into the record. Let me thank you for your very strong statement. I wish I had this earlier. I would have posed a few questions from it to Ambassador Menzies. Especially what I perceive to be almost an indictment of the international community's lack of protection for Serbs.

The destruction or near destruction of 80 Orthodox churches, as you point out, 400 Serbs have been killed and nearly 600 abducted. And then I think, as many people know, and this Commission certainly knows, you were one of the early Serb Orthodox leaders to speak out and speak out strongly against Slobodan Milosevic. And you reiterate that he is at the core, but there are other people, extremists that are causing terrible deeds to occur in Kosovo. So I want to thank you for you even-handedness because we have this, this Commission has benefited from your guidance in the past.

I will have some questions later on, but I do thank you, Bishop. I'd like to, Mr. Mirga, if you would proceed.

TESTIMONY OF ANDRZEJ MIRGA, CO-CHAIR OF THE COUNCIL OF EUROPE SPECIALISTS GROUP ON ROMA AND CHAIRMAN OF THE PROJECT ON ETHNIC RELATIONS ROMANI ADVISORY BOARD

Mr. MIRGA. Thank you, Mr. Chairman, and respected members of Commission. I would like to start my testimony. First, I would like to note that I am Roma as well. During a recent field trip of the Project on Ethic Relations to Albania, Kosovo and Macedonia, I went to Stankovic II Refugee camp in Macedonia, where there were nearly 3,000 Roma refugees. On that day, the Roma refugees started a hunger strike in the camp.

One of their demands was to have free access to the media. They built a pyramid of stoves in several places in the camp and hung up a sign with a handmade inscription, no comment? In that action there was something, there was something tragic and at the same time grotesque. Tragic, because they did it in desperation and grotesque because no media came to report it.

On their behalf and behalf of many others who had no chance to make their voice heard, I am bringing their grievances, their tragic experience and their claims to share with you at this hearing. For the Roma of Kosovo caught in the ethnic war between Serbs and Kosovo Albanians, there was no right choice to be made. Whatever choices they made were wrong. The position of Roma reflects the dilemma of the minority that has no reason whatsoever to be involved in an open conflict but is used and forced into by both sides.

Either choice that is to be loyal to Serbs or to the Kosovo Albanians brought subsequent retaliations for the Roma. Serbs were using the Roma in Kosovo for their political objectives to prove that Kosovo is multi-ethnic and to show that there are fewer Albanians, whereas Albanians tried to push the Roma to identify as Albanians and demanded loyalty to them and their cause. In the context of the former Yugoslavia, the Serbs encouraged the cultural revival of the Roma in Kosovo starting in the '70's. Prizren and Pristina emerged as centers of cultural and political life of the Romani community, and some Romani activists became public and political figures.

The majority of the Romani population remained however politically unengaged. In fact, it was not their alleged involvement in crimes and atrocities against ethnic Albanians but rather the political standpoint of Romani leaders concerning the status of Kosovo prior to the NATO attack on March 24, 1999, that contributed to the Kosovo Albanians retaliation against the Roma.

The Kosovo Albanian retaliation against the Roma community is more a policy than an action of vengeful neighbors. That conduct aims at raising fear among the Roma to such a level that they will see no alternative but to leave. "Setting Romani houses on fire, looting or expelling the Roma, involved a group of young men motivated as much by vengeful feelings against the collaborators as by the KLA extreme nationalists' instigation to force out those minorities who politically sided with the Serbs.

This policy seems to work. In November 1999, the United Nations' special representative on human rights in the former Yugoslavia, Mr. Jiri Dienstbier reported that, "the spring ethnic cleansing of ethnic Albanians accompanied by murders, torture, looting and burning of houses has been replaced by the fall ethnic cleansing of Serbs, Roma, Bosniacs and other non-Albanians accompanied by the same atrocities."

Contrary to widespread belief that the Romani community began to flee Kosovo just after the NATO bombing halted and the ethnic Albanians returned in large numbers and therefore they remained and sided with the Serbs, the evidence proves otherwise. They fled Kosovo following the escalation of clashes in early June of 1998, and I may not cite here all the data which I gathered in my statement.

What is the future for the Romani minority in and outside of Kosovo? To answer it first we have to know what kind of Kosovo will there be in the future. Building a multi-ethnic society in Kosovo seems to be difficult and a long-term process. Taking into consideration the level of societal hatred, ethnic resentments, and attempts to cleanse out minorities by ethnic Albanians, one can wonder if it is possible at all.

Bosnia serves here as an example. A multi-ethnic society seems non-existent on the ground and its prospect remains undetermined. Cantonization or partition of the Kosovo is excluded by the international institutions at this time. The ethnic Albanians aim at having their own nation state so they will do everything to accomplish that goal. In such a Kosovo overtaken and run by extreme nationalism, the remaining Romani communities will be forced to hide their identity and to prove their loyalty to the Albanian cause.

Those unwilling to do so will be threatened, exposed or persecuted. Since the majority of them are displaced and their houses and property burned out, destroyed or taken by Albanians, their reintegration in the original communities will be extremely difficult. The extent of the problems to be solved reveals, for example, the case of Kosovska Mitrovica. Out of seven to ten thousand Roma, some 200 remained and the entire settlement is burned out.

The most devastating effect on minds and feelings of those belonging to minorities is the fact that the same atrocities which were associated with Serbs during the conflict are taking place now in the presence of international forces. Much effort and real commitment is needed to improve the situation there to change these feelings. Until civil society, rule of law, and moderation are achieved it is hard to believe that these minorities will feel secure.

Even then, however, without real investment in reconstruction that would animate the local economy and provide jobs, not much would change. To be in camps as displaced with limited freedom of movement, with no access to basic services like schools, health, work, to be con-

demned to live on humanitarian aid is a devastating experience that cannot be prolonged forever. Most of the Romani community that remains in Kosovo faces such a reality.

If multiethnic society in Kosovo is the only prospect to be defended and accepted by the international institutions, then the Romani community and other minorities should be encouraged to remain there. Much more concerted action, however, and pressure on ethnic Albanian leadership should be exerted to promote tolerance and peaceful co-existence rather than to resting with politically correct statements.

The moderate forces within ethnic Albanian leadership should be strengthened and encouraged. At the same time the impact of its extreme nationalists should be limited. Particular attention should be paid to forthcoming local elections to enable those displaced to vote, to create an environment for participation of minorities and to counter the danger of ethnic violence that can evolve during the elections.

It seems unlikely that the Romani refugees and IDPs who are outside Kosovo province will voluntarily seek to return back soon. First, they have nothing to return to. Second, out of fear of persecution they would prefer to stay somewhere else, including even Serbia proper if the possibility for receiving asylum in the west will be closed.

Third, they do not see any conditions for a safe and decent life in Kosovo. Those remaining in Montenegro and Macedonia, as IDPs or refugees, strongly object to the prospect of being returned back to Kosovo out of reasonable fear of persecution. Therefore, the international community should consider the possibility of their integration into those societies supposing that substantial financial support for such solution would follow.

Otherwise, the possibility of their resettlement in the west or providing them with temporary refugee status, as it was during the Bosnian war, should be considered. For the largest group of Romani IDPs that stay in Serbia proper and who live there under precarious conditions, the necessity of humanitarian aid reaching them should be examined. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Mirga, thank you very much for your testimony and for your recommendations. I'd like to ask Ms. Blaustein to proceed.

**TESTIMONY OF SUSAN BLAUSTEIN, SENIOR CONSULTANT,
INTERNATIONAL CRISIS GROUP**

Ms. BLAUSTEIN. Mr. Chairman, I'm honored to be here today to speak about a matter of such critical importance to the future stability of Kosovo and I'm particularly honored, Mr. Chairman, to be asked to address someone such as yourself, who has demonstrated time and time again your commitment to the furthering of human rights throughout the Balkans.

You've asked me to speak about the particular set of issues regarding the more than 1,600 Albanian prisoners who, a full 8 months after the Kosovo conflict ended, remain in Serbian custody, in clear violation of International Humanitarian Law.

This unfinished business of the Kosovo war rankles deeply within Kosovar society. The prisoners continued detention, the risks taken and bribes paid simply to visit them, and the exorbitant ransoms demanded by Serb lawyers for their release, all have put a tremendous emotional and financial strain on one in 100 Albanian families. Moreover, the

weak response thus far on the part of the international community has fostered profound cynicism among Kosovars regarding the prospects for realizing other western promises, such as self-governance or real peace.

Who are these prisoners and how many are there? The Albanian prisoners in Serbia fall into several categories.

The overwhelming majority of them are men of fighting age, that is, wage-earners who have much to contribute to the rebuilding and future governance of Kosovo. There are a number of women, as well, and all but ten of the children are believed to have been among the 415 people released so far by the Serbian authorities.

Hundreds of these men, women and children were arrested by Yugoslav and Serbian forces and civilians in the course of last year's NATO air campaign. Most of these have yet to be formally charged with any crime. Their arrests are abductions, if explained at all, were justified by Serbian authorities as part of legitimate "sweeps," a term understood throughout the former Yugoslavia to connote ruthless, state-sponsored searches for weapons and/or "terrorists."

Some 2,200 prisoners were arrested prior to the internationalization of the conflict. Among these are an estimated 200 who had already been convicted of these crimes in Kosovo's Serbian-run courts and were serving sentences inside Kosovo; but most, like those picked up in the course of the NATO intervention, have yet to be charged or tried.

All prisoners detained in Kosovo under Serbian custody were hastily trucked or bused out of Kosovo and into Serbia proper as soon as the so-called Military-Technical Agreement was signed last June 10, which brought an end to the conflict and arranged for the withdrawal of Serb forces.

The question comes, how was this allowed to happen? It was U.S. officials in Washington who allowed the issue of the Albanian prisoners to be dropped from the negotiating table. According to senior NATO and U.S. government officials, a provision demanding the prisoners' release had been included in early drafts of the agreement, but the Yugoslav Commanders negotiating the agreement objected. NATO Commanders consulted with Washington where the Clinton administration's inter-agency team, eager to end the air campaign and fearful of casualties and of the collapse of the seriously fraying Atlantic Alliance, readily acceded to Serb demands to remove this and other issues from the table and to limit negotiations to the immediate task of replacing one military force by another—that is, getting the Serbs out and NATO in.

Nevertheless, Mr. Chairman, it is my view, and more to the point, it is the view of many experts in international humanitarian law, that the pragmatic omission of the prisoner issue from the Military-Technical Agreement does not in any way relieve the parties to that conflict of the obligation to release, immediately upon the cessation of hostilities, all prisoners of war and civilians detained in the course of the armed conflict.

This obligation is incumbent upon all signatories to the Third and Fourth Geneva Conventions of 1949 and to the accompanying Protocol II of 1978, all of which were drafted expressly with an eye toward protecting combatant and civilian detainees in situations such as this one; where, for political or other reasons, the armistice or peace agreement drawn up between warring parties does not explicitly provide for the prisoners' release or general amnesty.

It follows, Mr. Chairman, that the Yugoslav government continues to hold those prisoners detained in the course of the international armed conflict in flagrant violation of well-established tenets of international humanitarian law. This finding does not apply to those apprehended prior to the internationalization of the conflict or to those already charged and tried, whom, as the Geneva Conventions make clear, states are well within their authority to hold until their sentences have been discharged. But it does apply to the conditions of detention and the conditions under which the prisoners' trials are conducted, both of which, in the Serbian case, are also believed to violate explicit provisions of international humanitarian law.

It is not surprising, Mr. Chairman, that a government which would forcibly expel close to a million of its own citizens by systematically burning their villages and massacring thousands of civilians would show as little regard for individual human rights in the manner in which it has apprehended, detained, maltreated, tried and sentenced 100 more.

The conditions of detention are reprehensible. The released prisoners and prisoner's families I have interviewed all reported that they or their family member had been repeatedly tortured, beaten, starved, and kept in unheated cells without winter clothing. Summary trials are being held as we speak, resulting in speedy convictions won often on the basis of fabricated evidence of forced confessions obtained through intimidation and torture.

Defendants are regularly assigned counsel who, in case after case, have not met with their clients or even reviewed their files prior to trial, have been observed holding *ex parte* hearings with judges, and, upon conviction, have quickly waived their clients' rights to appeal.

However, the alacrity with which, since October, the Serbian authorities appear to have been ratcheting up the wheels of Serbian-style justice by finally charging, trying and sentencing prisoners, suggests the state's sensitivity, at least, to the argument that its prolonged detention of people who have yet to be charged is a violation of Serbia's own criminal code, which permits authorities to detain someone for up to six months without charging them with any crime.

The recently accelerated sentencing rate also suggests that the Serbian justice ministry is well aware that the Geneva Conventions permits states to retain custody over convicted prisoners for the duration of their sentences. By imposing sentences of as long as ten and 12 years, the regime in Belgrade can hope to destabilize Kosovo for some time to come. The international communities response to date.

This issue, Mr. Chairman, as the UN Special Representative to the Secretary General, Dr. Bernard Kouchner, recently put it, has become an "open wound" for Kosovo, a wound with enormous repercussions for the success or failure of the international mission there. In recent months Albanians have grown increasingly frustrated by the absence of productive advocacy on or involvement in this issue by international actors.

First, the International Committee for the Red Cross (ICRC) has consistently refused to advocate for the prisoners' release, because its legal advisors maintain that for such advocacy to fall within the organization's mandate, the issue ought to have been included in the peace agreement.

Second, UNMIK head Bernard Kouchner says he has repeatedly called for the detainees' release "immediately and without conditions" and that he raises the missing persons issue with every foreign government he visits. But his initial response last July to the question of the detainees

and the missing was merely to appoint a sub-commission, chaired by the UN High Commissioner for Human Rights Special Envoy to the Balkans, Barbara Davis.

But with no resources, no professional staff, no legal team and no forensic experts, the UNMIK Sub-commission's well-intentioned but highly inadequate efforts have finally led Kosovars to conclude that the international community has little interest in resolving this issue and that they should take matters into their own hands. In recent months, prisoners' families and their advocates have staged a series of hunger strikes and peaceful demonstrations calling upon the international community to mount a systematic campaign to achieve the prisoners' release. So far these protests have yielded only promises.

What the U.S. Congress can do: Mr. Chairman, as you well know, this situation is not news. It has been going on for some eight months now, with the international community admittedly able to do very little about it, given its lack of leverage or influence over Belgrade. However, there are a few things that western nations should *not* do and that the west and the U.S. Congress in particular can do to address this egregious, outstanding humanitarian crisis left over from the Kosovo war.

First, the Congress should pass a resolution, as the European Parliament recently did, calling for the release of the Albanian prisoners in conformity with international law. A House Resolution to this effect has been drafted by Congressman Engel of New York that Commission members might consider co-sponsoring. And the Commission is uniquely positioned to win passage of a joint resolution that would draw attention to this issue and reassure the Albanian community that these prisoners have not been completely abandoned or forgotten.

In the interest of time, Mr. Chairman, I will submit for the record my suggestions as to what might be included in such a resolution. And second, this Congress might urge its Ambassador to the United Nations to introduce a UN Security Council Resolution to the same effect.

Lastly, there are things that this Congress and other western governments ought not to do. The sanctions against Serbia should not be lifted until such time as the Albanians prisoners detained during the Kosovo conflict are freed and returned home. The European Union's recent decision to lift the flight ban, ostensibly to make it easier for ordinary Serbs to travel, has had the unfortunate side effect of signaling to the indicted President Milosevic that if he only waits out the west, the remaining sanctions will be lifted, as well, without his having to turn himself over the Hague as warranted, to leave office, or even to show the slightest inclination to abide by international law.

Finally, neither this Congress nor any other western government should allow this issue to drop from public view. Without the carnage and destruction we all saw on our television screens last year at this time, it is easy to understand that most Americans believe the Kosovo conflict has long since ended. It is important that U.S. citizens remember that the reasons American troops went to fight in Kosovo was to stop the Yugoslav government from committing gross human rights abuses there.

Tragically, that same government continues, even to this day, to commit similar gross violations inside their own prisons against at least 1,600 of those same Yugoslav citizens, the Albanian citizens of Kosovo, that our soldiers and those of 18 other nations intervened almost a year ago now to protect.

Once again, I would like to thank you and the members of the Commission for this opportunity to speak today and to submit my testimony and supporting materials for the record.

Mr. SMITH. Thank you very much, Ms. Blaustein, for your excellent testimony and for the information of Mr. Engel's resolution of which I am one of the co-sponsors. Hopefully we'll receive a favorable and expeditious review by the international relations committee and then by the full House. So I do thank you for that fine testimony. I'd like to, Mr. Bajraktari, if you could proceed.

**TESTIMONY OF YLBER BAJRAKTARI, POLITICAL ANALYST
FROM KOSOVO**

Mr. BAJRAKTARI. Thank you very much, Mr. Smith, distinguished members of Congress. First of all I would like to thank you and the Commission members for the opportunity to testify on the ongoing crisis of Albanian prisoners considered to be one of the most serious threats to the peace process in Kosovo. I would like to focus today on some specific cases of the Kosovars who are held hostage in Serbia, what the prisoners' issue means to the Kosovars and especially, how this issue impacts Kosovo's future.

The latest report of the International Committee of the Red Cross that came out recently, on February 24, confirms frightening figures of 4,400 missing persons from Kosovo. According to the Red Cross, only 1,400 are known to be held as prisoners in Serbia, while the destiny of the rest of the 3,000 remains unknown. But who are in fact these prisoners?

I would like to focus on some specific names and individuals and hopefully you can have a better understanding of the importance and the urgency of their release. I would like to start with Albin Kurti, a 24-years old Kosovar who was abducted during the NATO bombing campaign. Mr. Kurti was a former leader of the nonviolent student movement in October, 1997, one of the most prominent political activists in Kosovo and most recently acted as spokesperson for the political representatives of the KLA in Pristina.

Mr. Kurti was criminally involved and a terrorist, Mr. Chairman, as much as I am testifying here in front of you today. There is no official confirmation by Belgrade that he is alive, but human rights organizations have traced him and have determined that he's being held in the prison of Nis in Serbia. According to some reports, he has been savagely beaten and as a result of the beatings has suffered extremely serious damage to his kidneys.

The second case that I would like to emphasize today is the case of Flora Brovina, a prominent pediatrician and a human rights activist. Mrs. Brovina was actively involved in organizing non-governmental organizations aimed on offering medical assistance to the displaced Kosovars during the conflict in 1998. She was also actively involved in helping Kosovars who were denied of rights to health care because of the discriminatory laws adopted by the Belgrade regime.

Mrs. Brovina, who has a heart condition, has been sentenced to 12 years in prison under charges of terrorism. The case of Mrs. Brovina shows that Serbia remains the only country in Europe that considers doctors to be terrorists and helping children as a threat to national security. The third case is equally important as the first two. Mr. Ukshin

Hoti, one of the most prominent Albanian intellectuals, a Harvard graduate, was arrested in 1994, and sentenced to five years imprisonment on fabricated charges of conspiracy against the state.

Although he was supposed to be released last summer, his whereabouts remain unknown. Mr. Hoti is well respected in Kosovo and he enjoys a great support among the Kosovar Albanians and was considered as a possible future leader. The last case that I would like to present to you today, distinguished members of Congress, from the endless list of the Kosovar hostages kept in Serbia, includes Mr. Bardhyl Caushi, the Dean of the School of Law of the Pristina University.

There have been no reports confirming that Mr. Caushi is still alive, but his family has reported him being abducted by the Serbian troops during the bombing campaign. Mr. Caushi has been an active participant of the negotiating training program organized by the Congress-mandated U.S. Institute of Peace. This case is also important because of the fact that Mr. Caushi has been abducted in town of Gjakova, which is in western Kosovo, an area that has been one of the main targets of the abduction campaign conducted by Mr. Milosevic's troops.

Gjakova is a town with a 95 percent Albanian population and is home to a considerable number of Kosovar intellectuals and professionals. This clearly shows that the apprehensions of Albanians in Kosovo was not random and unplanned. This was a well-prepared operation and was done as a matter of policy. But what does all this mean for the Kosovar's future? The issue of the Albanian prisoners in Serbia continues to keep tensions high in Kosovo and to maintain a high level of radicalization.

No Kosovar family can work on building a peaceful and democratic future while their family members are being held hostage in Serbia. Therefore, this ongoing crisis is one of the most serious threats to the stability of Kosovo. It seriously undermines the process of democratic institution building and makes the reconciliation between Albanians and Serbs in Kosovo practically impossible.

On the other hand, by keeping thousands of Albanians as prisoners, Mr. Milosevic retains another instrument that he can use to increase tensions. Mr. Milosevic should not be allowed to have in his hands another weapon with which he can destabilize the region. In summary, the issue of Albanian prisoners held in Serbia is likely to jeopardize the mission of the international community in Kosovo.

It makes lasting peace impossible and shuts the door to any exit strategy for NATO allies. This situation makes it extremely necessary for the international community and the United States, in particular, to take specific measures that will help resolve this issue. There are several things that can be done. One, although the Serbia is facing international isolation, the United States should put pressure on Belgrade by making the case of Albanian prisoners a precondition for any lifting of sanctions.

Second, the United States should lead the initiative in forming an International Commission for Missing Persons in Kosovo, authorized by the UN Security Council, to conduct a thorough investigation of Albanian prisoners in Serbia. Third, some of the prisoners are being held in districts that are administered by the Serbian opposition, especially Nis municipality that is a recipient of the Energy for Democracy Program.

The Serbian opposition must be pressured to clearly state its position on the issue of Albanian political prisoners and denounce the Serb regime's policy of holding Albanians captive in Serbia. Fourthly and the more important, this policy should also be firmly denounced by the leaders of Kosovo's Serbs. This would be a first and important step toward confidence building, a crucial ingredient of reconciliation.

In the end, please let me emphasize that this crisis needs serious attention and should be a part of any future dealings with Belgrade. Albanians want their fathers, mothers, brothers and prominent figures back so they could move on with their reconciliation process, a critical element for Kosovo's multi-ethnic future. A positive step in resolving this issue would also give momentum to the international presence in Kosovo and would make its long-term success more likely. Thank you very much.

Mr. SMITH. Thank you very much, Mr. Bajraktari, and just let me ask some opening questions. Mr. Blaustein, in your testimony in the section where you said, how was this allowed to happen, speaking of the prisoners. You really, at least on the surface, seem to completely contradict what Ambassador Menzies has said or perhaps he only gave half of what or a portion of what actually occurred, in response to my question that I posed about why wasn't it not part of the negotiation to end the bombing campaign.

Ambassador Menzies said it was not part of Ahttisari's agreement, which may have some superficial ring to it. That may have been part of it, but as you point out, dig a little deeper, according to senior NATO and U.S. government officials, a provision demanding the release of the prisoners had been included in early drafts of the agreement, but the Yugoslav Commanders negotiating the agreement objected.

Then you went on to say that NATO Commanders consulted with Washington where the Clinton Administration's inter-agency team, eager to end the air campaign, fearful of casualties and of the collapse of the seriously fraying alliance, readily acceded to Serb demands to remove this and other issues from the table and to limit negotiations to the immediate task of replacing one military force by another, getting the Serbs out and the NATO in.

Could you elaborate on that? I mean it would seem that we only got half the story or at least a portion of it from the Administration. Ahttisari certainly was an agent that was acting with the collaboration of many others, including Washington. Why, in your view, is that? Is that the reason why it was not part of the agreement? They just wanted to end it and end it quickly and therefore we just bumped it off the table?

Ms. BLAUSTEIN. This administration wanted to end the conflict and what the Pentagon has said is that all other issues should have been addressed in other fora. And what the Yugoslav commanders objected to was anything that was not in the body of the G-8 Agreement, which was signed on the 8th of June. The G-8 Agreement and the Ahttisari-Talbot-Chernomyrdin Agreement are pretty much the same thing, had the same points involved, and those were supposed to include all political matters.

What the inter-agency process did was to limit the discussions to purely military and technical agreements, just as the document signed at Kumanovo was entitled. When I have asked Pentagon and other officials in the Administration whether the prisoner issue came up, it was said to me, "Well, these are political and they will be handled else-

where.” And when I have asked whether it was said, “Well, these are covered in the Geneva Conventions and they need not be included here,” the answer was no.

The answer is that they wanted to end the war. And when one looks a little farther, Mr. Chairman, at the inter-agency process and who is involved in that process, it is remarkable that there is no one there from the Human Rights Bureau of the State Department. The interests represented there are security interests, intelligence interests, State and Defense Departments, and administration interests. And perhaps a recommendation might be that in the future someone is present whose explicit brief is to hold the human rights portfolio, to say, “What about the people who get lost in the cracks here,” that perhaps human rights should be represented in such deliberations in the future.

Mr. SMITH. Earlier I asked Ambassador Menzies about whether or not torture was being employed against those in those prisons. It is your testimony that torture is being used and Mr. Bajraktari just gave us some very extreme examples of that occurring.

Ms. BLAUSTEIN. Yes, torture is in fact being used. I spoke to family members of prisoners who had been rendered impotent, insane, who had suffered renal failure. I spoke with three former prisoners who had lost a third to a half of their body weight, who had been beaten. The hazing ritual as you enter the prison in Lipljan—that was inside Kosovo under the Serbs—then it was repeated in some of the detention centers in Serbia, was to have to pass through a 100-meter corridor where you were beaten every meter by either a Serb criminal, that is, a common criminal or a Serb prison guard. So this sort of thing was going on, is in fact still going on.

Mr. SMITH. Why would the Administration not be able to provide us with that information? Ambassador Menzies is, you know, a very honorable and distinguished individual. In response to a very specific question regarding that, he was not forthcoming with that information.

Ms. BLAUSTEIN. There has been information available, in particular from the Humanitarian Law Center in Belgrade. Then there is IGC’s paper, which came out a month ago. My only answer would be that Ambassador Menzies has an enormous number of things to handle, it’s quite a complex set of problems, and as with many of those who are quite concerned about the future of Kosovo, the Albanian prisoners in Serbia is something we have so little leverage over, the thing there is so little we can do about.

As Jack Covey, the Deputy Head of the UN Mission in Pristina, said, “This is the thing about which more people knock at our door, bang at our door, is what he said, than any other. It’s the thing which we have the least power to change.” So I understand why the Ambassador might not know exactly....you know, I interviewed prisoners and some journalists have, as well, but that doesn’t mean that everyone should—

Mr. SMITH. Let me just say in response to your call, as a matter of fact we have already. The Commission did sponsor a resolution at the OSCE Parliamentary Assembly in St. Petersburg, and it was part of the final St. Petersburg Declaration which was agreed to by all of the participating states which called for the release of all the prisoners and access, immediate access by the ICRC and again their quick release was asked for.

We will continue, by way of Resolution, by admonishing the Administration and Belgrade, demand Belgrade to release these prisoners. But I think, as you've indicated, the opportunity to make a decisive comment on that, perhaps past when it was not part of the negotiations and the bombing. But we will continue and I know everyone on the Commission, Democrat and Republican are united in trying to immediately secure the release of those prisoners.

I'd like to ask Bishop Artemije, if you could tell us what your view is on the prisoners?

His Grace ARTEMIJE. Thank you. You know, from the very beginning we thought that to be a very important issue. At a meeting of the Transitional Council of Kosovo on July 2, together with Albanian leaders we signed a document which requested all prisoners to be released who were detained in prisons in Serbia, but also kidnaped Serbs in Kosovo during the peace time and there are 600 of them.

But there should be an international commission which would make an assessment of their responsibility. And those who are found without any guilt should be set free. And those who are found to be responsible for any criminal acts or crimes, must be brought to justice according to international laws. That request of ours was reiterated many times in international contacts we had and we asked that the international community should mediate in this issue of freeing of detained persons. We share the opinion that it is a very important problem, not only for Albanians, whose relatives are in prisons, but also for the Serbs who's family members have been abducted in the times since the deployment at KFOR.

And for 8 months, for many of them, we don't know whether they are alive or where they are at the moment. Even a few of my monks have been abducted in the very beginning and we don't have any information about their whereabouts, although they obviously were not responsible at all for any criminal acts, because our church has always supported the democratic position which we usually do. Thank you.

Mr. SMITH. Thank you very much, Bishop. Mr. Frelick, let me ask you, Amnesty International has reported that there may be thousands of individuals who fled Serbia and Montenegro to evade being pressed into military service during the Kosovo conflict. Some may have been conscientious objectors to such service, regardless of the circumstances, but NATO had urged Yugoslav soldiers to defect or face the consequences and called on Yugoslav citizens, generally, to refuse to support Milosevic's policies.

Given this fact, have measures been taken by anyone in the international community to assist those who fled to other countries rather than participate in the ethnic cleansing?

Mr. FRELICK. I am not aware of any efforts whatsoever. The Amnesty International Report, which I have a copy of right in front of me, is a very compelling document and I do recommend it to the Commission maybe to even read into the record. They talk about 23,000 cases on the dockets in Serbia of men who either evaded conscription or deserted the armed forces. As you say, NATO leaflets were encouraging them to do just that.

In the UNHCR handbook on refugee status there is a whole section on conscientious objection, which ordinarily does not give you refugee status, but it says in the case of a war that's international condemned on its face, such conscientious objection would seem to constitute

grounds for giving refugees status. Of the groups that I identified in my testimony, this is one of those groups. I would urge the U.S. government to consider Serbian and Montenegrin men for resettlement.

In fact, I revised my statement from an earlier draft because I found that Montenegro was not as forgiving as I initially had found in my field work. But Amnesty corrected that point in my earlier testimony, and I revised it. So I think that this is a vulnerable group and they are congregated in places like the Hungarian border and I think that they deserve the support of the international committee.

Mr. SMITH. Thank you. Mr. Mirga, I understand you recently met with members of the Albanian leadership, including Mr. Rugova, in Kosovo. How would you assess their attitudes toward the particular problems of the Romani minority?

Mr. MIRGA. To answer this question, Mr. Chairman, I have to distinguish between politically correct statements and real concerns and their acknowledgment of the situation. So first I would like to refer to these politically correct statements. When we talk with people from the leadership of the KLA, they were very politically correct. They acknowledged that the Roma are a part of a multi-ethnic society and that they are devoted to have such a society rebuilt, but behind these statements there is no concrete action supporting them.

In the field, on the ground what you can see is contrary to what they pretend to implement as a policy. As regards Mr. Rugova, I can say that he was more open, more sincere, acknowledging that he feels betrayed by Roma. He himself believes, as do many Albanians, that, in fact, Roma collaborated with Serbs and this legitimizes the action of Albanians. At the same time, however, I can say he's moderate and he's ready for dialogue with Roma either if they will appeal and will demand for such.

Mr. SMITH. I'd like to yield to Erika Schlager who is our expert on a number of issues, including the Roma, for any questions she might have.

Ms. SCHLAGER. Thank you. Mr. Mirga, the Helsinki Commission held a hearing in 1998, on the situation of Roma in European countries in general. And the witnesses at that hearing portrayed a situation which was not very good across the board. A number of European countries, including many countries that have now become a place of refuge for Roma from Kosovo were identified as having consistent problems, discrimination, violence against Roma. This includes Macedonia, Hungary, Italy, just to name a few.

Can you speculate on what the reaction may be or what may occur between the Roma who are already living in those countries and the majority populations now that there are these additional Roma coming in as refugees or asylum-seekers, or would-be refugees from Kosovo.

Mr. MIRGA. First let me say that there is such a belief that once a significant number appears in such countries as Hungary, Italy or even Macedonia, it will cause some problems and it will raise the level of anti-Roma feelings in majority society.

We have some evidence that supports this view, as in the case of Italy. In some other countries, like Macedonia, we don't have much of that kind of evidence. There, however, we have a significant Romani community that is closely related by language, culture and religion to the Roma refugees from Kosovo and due to that there exists a chance of their integration, assuming that the government could get substantial

financial support to implement such a project. Other Central-East European countries that have their own significant Romani populations, have no tradition of receiving refugees or asylum-seekers and have financial shortcomings will rather oppose receiving Kosovo Roma. Therefore the only option is to have them received in Western countries that have such a tradition—although there are anti-Gypsy feelings on the part of society in those countries as well.

Much depends on how the process of receiving Romani refugees proceeds, how it is explained to society, and what will be the prospective status of Romani refugees. In any case, such a process should be organized and Roma should receive training in camps to be able to integrate with the society. The worst situation would be to keep them in camps for some time without determining what their status will be later on.

I would not be too afraid, in advance, about possible conflicts in the countries they would be received. What is more important is the decision of the international community to find a solution to those Kosovo Roma who need to be resettled or granted asylum status. Here I would encourage states to take the risk and go ahead.

Mr. SMITH. Bishop Artemije, to what extent are Serbs in Mitrovica and northern Kosovo supported materially by the Milosevic regime and is Belgrade sending in para-militaries or instigators to thwart the efforts of moderates like yourself to find a solution?

His Grace ARTEMIJE. I wouldn't say that they are actually supported by Milosevic, but Milosevic is trying to continue manipulation of these Serbs. It is possible his people there and in other parts of Kosovo are actually acting as his extended hand. But it cannot cover completely the responsibility of the other side for the riots in Kosovo Mitrovica, especially having in mind what happened in other cities in Kosovo, not the cities which have been previously naughty, I think have become completely Albanian cities.

Therefore, it is easy to understand the fear of the Serbs in Mitrovica and that they don't want to go through the same things as Serbs in Pecs and other cities. I think they have tried to protect themselves and their families but it is possible to believe that Milosevic is using that to strengthen his propaganda. Thank you.

Mr. SMITH. Let me ask Mr. Bajraktari and anyone else who would like to comment, what do you think the interests are of Belgrade in keeping the prisoners, and torturing those prisoners? Does Milosevic expect to get something in return or is this another case of unmitigated cruelty?

Mr. BAJRAKTARI. Well, I think this case is more than clear, because if we view the policy that Mr. Milosevic has run over the last years we can clearly see that the de-stabilization is something that creates power for him, a foundation to rule. So in this specific case I also think that keeping Albanian hostages in Serbia is clearly an attempt by Mr. Milosevic to de-stabilize Kosovo and further to prove a failure of the international community's investments in Kosovo.

So this is dangerous because it empowers the radicals within Kosovo society, meaning within the Albanian community, because they obviously want their loved ones back. By empowering the radicals it further endangers any processing of reconciliation that is necessary right now in Kosovo. That is why I emphasize the importance that the Kosovo Serbs should not only denounce, but they should also demand the release of the Kosovars.

Because this will make the process of forgiving much easier and the process of reconciliation and the multi-ethnic future of Kosovo more possible.

Ms. BLAUSTEIN. I have just one thing to add to what Mr. Bajraktari said, with which I think I can concur. I think also that keeping the prisoners incarcerated was one of Belgrade's ways of establishing proof of Yugoslav sovereignty over Kosovo. It was a way of saying, "Yes, Resolution 1244 does give us our sovereignty, we are able to save face." In fact there is the territory integrity of Yugoslavia, of Serbia and Kosovo, and these prisoners are our prisoners.

If you look at the way the prisoners were transferred, it gives you some insight into the legalistic bent of this society in which there is absolutely no rule of law. They transferred not only the prisoners, but the prison wardens from one jurisdiction in Kosovo to a parallel jurisdiction in Serbia. They transferred the judges as well, so that, for instance, you couldn't appeal a conviction on the grounds that the jurisdiction was improperly held.

But after that, it became clear that there would be no prisoner exchanges, that this was not some sort of strategic tool for the ending of the conflict. The prisoners became effective hostages, and they are now a bargaining chip. And you have to look at the way Milosevic has operated in the course of the past decade. He always gets some of what he has wanted by upping the ante: He does something bad; the west complains. He does something worse; the west makes threats. He backs down on the thing that he did that was worse; and the west forgets about the first thing that he did that was bad. So he has moved ahead one-half step. And this is the kind of game that he has played.

Mr. SMITH. Let me just say one of the principal reasons for having this hearing is the fact that the prisoners have lacked his ability. You might recall when American POWs were being held by Milosevic, Jesse Jackson received a tremendous amount of visibility while campaigning on their behalf, and the next thing you know there was a release.

Would that kind of undertaking be fruitful or prudent given the circumstances we're dealing with now?

Ms. BLAUSTEIN. I think that kind of intervention would be, could be very effective. I have to say in this regard that the U.S. State Department has been probably the most proactive on this issue, despite whatever qualms we may have with how the Ambassador had been briefed. The State Department has actually put its money where its mouth is. Unfortunately, the receptacle of those funds has not been particularly effective, that is, the High Commissioner for Human Rights Office.

But the State Department has spoken out again and again. They've put someone, at least one person, full-time on this, and to raise the profile of the issue, as Congressman Wolf said, with an explicit presidential advisory, making it more public, could certainly do no harm.

INTERPRETER. Excuse me.

Mr. SMITH. Yes.

INTERPRETER. If I could say something just in the name of the Bishop, we were just consulting now. On our proposal, Mr. Landrum Bolling (phonetic) from Air Mercy Corps (phonetic), he actually was ready to mediate on the question of detained persons and prisoners in Serbia and they were supporting that. We contacted with Mr. Kouchner and he

agreed that he could go and do that and of course try to have an influence on Kosovo Albanians as well to try to find the missing Serbs. But unfortunately he was denied a visa for Serbia.

So we would like to reiterate that we would like the Albanian prisoners who are proven not guilty by an international commission and the political prisoners especially, who are there for political convictions to be free, because that is, as Mr. Bajraktari said, it is endangering and making the reconciliation process in Kosovo very difficult. We support it very much and we'll continue making statements in that direction.

Mr. SMITH. It's most appreciated and not unexpected especially giving the moderating attempts you've made over the years. I think it is very important that you have, Bishop, reminded the Commission with the stark reality of eight months of so-called NATO protection. The fact is, and I repeat it, 80 Orthodox churches have been either completely destroyed or severely damaged and the fact that you pointed out 400 Serbs have been killed.

How do we break this cycle of violence? Because even-handedness and a multi-ethnic society is what we all aim for. It seems that if there is one cycle and it was who's ever turn it is to do the killing persists, we'll just see more killing in perpetuity.

His Grace ARTEMIJE. In our meetings with the officials of the international community, both in Kosovo and here, have always indicated that the only way to stop this vicious cycle of violence is that the international community shows more resolute position towards their criminals because it is the fact that in the course of eight months not a single perpetrator has been brought to justice in Kosovo.

And that is as astute as a green light for the criminals to continue their crimes. A few days ago, a grenade attack was made against a church in Gujilane U.S. Sector. Yesterday, a respected Serb doctor was killed or shot in Gujilane and he died and he gave medical assistance in one tent near the church to all needed people. He was killed in the center of Gujilane. If it continues in this way, that there is no one held responsible for these crimes, it will never stop.

Yes, and I would only like to add that in today's New York Times article by Steven Erlanger, I think there is a very indicative sentence which I'll try to paraphrase, that the basic problem in Kosovo according to one UN official is that the international community should, is not showing real willingness to face the troublemakers in the KLA because of possible casualties which might occur in NATO, among the NATO peacekeepers.

Mr. SMITH. Mr. Hand.

Mr. HAND. Thank you. Mr. Frelick, in your testimony I liked very much the way you categorize the various groups of vulnerable people, because I know from following the Bosnian conflict that there is always so heavy a focus on the main groups; they get all the attention. And there are a lot of people who do not belong to those groups and fall between the cracks.

In Bosnia there were a lot of mixed marriages and, as you indicate for Kosovo, that's not necessarily a very large group. But you point out some other ones, the draft evaders being one of them. I wanted to ask you, but also maybe Mr. Bajraktari, if you would want to comment on the situation for some of these other groups, in particular the Slavic Muslims that live in Kosovo and are sort of caught between a rock and a hard place.

I can remember from when I lived in Novi Pazar in 1993, for a few months, that there was a large group that lived in Mitrovica. But even at that time a lot of them were moving into the Sandjak region because they felt a little bit safer there. I was wondering if you might be able to comment a little bit on that group, as well as the ethnic Albanians that are from Serbia proper in southern Serbia.

You had given one quick sentence of them having a well-founded fear of persecution. I was wondering if we could elaborate a little bit more and talk about what their situation is in the post-Kosovo conflict situation.

Mr. FRELICK. I actually became aware of both groups during my visit to Novi Pazar, so both groups are appearing in that area. There is the Sandjak area which is a heavily Slavic Muslim region of Serbia, some of which goes into Montenegro as well. The ethnic Albanians who are in there are particularly vulnerable because they are largely overlooked by the international community. These are people who are considered to be collaborators, basically, in the same way that perhaps Roma have been accused of being collaborators, but these are ethnic Albanians themselves.

Oftentimes those are people who, as early as 1998, were taking a moderating role and were being threatened by members of the KLA at that time. I spoke to a local Muslim Red Cross official in Novi Pazar who told me the story of a Professor, a University Professor who is an ethnic Albanian, from one of the cities in Kosovo, who had to flee for his life in 1998, and he is still in Novi Pazar.

He doesn't belong there. He doesn't. He's Albanian-speaking. He has no future in Serbia or Montenegro. He's a fish out of water. I mean his water, his pool was Kosovo and it's no longer there for him. And he needs to be resettled. It's a classic case of the kind of person who can't return, can't be locally integrated, and for whom that's the only protection and the only durable solution.

Now the other, the other instance that you asked me about is, perhaps, the next blow up that we are going to be seeing. It's blowing right about now. And this is Presevo. This is the ethnic Albanian enclave in southern Serbia where there is a huge cold war, which is getting hotter by the minute. There appears to be infiltration of extremist elements from the Kosovo side trying to provoke a response, as well as the predictable repressive apparatus of the Serbian authorities.

I was not in Presevo myself, but I was well aware of a number of those reports that were coming out Presevo at the time that I was there which included burning of villages in the area, the administrative border between Kosovo and Serbia proper. There were three villages that were burned shortly before my visit. And again, it was hard from where I was in Serbian-speaking Serbia, shall I say, to assess what the conditions for those people were.

But I did speak to some of the human rights monitors who had made missions to that area and they talked of a highly militarized zone, very high tensions. Although I didn't talk to any individuals themselves who were ethnic Albanians fleeing from that area, there were people reported to me, by name, who were accused of being collaborators with the Serbian authorities and who were being threatened as well.

And so they again had no place else to go and they had to flee. But it's a very hot situation right now.

Mr. BAJRAKTARI. Unfortunately in Kosovo there has been a lot of suffering during the war and also in the aftermath of war, especially due to the lack of justice and the lack of rule of law. As a result of this, many of the ethnic minorities have been exposed to enormous pressures due to their ethnic backgrounds. But also what I think what the problem is that the ethnic minorities in Kosovo and the Albanians also, have to realize that their way to Europe leads through Pristina.

And then once they realize that and once the ethnic minorities in Kosovo start running an independent and separate policy and very pro-Kosovo oriented policy, that will make chances for the reconciliation much higher. Meaning that the Serbs should clearly state and that they do not identify their policy with Milosevic's policy and they do see their future in Kosovo.

And in the eyes of Albanians, many of these ethnic minorities unfortunately are seen as a people who have been utilized by Milosevic during the bombing campaign and they are identified as perpetrators. What I found critical is that the ethnic minorities should clearly state that they do run an independent policy from Belgrade and their policy is to, that they see Kosovo as their own future country.

Concerning Presevo, Bujanoc and Medvegje (phonetic) area, the three municipalities in Southeastern Serbia, in this case there has been a clear violation of the UN Resolution 1244 and the military political agreement reached by NATO and VJ (Yugoslav army) forces. Belgrade is not supposed to keep its troops in a five-kilometer border strip close to Kosovo. That has been a part of an agreement that has been clearly violated by Belgrade.

Milosevic is usually playing with the uniforms of his policemen. The agreement provides for the local police to patrol this area, but as we well know there is no clear distinction among Milosevic's forces who is a local policeman and who is paramilitary or who is indicted by The Hague Tribunal. There has been enormous pressure on the Albanians in southeastern Serbia and some of them have already fled the area, moved to Macedonia, further creating an imbalance in the ethnic stability of Macedonia.

But also most of these Albanians have fled toward Kosovo, where the lasting peace is in the process of being rebuilt. And the recent reports have shown that the Yugoslav troops are concentrating in this area that can further give the indication that Milosevic is getting ready for another ethnic cleansing policy or campaign against these Albanians. So having in mind this crisis and having in mind the crisis in Mitrovica, it's clear that Milosevic remains an important player in the Kosovo crisis and in the aftermath of war.

And I think that there should be a more serious condemnation of the repressive policy that is conducted in southeastern Serbia. But also that the United States should emphasize that there could be no violation of the technical agreement that was reached and that the five-kilometer border strip should be protected.

INTERPRETER. Yes, just to add one sentence more, if it's possible. Yes, of course it is absolutely possible that Milosevic is trying to profit from this situation and it is true that there is a build up of Yugoslav forces there. But also of course we must be aware of the other part of the truth that there is an attempt of Albanian action, especially of certain splinter groups of KLA to export the conflict into the southeastern Serbia in order to suck in or somehow to involve NATO into a new conflict.

So it is very important to have that in mind, because in the recent reports by press and especially by Ambassador Holbrook, we must say that we have seen a relatively one-sided approach where the only problem is, Mr. Milosevic, he is a problem, but not the only one. So if we approach the problem really evenhandedly, we can probably find a solution. But if it goes only one-sidedly, I think there will always be problems. Thank you.

Mr. SMITH. I thank you for that because I do think it is important that any extremist who commits barbaric or cruel act needs to be condemned. We're going to be very careful about provocations that are done with the intent of trying to bring a certain response from NATO and from the international community. I think all heinous acts need to be condemned equally and I think your point is very well taken, Bishop. I'd like to yield to Erika Schlager for any questions she might have.

Ms. SCHLAGER. Thank you. I wanted to ask one additional question, Mr. Mirga. We have heard reports that Roma who are internally displaced in Kosovo, as well as refugees elsewhere in the region, are not getting full access to humanitarian assistance the same way that other people in the area are. We've heard this is primarily because the aid agencies, both non-governmental aid agencies as well as those run by the international community, hire primarily ethnic Albanian interpreters and drivers who are unwilling to go into the Romani communities.

We've also heard, at the same time, that Roma are unwilling to act as interpreters and drivers in many instances because they are afraid if they leave their communities they'll be subjected to violence or kidnaping. This lack of humanitarian assistance may contribute to the very grim situation that Mr. Frelick describes in his testimony. I'm wondering if this is consistent with what you understand to be the case and if so, do you have any suggestions on how this problem could be addressed?

Mr. MIRGA. Yes, in general I can confirm that this is consistent with what this report states. Just to share with you my own experience in Stankovic II. When I visited in the fall, there were only Roma, all the Albanians left already for Kosovo. They complained that they are afraid, for example, of medical service which was provided by ethnic Albanians to them in the camp.

So in many cases they were refusing to go to ask for medical help and instead they were trying to get to the city and to ask the Roma who live in one of the quarters of Skopje to provide them help and to help them. To other extent it is imaginary fear, I can't say, but such a fear existed among these Roma in Stankovic II. As regard to access to the health, to the other aid, like food, like schooling, like public service buses and so on, here I think we know that there is very limited access.

And Roma are really afraid to leave, for example, camps or place for internal displaced people

and what is even more disturbing, in some cases Roma ask for protection and they do not receive protection. The KFOR forces are not ready or willing to follow such a request. So here I think we should demand improvement from the KFOR forces as well. Now as regards, especially those internally displaced Roma like in Montenegro, which is part of Yugoslavia, and in Yugoslavia proper, here I think is the worst situation.

And somehow those Roma who are there, especially in Serbia proper, they are suffering because of no access to any humanitarian aid. And the reason can be violence, but also one is that they are hated and

despised and many people don't want to go to them. Aid is provided along ethnic lines and distributed by ethnic organizations that don't want to serve to Roma. Since Roma are less organized, they have, in general, less access to humanitarian aid. Thank you.

Mr. SMITH. Before we conclude the hearing, would any of our witnesses like to make any final comment? Yes, Ms. Blaustein.

Ms. BLAUSTEIN. This is an afterthought, Mr. Chairman, in response to your question about putting a higher profile on the prisoner issue. For many months the American and European NGOs didn't know whether to advocate hard on this or not because there were rumors and some information from the Red Cross in Geneva that independent advocacy could harm their access to the prisoners and they wanted their ability to negotiate freely with Belgrade.

In fact, I have checked this with International Committee for the Red Cross officials and they, although they feel very much hamstrung by their legal advice, that they cannot advocate this issue, they do have access, (although they are not pressing for access to the military prisons the way they might). But they didn't see that the access they have now would be jeopardized in any way, and they were basically asking for other actors on the international stage to advocate on this issue.

Your analogy to the Jesse Jackson intervention, I think a high-profile negotiation is in order but one should take care not to emulate the meetings that have been held by emissaries of some western and non-western governments, that is, by meeting with indictees. One must, in this case, of course, take care to negotiate only with unindicted representatives of the regime for the complete and unconditional release of the prisoners.

Mr. SMITH. Yes. Mr. Mirga.

Mr. MIRGA. Thank you, Mr. Chairman. I would like to stress that there are still Roma in Kosovo. Kosovo is not only about Albanians and Serbs.. Maybe Roma are politically unimportant, but they are humans, and we should be aware that those Roma who remain there and there are still several thousand of them, they choose to stay there. And we should not forget to talk about them as a part of this community or future community of Kosovo.

Any efforts at reconciliation should include not only Serbs and Albanians, but also Roma and other minorities who are there, and who may be not strong or represented by their own states, but nevertheless they are part of the problem of Kosovo and important part to its solution. Thank you.

Mr. SMITH. Thank you for that wise admonition and for the record, this Commission has tried to remember the disenfranchised and those who make up a smaller but often forgotten minority. And Roma has been among those, not just in the former Yugoslavia, but elsewhere in Europe where the Roma continue to suffer profound discrimination even by some so-called enlightened governments. So thank you for that comment. Mr. Frelick.

Mr. FRELICK. Yes, I wanted to make two final remarks. One is about the Roma and it was to address the question that you had addressed to Ambassador Menzies about the letter you had written in July to the State Department and the response from that letter. I have a copy of that letter and I just wanted to mention that I found it quite lacking as a clear response of what U.S. policy was with respect to the Roma in the region.

There are three points in the letter that I think are—

Mr. SMITH. Is it the Administration's letter back to us?

Mr. FRELICK. The Administration's letter to you of November 3. And there are three points in the letter that I think are quite questionable, and I'll just mention the three. The first point is that, the letter states the United States has processed more than 50 Roma for refugee admission in the past six months. The implication certainly is that they're talking about the Roma who have fled from Kosovo.

I've checked with every resettlement agency in the United States, none of them are aware of any Roma that have been resettled from Kosovo. There are some Bosnian Roma who have been resettled in the United States, but I don't think that was what your letter was questioning and I think that it was unresponsive to the point that you had raised.

The second point in the letter that I think is questionable is that they imply that "those who fled to other countries, including Hungary, should contact the UNHCR regarding protection assistance, and if needed, the possibility of resettlement in a third country". The fact of the matter is that UNHCR regards Hungary as a country of asylum and will not refer Europeans for resettlement from Hungary.

As this Commission knows, Hungary's own record with respect to the Roma minority is less than desirable and the conditions of Roma seeking protection and resettlement out of Hungary is something that should really be given much more careful consideration than this brush off of a response.

And finally, the letter states, and I quote, that the Roma receive "significant aid from the international community" inside Serbia. And that's just, from my eyewitness account, blatantly untrue. They receive virtually no aid from anyone inside Serbia. You know from previous times I've testified before this Commission and your other hearings, that I've visited refugee camps all over the world.

The Roma conditions in Kursumlija, for example, were among the worst that I've seen anywhere. People living in filth, in raw human sewage, in abandoned buildings without so much as plastic sheeting. No evidence whatsoever of any food or blankets from any source. And so for the State Department to say that they are receiving significant aid from the international community, it's really quite distressing.

I also wanted to address the question that you had raised generally about what can be done for peace and reconciliation in Kosovo itself. I take to heart what Mr. Wolf was asking earlier about what really, fundamentally is involved with reconciliation. But before you can reach Mr. Wolf's spiritual reconciliation, you have to talk about physical safety and security. The head of UNMIK, Mr. Kouchner, has pleaded for 6,000 international police to provide the minimum level of security to just keep people from killing each other.

To keep those murders from continuing. At last count, I heard 1,400 was the contingent of international police in Kosovo. For the international community to have put the human resources, the financial resources, the munitions resources into the bombing campaign and then to turn its back at this point, is just ludicrous and inhumane, I might add.

The other point I would make is that there is really no overall policy. We don't know what the west wants for Kosovo, it hasn't been stated. And until there is clarity about what the future of Kosovo is going to be,

there is going to be guerrilla warfare of one sort or another by all the parties to the conflict to try to create the *fait accompli*, to try to create a new reality because the international community waffles every way.

We need clarity about what the policy is that this government and that the western alliance is trying to follow and where they are going in Kosovo. And without that, without that kind of direction, it's anybody's guess and they're going to keep vying for power, territory, an inch here, an inch there, a cut throat here, you name it. It's just, we're waffling and we need clear direction. Thank you very much.

Mr. SMITH. Thank you, Father Sava.

INTERPRETER. Just a last remark, I would like to follow up to Mr. Frelick's point which he made on the international police. It is very important to deploy more policemen, but we mustn't also disregard the spiritual dimension and I have good news to tell you. That we at least have some progress in interreligious dialogue in Kosovo. The religious leaders of Kosovo first met just before the bombing campaign in Vienna. It was, the meeting was hosted by the Austrian government in Vienna, and it was also organized with the help of Rabbi Arthur Schneier (phonetic) from New York.

And there for the first time a very strong and clear declaration and commitment for peace and reconciliation was made. We met also, not recently, in Amman in December where we also reiterated our strong position that it was not a religious war, it was not the war between Christianity and Islam and we must be very careful not to allow this dimension of conflict is broadened. Although there are certain elements of that, we hope that it will not become a religious conflict, but it should be resolved completely in the political terms.

And the last meeting between the religious leaders for Kosovo and Mr. Boya (phonetic) for the Islamic community and Bishop Marcsolpi (phonetic) and Bishop Artemije was in Sarajevo on the eighth of February. The meeting was hosted by WCRP, World Conference of Religious for Peace and interreligious Council of Bosnia-Herzegovina, and they made a very strong statement. I'm sorry I don't have it here to share it with you. Ah, it's here, okay.

And the next meeting is scheduled for April, so I think we're going to have more and more progress on this and at least between religious leaders and communities. Thank you.

Mr. SMITH. Father Sava, thank you very much. Let me just, if there's no further comments, I'd like to just point out for the record that the Commission invited this extraordinary panel of six men and women individually who have committed themselves to the pursuit of peace, the provision of humanitarian assistance, ethnic reconciliation and the rule of law to present their insights and observations. Each of you has done so with clarity, with precision, and with an enormous amount of heart this afternoon.

The Commission is very grateful for your leadership, which you have shown over the course of many years, your counsel and your recommendations which will be acted upon and we will encourage others within the Administration and other foreign governments to do likewise. I want to thank you very sincerely for your tremendous testimony and above all for the work that you do each and every day. This hearing is adjourned.

(Whereupon, the hearing was adjourned at 4:52 p.m.)

APPENDICES

WITTEN STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL,
CO-CHAIRMAN

Dramatic developments in Kosovo are once again hitting the headlines. Renewed violence in Kosovo brings new threats to peace in the region, and a new challenge for the United States and its friends and allies who are trying to maintain peace in that extremely difficult environment.

I remain deeply concerned about the situation there. I recently visited Kosovo and heard from our military personnel based there about what they are being tasked to do. I learned that it is virtually impossible for many people in Kosovo to carry on even the basic routines of everyday life. People from one group or another, depending on where in Kosovo you look, cannot leave their homes without military escort, for fear of being attacked by those from another group. Others cannot even get back to their homes, which, I understand, is the basis for the current standoff in the north. And, of course, some cannot leave the prisons of Serbia.

Other solutions need to be found, rather than simply deploying more forces to stand between angry crowds. Such a deployment alone does little to address the legitimate grievances of many of the people, from all ethnic groups, and it likewise does little to stop the human rights violations which take place with virtual impunity. People need to get out of the refugee camps and prisons and get back to their homes as soon as possible.

I look forward to hearing from Ambassador Menzies what the Administration plans to do in Kosovo this year, and the views and suggestions of our expert panel. I hope, that by focusing on these issues, the Helsinki Commission will contribute to the formulation of sound policies in Kosovo. While our focus today is on the human dimension of Kosovo we must not lose sight of the security and economic dimensions of the situation in Kosovo. Corruption has been identified as one of the major obstacles to OSCE efforts in Bosnia and I understand that organized crime elements are extremely active in Kosovo and elsewhere in Serbia. The prospects for democracy, human rights and the rule of law in Kosovo are not promising and the approaching spring could usher in more conflict in this troubled part of the OSCE region.

**PREPARED STATEMENT OF STENY H. HOYER,
RANKING MEMBER**

Mr. Chairman, the subject of our hearing today—Kosovo's displaced and imprisoned—is one we urgently need to address. One may ask those who, in some far off distant land, have been forced from their homes, separated from their families and, in the case of the Albanian prisoners, deprived of their freedom? To me, having served on this Helsinki Commission now for 15 years, the answer is clear. We should care, because only with respect for human rights can there be true peace, and the violation of human rights in one country is a legitimate concern to all as a source of instability. The principles of the Helsinki final act are not merely negotiated cold war rhetoric. They have real meaning, probably nowhere more so than in this country, given our own democratic ideals and our sacrifices during the world wars of the early and mid-20th century.

It is my hope, as we address the current crisis in Mitrovica and elsewhere in Kosova, Bosnia and throughout southeastern Europe, that we not lose sight of our principles. People who want to return to their homes are not the source of instability; the thugs who forced them from their homes are. The people who languish in Serbian prisons are not the cause of ethnic tensions; the war criminals who took them as they fled Kosovo are. So-called lame for rape, torture and wanton destruction; Milosevic and his murderous minions are. In saying these things, I don't mean to simplify an admittedly complex situation. I urge those in the international community dealing with these issues not to get lost in the complexities and use them as an excuse for inaction. The current violence in Kosova must be condemned, Mr. Chairman, and all those responsible for criminal behavior, regardless of ethnic background, must be brought to justice.

Many of us here on the Helsinki commission were in St. Petersburg, Russia, for the OSCE Parliamentary Assembly session last July, where we took the initiative to raise the need to protect the minority population in Kosovo, to get the displaced back home, and to make the Milosevic regime release those Albanians who are unjustly imprisoned in Serbia. Since then, these issues have come up in our legislative work, and Chairman Smith, Commissioners Lautenberg and Cardin, with Representative Eliot Engel and others, have been particularly active in four areas—refugee questions, war crimes prosecution, Serbian democratization, and the incarceration of Kosovar Albanians in Serbia. I joined you in these efforts in the past and, as we begin a new session of congress, I hope that we can maintain momentum here in the congress that will lead to and support stronger action in the Balkans.

I wish to conclude, Mr. Chairman, by noting my particular interest in the release of the Albanian prisoners in Serbia. We have seen pictures of Flora Brovina and Albin Kurti; some have even met them. Whether the number of such prisoners is 1,000, 2,000 or 3,000, behind the numbers are real people, innocent people who took the risk of getting involved in activities to improve the lives of others. It is unfortunate that their release was not part of the agreement concluding the conflict in Kosova, and I urge President Clinton and the leaders of other countries not to allow this issue to drop in determining policies toward Belgrade. These people must be released. Period.

Thank you Mr. Chairman. I look forward to hearing from our witnesses.

PREPARED SUBMISSION OF JOHN MENZIES

I am happy to address the Commission today on the topic of the Displaced and Imprisoned of Kosovo.

During the war, hundreds of thousands of Kosovar Albanians and minority groups found safe haven in neighboring Albania, Macedonia, and in other countries. Hundreds of thousands also fled their homes for the uncertainties of internal displacement elsewhere in Kosovo.

In the almost eight months since the war ended, over 800,000 refugees and displaced persons have returned to their homes in safety and security, and the efforts of the international community over the course of the winter have ensured that no one was without shelter or food. This is a major accomplishment in and of itself.

Gradually, peace is taking hold, and resolution of the questions posed by the displaced and imprisoned are important factors in building that peace.

The key to the return of all citizens of Kosovo is security. There are four key elements of the international community's efforts on this front.

1. The Kosovo Implementation Force (KFOR) bears primary responsibility for assuring that hostilities do not re-ignite.
2. The United Nations International Police (UNIP) are to provide security within communities until they are relieved by local police. The police are armed and have executive authority to detain suspects. Currently there are some 2,300 officers out of the requested 4,718.
3. Training has begun for a local police force, the Kosovo Police Service (KPS), which over time will assume police responsibility. The training academy is open in Vucitrn (Vushtri), and two classes have already graduated almost 500 trainees. We are trying to expand the training effort in order to speed up deployment of this much-needed law enforcement mechanism.
4. A functioning judiciary is crucial to the rule of law. The courts are being reestablished through the efforts of UNMIK [United Nations Interim Administration Mission in Kosovo] and the OSCE [Organization for Security and Cooperation in Europe] with the assistance of the U.S. and its Allies.

Economic assistance will also play an important role in providing citizens with the jobs and hope for the future that will turn them away from thoughts of violence and revenge and allow absorption of additional returns. The U.S. and its allies are working with UNMIK and NGOs [non-governmental organizations] to provide the resources needed to establish a banking and regulatory system, to encourage micro-enterprise, to start large-scale infrastructure projects and identify quick-turn-around projects for job creation.

We are beginning to see results. A post and telecommunications system is in place, power plants are being rehabilitated to provide additional energy, and a commercial bank has opened and will begin providing credit to small businesses within the next three months. We have begun talking with our Allies about re-starting parts of the Trepca mining complex. Efforts are continuing to provide temporary housing and materials for warm, dry shelter during the winter for those internally displaced. UNMIK plans to issue a temporary travel document to Kosovar residents as part of the voter registration process to begin in April, allowing for greater freedom of movement.

However, without Kosovar participation, international efforts to rebuild the society will fail. To draw Kosovars into the civil administration process, UNMIK has created an Interim Administrative Council (IAC). This will enable Kosovars to work with UNMIK to decide key administrative issues. A Kosovo Transitional Council (KTC), has also been created to provide a forum for Kosovars from all ethnic groups to discuss issues of importance with UNMIK, and make their voices heard in decisions on the future of their province. Ultimately elections to decide the future of the province will influence returns. Provisional municipal elections are scheduled for this Fall. In addition, the U.S. has promised to work on the realization of a pilot project to begin to promote the return of Serb refugees under conditions of safety and dignity, in coordination with UNMIK, KFOR, and other donors.

The continued detention of Albanians in Serbia remains a tragic and acutely vexing issue for the international community.

Given our lack of diplomatic relations with Belgrade, it is difficult for the U.S. Government to directly pressure the Milosevic regime on this issue.

However, the State Department has, since last summer, consistently worked to raise the public and diplomatic profile of this issue, and to leverage key players inside Serbia who can make a difference.

To this end, we are supporting indigenous human rights NGOs working in this area such as the Humanitarian Law Center and others who are monitoring and in some cases defending these prisoners in sham court proceedings.

Meanwhile, we have provided \$350,000 to the United Nations High Commissioner for Human Rights (UNHCHR) mission in the FRY [Federal Republic of Yugoslavia], which was appointed by SRSG [Special Representative of the Secretary-General Bernard] Kouchner to lead the international effort to secure the release of the detainees. These funds are directly supporting UNHCHR efforts to monitor trials and secure the release of all detainees.

According to the Humanitarian Law Center, there are at least 1300 persons illegally held in Serbian prisons, including women and children. It should be noted however that there may be more than 1300 detainees in Belgrade-controlled prisons, indeed some estimates are as high as 5000.

We are pleased that through the work of the High Commissioner on Human Rights and the Humanitarian Law Center, some women and children have been released for humanitarian reasons.

Regrettably, the five to six hundred released to date have secured their freedom through Kosovar Albanian families paying ransoms to corrupt Serbian officials. In some cases, as much as DM 50,000 has been paid for a single prisoner—an average detainee currently costs DM 10,000.

We have also repeatedly raised the matter diplomatically with UNMIK, the ICRC (International Committee of the Red Cross), the International Commission on Missing Persons, and bilaterally with NATO member states. We have made it emphatically clear that there can be no reintegration of the government of Serbia into the international community without prior release of these prisoners.

We have publicly registered our concern in these cases over the apparent lack of due process, condemning Serbia's actions as an example of their disregard for international norms of behavior.

Others in the international community are also making efforts to promote release of these prisoners. For example, the Finnish government has negotiated with Belgrade for the release of prisoners.

Many international, as well as U.S., NGOs are active on the issue. The UK and Belgium offices of Amnesty International and Pax Christie, along with the Association of Political Prisoners in Kosovo, continue to advocate tirelessly for the release of prisoners. Courageous NGOs in Serbia are also working this; the Belgrade-based NGOs Humanitarian Law Center, with a staff of only three lawyers, and the Lawyers Committee for Human Rights continue to defend Albanian prisoners.

The truth is that European nations are in a better position than the U.S. to take the lead on this issue. Some of our European allies, like Italy, have representation in Belgrade and can pressure the Milosevic regime. Canada and Japan also have representation in Belgrade. It may also be possible to encourage greater Russian participation.

In addition, the U.S. has begun a dialogue with the Community of St. Egidio to engage the FRY government on the issue. Let me touch briefly on the situation Mitrovica. First of all, KFOR dealt with the recent unrest in Mitrovica quickly and decisively. Indeed, there have been no serious confrontations between Serbs and Albanians since February 13, when KFOR responded to the upsurge of violence there.

That being said, Mitrovica remains a potential flashpoint. Serbs from all over Kosovo fled to Mitrovica as KFOR deployed and Serb security forces left. They expelled thousands of Albanians from their homes in north Mitrovica and have been trying to develop an enclave that is ruled by Serbs controlled by Belgrade, a place where the authority of UNMIK does not obtain. Indeed, Serb hard-liners in Mitrovica effectively scuttled an earlier attempt to bring Serbs into UNMIK's interim administrative council.

While many of the Serbs in north Mitrovica have security concerns, those concerns are not justification to drive people from their homes or to dismember northern Kosovo from the rest of the province. The ethnic Albanians are understandably frustrated by what they see as a hardening of the Serb occupation of their homes in north Mitrovica. Extremists on both sides are willing to exploit the exasperation of the Albanians and the fears of the Serbs for their own nefarious purposes. In that regard Serb extremists can be expected to continue to try to strengthen their position and numbers in northern Mitrovica in the coming months in order to achieve a permanent division of the city. That cannot be allowed to happen, and the emerging division that is now underway must be reversed.

In order to resolve the problem, UNMIK and KFOR are working closely together to eliminate the bars to freedom of movement by both communities across the Ibar River, insulate the north from troublemakers, provide security for Serbs in the north, and facilitate two-way returns—of Albanians back to the north, and Serbs to the south. Additional efforts to revitalize viable local industries are also underway, as are efforts to develop Serb media independent of Belgrade's control.

But ensuring a secure environment is a sine qua non for progress in all other areas. Some additional troops have been deployed to the city, and the police presence greatly increased, with both elements conducting visible joint security operations. UNMIK is appointing international judges and prosecutors to make sure that malefactors are tried and detained as per the law. As many of you know, last week the Secretary met with Bishop Artemije, after which she announced our support for a pilot project to begin returning Serbs to their homes.

**PREPARED SUBMISSION OF BILL FRELICK, DIRECTOR OF
POLICY, U.S. COMMITTEE FOR REFUGEES**

Thank you, Chairman Smith, for the opportunity to testify regarding the humanitarian needs of displaced persons from Kosovo. The U.S. Committee for Refugees is a nonprofit, nongovernmental organization, which for 42 years has defended the rights of refugees, asylum seekers, and displaced persons in this country and throughout the world. Our organization has been documenting the conditions of refugees and displaced persons in former Yugoslavia since the beginning of the conflict, as indicated, in part, by our publications and previous testimony before this Commission and other congressional panels:

Yugoslavia Torn Asunder: Lessons for Protecting Refugees from Civil War (1992)
 Croatia's Crucible: Providing Asylum for Refugees from Bosnia and Hercegovina (1992)
 "Preventive Protection' and the Right to Seek Asylum: A Preliminary Look at Bosnia and Croatia," International Journal of Refugee Law (1992)
 Human Rights and Humanitarian Needs of Refugees and Displaced Persons in and outside Bosnia and Hercegovina, Helsinki Commission testimony (January 25, 1993)
 "Civilians, Humanitarian Assistance Still Held Hostage in Bosnia," Refugee Reports (February 1993)
 Voices from the Whirlwind: Bosnian Refugee Testimonies (1993)
 Last Ditch Options on Bosnia (1993)
 East of Bosnia: Refugees in Serbia and Montenegro (1993)
 "No Escape: Minorities under Threat in Serb-Held Areas of Bosnia," Refugee Reports (November 1994)
 "War and Disaster in the Former Yugoslavia: The Limits of Humanitarian Action," World Refugee Survey (1994)
 "The Death March from Srebrenica," Refugee Reports (July 1995)
 Bosnian Refugees, Hearing before the Subcommittee on International Operations and Human Rights of the Committee on International Relations, House of Representatives (September 25, 1995)
 Germany to Begin Returning Bosnians, Refugee Reports (September 1996)
 Bosnian Minorities: Strangers in Their Own Land, Refugee Reports (October 1997)
 State Department Welcomes, Then Backs Off, Serbian Humanitarian Centers in Kosovo, Refugee Reports (September 1998)
 Shaky Ceasefire in Kosovo; Displaced People Come Out of Woods, Fears Remain, Refugee Reports (November 1998)
 Fighting Heats Up Kosovo Winter, Refugee Reports (February/March 1999)
 "Kosovo: The Outpouring of Misery," Refugee Reports (March/April 1999)
 "The Kosovo Refugee Crisis," Senate Foreign Relations Committee, Subcommittee on Immigration, (April 14, 1999)
 "Here Come the Kosovars," Refugee Reports (May 1999)
 Destination Unknown: From Kosovo to No-man's Land (January 2000)
 "Reversal of Fortune: Serbia's Refugee Crisis," Refugee Reports (January 2000)

I traveled extensively in Serbia and Montenegro from December 3 to December 18, 1999, visiting municipalities near Kosovo, including the Sandjak regions, as well as in the Belgrade area and Vojvodina, near the Croatian border. The trip included visits to both govern-

ment-controlled municipalities and opposition municipalities. I met with federal and local government officials, representatives of international humanitarian agencies, and nongovernmental organizations (NGOs). Mostly, however, I met with refugees and displaced people. The focus of my trip was on the needs of an estimated 200,000 people, mostly Serbs and Roma (Gypsies) newly displaced from Kosovo, as well as the conditions for some 500,000 mostly ethnic Serb refugees from Croatia (mainly from the Krajina region) and Bosnia (from Federation areas).

GENERAL CONDITIONS

In Serbia, looks can be deceiving. The Serbs are a proud people, and do not want to show a foreigner, particularly an American, that they are suffering. They are also a society used to a relatively high standard of living. Their needs, therefore, are not always immediately obvious. Generally (the notable exception being Roma), refugees and internally displaced people appear to be in good health, to have clean accommodations, and to be adequately clothed. Yet, current estimates place unemployment in Serbia at more than 30 percent, and joblessness among refugees and displaced people is likely to be at least twice that percentage. Many factories were damaged or destroyed by NATO bombing, and in many cases were functioning poorly before being knocked out of commission. Agricultural production is also down by about 30 percent. As is true of the population generally—and particularly true of its vulnerable segments, such as the elderly, the infirm, and single women with children—the main problem for refugees and displaced people is the lack of jobs and income. They simply have no earning power. A person who earns the average Serbian income of 80 Deutsche marks (DM) (about \$40) per month cannot afford 150 to 250 DM (between \$75 and \$125) per month for food. Although needy refugees are receiving food aid, the problem is not principally a lack of food; food assistance, in effect, serves as an income supplement, saving money that would otherwise be spent on food. The capacity for food production in Serbia has not diminished, according to a World Food Program (WFP) official, but because the government has set prices for staples at a low level, producers of sugar, vegetable oil, and milk have either stopped production or sell their products elsewhere or on the black market (at prices that the poor cannot afford). The Yugoslav government is often late in paying retirees their pensions, stretching out the pay periods, or missing pension checks entirely. Elderly refugees from Croatia have not been able to claim their pensions from the Croatian government, despite having paid into the Socialist Federal Republic of Yugoslavia's (SFRY) social security system during their working lives, before the break up of Yugoslavia and Croatian independence. In actuality, even if retirees did receive their pensions on a regular basis, that would not cover living expenses. Some pensioners have received coupons for firewood, for example, but lack the money to hire someone to transport the wood to their homes. The government's social welfare system has essentially collapsed, and the rolls of social cases continue to grow. Some 33 percent of the population is reportedly living below the poverty level. The percentage among the uprooted is undoubtedly higher. Although health care is supposedly free, decent and timely health care usually comes at a high (bribed) price. There is a critical shortage of pharma-

ceuticals. The problem stems, in part, from President Slobodan Milosevic's takeover of the country's leading pharmaceutical firm, ICN, and a near monopoly of the pharmaceutical industry by the JUL party, the extreme nationalist party headed by Mira Markovic, President Milosevic's wife. Some economists predict either more price fixing and malnutrition or another round of hyperinflation and heightened economic instability. Some predictions are dire, including warnings that the death rate among vulnerable groups, such as pensioners, could increase sharply.

CONDITIONS FOR REFUGEES AND DISPLACED PEOPLE

It is hard to distinguish between conditions for the old caseload refugees from Bosnia and Croatia and those for the newer arrivals from Kosovo. In both cases, the quality of their living conditions is dictated less by their length of stay or by their status as refugees or internally displaced persons, than by their own resources, including the precious existence of relatives in Serbia or Montenegro willing and able to help. Another obvious factor is whether the displaced person is an ethnic Serb the overwhelming majority or a Roma. *Collective Centers*. In general, people living in collective centers are worse off than those living in private accommodations. They lack the means job, savings, or family that would enable them to live in a private home. Often, they are elderly or lacking the skills in demand in an economy where jobs are scarce.

Although people in collective centers generally live in poorer conditions than those I visited in private accommodations, collective centers have an advantage: residents pay no rent or utilities and receive food and other humanitarian assistance regularly. On the other hand, most collective centers are grim. They often lack privacy, and the people living in them, especially the refugees from Bosnia and Croatia, tend to be elderly. Heating is sometimes poor, in part, because the centers were not constructed for residential purposes. Collective centers vary widely in quality and population density. Some, including converted schools and hospitals, are not especially overcrowded and provide separate rooms for families. Others, often former cultural centers, are dismal, drafty, and crowded. The main difference between collective centers for refugees and those for the newly displaced from Kosovo is the contrasting demographics of the residents themselves. Refugees who, often after five years are longer, still remain in collective centers, tend to be elderly and feeble. They often appear listless. Collective centers for the internally displaced, on the other hand, tend to have more families, more children, and include men and women in the prime of their working years. They appear less passive, and are more likely to express anger or make demands. Whether one lives in a decent collective center or a bad one seems to be a matter of dumb luck. I visited a relatively nice collective center on the Avala mountain outside Belgrade, a former psychiatric hospital. Just down the road, I dropped in on another collective center, a converted restaurant, now home to 129 people from the same village in Kosovo as those in the neighboring collective center. Cots were crowded together with no partitions separating them. The residents wore their winter coats indoors. Because of a three-way dispute between the Serbian Commissioner for Refugees, the owner of the restaurant, and the UN High Commissioner for Refugees (UNHCR) over the rent for the facility, the heat was turned off. (It is not a privately owned facility,

but socially owned, so ownership is at least indirectly governmental, yet the problem apparently stems, in part, from a disagreement between the restaurant owner and the Serbian Commissioner for Refugees.) The residents were angry, suspicious. They said that the people in the collective center just down the road were receiving more food and warmer winter clothing. They said that the Red Cross, which had supplied canned food, had stopped. They accused the Red Cross of delivering old clothes in bad condition. The residents expressed anxiety that the winter cold would intensify and that the building would not provide sufficient protection from the falling temperatures. Some were sleeping in the restaurant porch, cots flat against plate glass windows. They asked for wood planks to cover the drafty windows. I had seen other collective centers where the residents had built partitioned "rooms" using planks supplied by local municipalities. In this case, however, the municipality had not agreed to provide boards, and no one else had responded to their request. The residents said that ten of the children had contracted pneumonia.

Private Accommodations. Although the overwhelming majority of refugees and internally displaced persons—about 90 percent—are living in private accommodations, the lack of housing—along with the lack of jobs—remains a principal obstacle to local integration. Refugees living in private accommodations divide into three groups:

1) The majority of the refugees and displaced people are living with family or friends, and may or may not be paying rent, depending on their ability to pay.

2) Many refugees (fewer among the displaced) have moved out of the homes of family and friends, and are now paying rent. In order to afford to rent, such persons usually have jobs or other sources of income.

3) Finally, a relatively small, but not insignificant, portion of refugees and displaced people live in homes they have constructed themselves. In the case of the internally displaced from Kosovo, some built homes (or partially built them) in Serbia proper in advance of their flight. Even if the people renting privately are supposedly better off than those in collective centers, it is clear that their existence is also often precarious. I spoke with refugees and displaced people living in overcrowded conditions in private homes who were worried that their relatives would tell them to leave. I visited with a family in a collective center in Smederevo who had been living with relatives but moved into the collective center when the relatives could no longer support them. The refugees who are able to make an income, pay rent, and live in a home not shared with local residents, often complain of the high rental costs, as well as the costs of utilities and firewood. Nevertheless, some refugee families I visited appeared virtually indistinguishable from the local community and appear to be fully integrated.

HUMANITARIAN ASSISTANCE PIPELINE

The existing network for distributing humanitarian aid in the FRY operates almost exclusively through the Yugoslav Red Cross (YRC). The Red Cross system has had a virtual monopoly, and no other agency comes close to it in terms of a national network for aid distribution,

particularly at the local level. When the new influx from Kosovo erupted in the summer, the YRC did not have the capacity to deliver humanitarian assistance. Through the help of international agencies, including the International Federation of the Red Cross (IFRC), the International Committee of the Red Cross (ICRC), UNHCR, and WFP, it significantly improved its capacity to deliver aid. From delivering 3,000 metric tons of aid in August, the YRC delivered 20,000 metric tons in November, and plans to continue at that level through 2000. Nevertheless, the YRC has proven controversial. During the conflict in Kosovo, it was exclusively associated with the Serb community. Its critics have accused it of wrongful conduct from corruption to participation in ethnic cleansing. Its defenders in Serbia say it is the only effective humanitarian organization capable of delivering the quantity of assistance demanded by the humanitarian needs of the country. In late 1999, allegations surfaced that the YRC branch in Zemun, a Belgrade municipality, had diverted hygiene packets and rice intended for refugees. The European Community Humanitarian Office (ECHO) and IFRC investigators confirmed the allegations. As it turned out, however, the diversion was neither surreptitious nor for profit in the local market. On the contrary, the board of the Zemun Red Cross branch voted on October 18 to make a one-time grant of hygiene parcels and rice to school employees in the municipality because of their irregular and low incomes and very bad living standard. According to the local Red Cross branch, the school employees had not been paid since May 1999. The schools are used for distributing Red Cross aid to its beneficiary lists. Additional parcels were distributed to 250 employees of the Teleoptik factory in Zemun and to 300 employees of a shoe factory there. The Red Cross reportedly used warehouses located at both factories to store humanitarian assistance. ECHO visited 13 Red Cross branches in the Belgrade area, and found that similar diversion had occurred in 8 of the 13. This suggests that the problem is systemic and not limited to Zemun. All branches in question were temporarily closed, according to ECHO. The Yugoslav Red Cross has agreed, in principle, to an independent audit. In a December 2 memo to all Red Cross municipal branch offices, the Secretary General of the YRC, Dr. Rade Dubajic, summarized the YRC executive board's November 25 decisions. On the one hand, the board stated that "aid cannot be distributed to persons who do not fit the criteria". It said, "We have received some serious complaints by the donors in regard to the obvious cases of disrespecting the set criteria in certain municipal Red Cross branches and distributing the assistance to the people that cannot be the beneficiaries of the international humanitarian aid." On the other hand, the same memorandum directed local branches not to cooperate with international humanitarian organizations in their monitoring efforts. It prohibited international humanitarian organizations from obtaining lists of beneficiaries, from meeting with municipal Red Cross branches without prior YRC permission, and prohibited local branches from filling out forms or questionnaires from international humanitarian organizations without consulting with the YRC or the Serbian Red Cross.

ALTERNATIVE DISTRIBUTION NETWORKS?

In December, the U.S. government restricted its humanitarian funding in FRY to ensure that U.S. funds do not directly or indirectly support the Milosevic regime. The earmark specifically prohibits U.S. funds from being used in support of activities and operations of the YRC or the Serbian Commissioner for Refugees (the government refugee agency) without congressional notification. This meant that UNHCR's FRY budget would be reduced by 20 percent that part of its costs associated, particularly, with renting socially owned collective centers, as well as its more limited use of the YRC in distribution of non-food items. The WFP, on the other hand, uses the YRC for 100 percent of its food warehousing and distribution, and the IFRC and ICRC are similarly tied to the YRC as their local partner. Although U.S. AID funds food assistance elsewhere in the Balkans, it has cut its funding of WFP in the FRY entirely. U.S. bilateral assistance is to be directed to international NGOs with the intention of creating an alternative network for distributing humanitarian assistance. The U.S. government is encouraging partnerships with UNHCR that can distribute directly to beneficiaries. During my visit, I examined the capacity of NGOs in Serbia to develop alternative distribution avenues. I met with a number of NGOs already operating in Serbia, including Caritas, CARE, International Orthodox Christian Charities (IOCC, which works with the Serbian Orthodox Church), the International Rescue Committee, and Catholic Relief Services (CRS). All showed potential for increased involvement, depending on donor interest. Some of the NGOs have had major humanitarian assistance operations in Kosovo that could be replicated in Serbia proper. Thus far, however, none has a network that could effectively reach beneficiaries nationwide. Such international NGOs could coordinate their activities, however, and provide direct assistance to collective centers. But, in the short term at least, they would have great difficulty in reaching most of the refugees and displaced persons in private accommodations without using local Red Cross branches. They would also have difficulty finding appropriate warehouse space and in renting that space. Clearly, the cheapest avenue is to rent space from "socially owned" facilities rather than privately owned ones. But this presents another roadblock. In addition to higher costs for privately owned warehouses, if an international NGO locates a cheaper "socially owned" warehouse, it runs into the same difficulty UNHCR has had with paying "rents" to socially owned collective centers: the money paid to socially owned facilities ultimately reaches the coffers of the government and other elites closely tied to the Milosevic regime. Despite problems associated with some local Red Cross branches, I found that the local branches often operate independently of central authorities and seem to have good rapport with the local beneficiary populations. I visited key opposition municipalities in various parts of the country Kraljevo, Nis, Cacak, Novi Pazar, Sombor and found that all had good relations with their local Red Cross branches. Although opposition municipality officials complained about the higher echelons of the Yugoslav and Serbian Red Cross, they had only praise for the local branches, and interacted collegially with them. Most often, local opposition officials complained of actions at the government level. For example, Sombor, an opposition municipality in Vojvodina bordering Croatia, has attempted a local integration project to help

refugees construct private homes. Sombor has not received any support for infrastructure development, roads, water lines, sewage, or electricity from the federal Yugoslav or Serb republic authorities to support this initiative. Despite other problems opposition municipalities have, I found no substantiation of the charge that food and humanitarian assistance per se are being manipulated in ways that deny such aid to needy populations in these municipalities or that direct the aid into opposition municipalities in order to draw more uprooted people into them.

POSSIBILITIES FOR RETURN

The most noticeable difference in attitudes toward return is not between refugees from Bosnia or Croatia and the displaced from Kosovo or between men and women, but rather between generations. Older people, generally, seem more interested in return. Younger ones, on the other hand, tend not only to see greater obstacles to return, but perhaps to see greater opportunity in not returning.

a) *Return to Croatia?* My visit was prior to the election in Croatia and coincided with President Tudjman's death. Attitudes might well have changed since these occurrences in Croatia. At the time of my visit, however, refugees I spoke with (particularly men of military age) said that fear for their personal safety was the major obstacle to return. Several refugees expressed concern that they might be falsely charged with war crimes if they returned. They all denied having been involved in any criminal activity, but all men of military age from the Krajina, in particular are presumed to have played some role in the military or in civil defense forces. A bearded refugee from Knin, the capital of the Krajina region of Croatia, perhaps in his 30s, living in a dismal one-room collective center in Subotica near the Hungarian border, told me, "I can't go home. There is no work. I wouldn't be safe. They have lists of war criminals. I worked for the railroad. I never hurt anyone, but I could be accused." Even those who take active steps to return often find their way blocked. An 80-year-old refugee from Lika, a town in the Krajina, now a resident of a collective center in Kraljevo, told me that he had applied to the Croatian authorities four times to repatriate. He said that he had filled out the various forms, but never received a reply.

b) *Return To Kosovo?* Internally displaced persons are generally less concerned than refugees about war crimes accusations per se. Their greater concern is the general level of danger for non-ethnic Albanians in Kosovo. I often heard refugees say that they feared returning to Kosovo as it is now, but that they would return if the Yugoslav army and police went back. People displaced from Kosovo accuse the Kosovo Liberation Army (KLA) of committing crimes against them. Many said that they would not feel safe unless the Serb police and army returned in force, punished those who had committed crimes, and removed "the immigrants from Albania out of Kosovo, the people with blood on their hands." Among both refugees and internally displaced persons are people, usually the elderly, who express intense feelings of connection to their lost properties. Many people insisted that they were interested only in returning to their original homes, and categorically rejected relocating. "I was born in the same house as my father, my grandfather, and my great grandfather," said a man displaced from Musutiste, a mixed Serb and Alba-

nian village in Kosovo. "I do not think we stand a chance here. There is no money. We can't earn a living." I asked him if he would you go anywhere else. "I would never move to another part of Kosovo," he said, "only to the place where my father's and grandfathers' graves are." A young man also living in the collective center (perhaps the old man's son) had been listening quietly to the interview. But hearing this, he spoke: "I'd go to Australia. I'd go to any country that would take me."

INTEGRATING LOCALLY

Citizenship for Refugees Although the prospects for refugee repatriation may have improved somewhat since the death of President Tudjman, the election of Stipe Mesic as president, and the dawn of a new political landscape in Croatia, real progress toward significant repatriation has yet to occur. In the past, hopeful rhetoric from Croatia has not been matched by positive action. It remains likely that the majority of Croatian refugees will not go back. Sharing language, culture, and ethnic identity with the local Serb population, the overwhelming majority of refugees ought to be able to integrate in Serbia. The obstacles, however, are both economic and legal. FRY's citizenship law did not come into effect until June 1997. So far, about 42,000 refugees have become naturalized FRY citizens, and another 41,000 have applied for citizenship. Although no refugee applicants have been denied outright, the grant of citizenship is not automatic. Furthermore, the government suspended the processing of citizenship applications during the NATO bombing. Government officials said that FRY's citizenship application records were destroyed in the bombing. By the end of 1999, it had not resumed processing applications. FRY does not permit dual citizenship. Many refugees who still have property claims in Croatia are particularly reluctant to surrender their Croatian citizenship, fearing they might forfeit the chance to be compensated for their losses. Some of the younger Croatian refugees have another reason for not wanting to surrender their Croatian passports for FRY ones. Many want to leave Yugoslavia, and visa-free travel from FRY is not open to the more attractive countries of preferred destination, such as Germany, which does not require visas from persons traveling on Croatian passports.

DOCUMENTS FOR INTERNALLY DISPLACED PEOPLE

Unlike refugees, the people displaced from Kosovo are already Yugoslav citizens. That does not mean, however, that they have no problem with documents. In fact, many of the internally displaced cite lack of residence documents as their chief complaint. Such documents are routinely issued by one's local municipality, and have generally been required for health care, education, driver's licenses, and passports. In general, people moving from one municipality to another are expected to de-register from the place they are leaving before registering in a new location. This was not possible for people fleeing Kosovo on short notice, however. Retrieving personal documents has been very difficult. In seven Kosovo municipalities, these documents are completely missing. The need for documents to gain access to health care was quickly resolved when the Ministry of Health waived the requirement to show such documents. Although the Ministry of Education was slower to respond, it has now allowed displaced chil-

dren to register for school without the proper residence documents. These ad hoc, temporary arrangements were made as winter approached and the authorities recognized that displaced people would not be able to return to Kosovo quickly. However, the Serbian authorities are not resigned to losing Kosovo and insist that the durable solution for the displaced is to return to Kosovo. They may be reluctant, therefore, to issue permanent documents that will enable the displaced to integrate completely in their new local Serbian communities outside Kosovo. This problem is likely to be even more intense for Roma and other non-Serb minorities, as local Serb authorities and populations have already demonstrated strong resistance to their local integration.

ROMA IN SERBIA: A DIFFERENT STORY

Roma and gypsies were caught in the middle of the ethnic conflict in Kosovo. Neither Serb nor Albanian, the Roma in Kosovo, as elsewhere, tended to adapt to the ethnic group they perceived as dominant, learning that language and trying to accommodate themselves with that group. Kosovo's swift reversal of fortune, therefore, proved disastrous for many of Kosovo's Roma, as the returning ethnic Albanians often perceived them as Serb collaborators. There are currently between 40,000 and 50,000 displaced Roma in FRY. About 15,000 to 20,000 are in the central and southern areas bordering Kosovo. Another 15,000 are in the Belgrade area. The other 10,000 are living in Montenegro. Although the ethnic Albanians in Kosovo may have perceived the Roma as being aligned with the Serbs, that has hardly made them welcome to local communities in Serbia. Pre-existing Roma communities in Serbia occupy the lowest rungs of the socio-economic ladder. They appear at night as street cleaners and live in squalid slums in industrial sectors or in makeshift encampments under bridges or in abandoned buildings. The new arrivals from Kosovo often gravitate to local Roma settlements, making it difficult to distinguish the displaced from the general, and also destitute, Roma communities. I visited a Roma family living in such a pre-existing Roma settlement, a tightly packed ghetto in the Mali Leskovac industrial outskirts of Belgrade. The slum is called "Deponija," which translates to "garbage dump." Their home, a small dwelling with concrete walls, a rusted tin roof, and windows made from plastic sheets, is set in a muddy, potholed alley. They borrowed the equivalent of \$200 for the downpayment on the place, and pay about \$25 monthly in rent. They huddle around a stove provided by UNHCR, supplementing their meager diet with staples (flour and oil) provided by the Red Cross, and other humanitarian goods provided by a Roma association. Despite the assistance, a nine-year-old boy is obviously malnourished, looking the size of an American child half that age. "We owned three large houses in Kosovo in the town of Srbica, a young man, who heads the household, told me. There is no work, no way to earn money to pay the rent, he said. "It takes money to make money." He added, "There is no glass for the window, no door, no wood for heat, not enough food." His elderly father started to say that he was afraid to leave the house. Four days ago, "skinheads" came into the neighborhood and killed a "Shiptar," the word for an Albanian. The son hushed him, saying, "We don't want to talk about that. We feel free to walk outside. We have no problems." Yet, he refused to have his picture taken.

The children speak only Albanian. They can't go to school now, their father explains, because they don't speak Serbian. "We have had enough of this misery," he said. "We want to return to our home in Kosovo." He showed as much attachment to his home and property in Kosovo as any displaced Serb. He said he would only return to his own home. Nowhere else would do. But, "We will remain here until the army or the police return to Kosovo. Only the Serb police and military would make us feel safe." Local municipalities often turn a cold shoulder to the Roma, hoping that if they refuse to provide shelter or assistance, the Roma will move on. I saw this situation in Kursumlija, a municipality that borders Kosovo, which has struggled generally with the influx of displaced people. A group of Roma took over a semifinished, large concrete structure in the center of the town. The building had no windows, not even plastic sheeting to break the gusts of frigid wind whipping through. The muddy ground was strewn with litter. A basement with standing water of indeterminate depth appeared to be filled with sewage and trash. An oily liquid dripped from ceilings throughout the structure. There was no evidence of humanitarian assistance of any kind. The structure was teeming with people. Dirty, poorly clothed children crowded about. Each family had fashioned its own living space. Those places protected from the elements had no light. I went into one small space, picked at random. It was dark, dank, and dirty. A woman and three children were huddled by an old stove. She told me that her husband had been taken by the KLA on June 15. They dragged him out of their house in Kosovo Polje, and then set the house on fire. She and her children were still in the house. She turned to what appeared to be a pile of blankets. She lifted the top blanket, and exposed a baby of indeterminate age. The child scrawny, malnourished had severe scarring covering her legs. The mother said that the baby was caught in the burning house. She said that she knew nothing of the whereabouts of her husband. She was unaware that the International Committee of the Red Cross has a family tracing service. No one from the Red Cross had been there. She said she that believes her husband is dead. She appeared passive, fatalistic, expecting nothing.

ROMA IN MONTENEGRO: YET A DIFFERENT STORY

I also visited a large Roma settlement in Montenegro, known as Konik, built on a large, pre-existing Roma settlement near the garbage dump on the outskirts of the capital, Podgorica. Konik held about 1,600 people in August. No census had been taken, and the count fluctuated daily, but the camp population had reached about 2,800 by December, an average increase of 300 people per month. Although local officials there were no less unwelcoming toward the Roma, another element had markedly improved their conditions compared with what I saw in Serbia: the presence of international NGOs. I participated in a meeting with a group of international NGOs and the mayor of Podgorica. They were having a heated debate about whether or not to construct a water pipe to serve the camp or to keep trucking water in. It was a debate almost unthinkable in the current Serbian context. Who in Serbia would advocate on behalf of the Roma? Who would build and service camps for them despite resistance from local officials? The Roma in Kursumlija were not receiving water, trucked or otherwise. But in Montenegro the question of how to deliver water

was open to debate. No one suggested that piping in water would be difficult. Doing so, however, would suggest another step toward permanency, and the mayor was insistent that the Roma have to leave, that they must go back to Kosovo. (His unstated concern appeared to be that conditions should not be better in Konik than other places in FRY for fear that this would attract more displaced Roma to the Podgorica area.) A similar controversy has raged regarding shelter. Italian NGOs (with generous support from an Italian government that does not want the Roma to move on to Italy) built sturdy, high-quality wooden barracks when the influx first started. They were willing to expand on them for new arrivals. However, the local authorities insisted that the new arrivals be placed in tents. Therefore, NGOs constructed "Konik II," a tent encampment next to the "Konik I" barracks. Konik is located in a valley surrounded by hills. As such the ground tends to be damp and muddy; also, it is subject to high winds that funnel down from the hills. Trying to create a more sanitary environment for the tents in Konik II, humanitarian agencies first put down a layer of stone and gravel. Shortly before my visit, a night of swirling winds blew the tents away. Konik II looked devastated. About 1,000 of its residents abandoned the tent encampment and piled into the barracks and a community center in Konik I, creating overcrowded conditions in any hard-shelter structure. Ironically, except for a handful of UNHCR tents that survived the wind storm, most of the tents that remained standing in Konik II were makeshift ones built in traditional style in the mud. The mud held the poles down in the harsh wind, whereas the tents built on gravel could not be firmly anchored. Both Konik camps were beset with problems. But international NGOs, UNHCR, and other players, including the municipal authorities, were on hand working to solve them. Nothing comparable currently exists in Serbia to help displaced Roma..

RESETTLEMENT

Relatively few refugees from Bosnia and Croatia have been resettled from Serbia to third countries. Since 1992, about 15,000 refugees have been resettled out of UNHCR's Belgrade office in FRY. Under the current procedures, to be considered for U.S. resettlement, the principal applicant of a family must first establish his or her refugee claim. In the FRY context, this means that the person has fled from another country, almost always Bosnia or Croatia; internally displaced people from Kosovo are not eligible. The United States resettled 2,149 refugees from FRY in 1999, fewer than anticipated. During the first four months of 1999, UNHCR conducted no status determination interviews because of the emergency. At that time, UNHCR and the International Organization for Migration (IOM) were able to move some refugees already in the resettlement pipeline via Hungary. Since then, however, the process of interviewing and moving refugees has become more complicated. Because the United States and FRY have severed diplomatic relations, U.S. officials are no longer conducting refugee status interviews in Serbia or Montenegro. As before, IOM prepares cases for the U.S. Immigration and Naturalization Service (INS). Now, however, the INS interviews take place just across the border, in Timisoara, Romania, and refugees approved by the INS for U.S. resettlement fly to the United States from there. By the end of 1999, UNHCR and IOM had arranged for about 4,000 resettlement interviews in Timisoara. At the present time, all candidates for U.S.

resettlement must be referred by UNHCR, which in doing so follows strict criteria for priority one (P-1) cases set forth by the U.S. government. These are cases of compelling concern, such as torture victims, persons at risk of refoulement or otherwise in danger in their first asylum country, and persons in urgent need of medical care. Once a refugee leaves Serbia under UNHCR's auspices, the governments of FRY and Romania consider him or her to be wholly UNHCR's responsibility. Romania will not allow refugees to remain, nor will Serbia allow them to return. If, for any reason, the INS rejects the applicant, UNHCR is duty bound to find another country willing to resettle the refugee. Places are not readily available, and other countries the Nordics, in particular, which are usually generous in offering resettlement places are sensitive about serving as a back up for cases rejected by the United States. Since the bombing campaign, the U.S. program has largely been confined to two groups of refugees. The first group, most of whom originally fled from the Krajina region of Croatia in 1995, are "double refugees." In 1995, the FRY authorities placed thousands of newly arriving refugees in Kosovo, putting about 14,000 of them in collective centers, as part of an effort to alter the demographic composition of Kosovo by introducing more ethnic Serbs into the province. Many of the refugees living in these collective centers were in grave danger when tensions and violence escalated in 1998 and 1999. UNHCR and the U.S. government had already identified them as being in need of resettlement before all but about 600 of them fled from Kosovo following the entry of KFOR and the return of the ethnic Albanian refugees. The others still being resettled in the United States are ethnic Serb refugees originating from the Bosnian Federation, the predominantly Muslim and Croat part of Bosnia, who meet the criteria established as priority two (P-2) by the U.S. government (including former detainees, members of ethnically mixed marriages, victims of torture, and surviving spouses of persons killed in detention) whose status UNHCR has upgraded to P-1. UNHCR has "converted" about 20 percent of the existing P-2 caseload into the P-1 category. In theory, a third group would be eligible: refugees originating from Bosnia who have close relatives from the United States (spouses, unmarried children, and parents) who submit Affidavits of Relationship (AORs) on their behalf. However, because no refugee processing post exists within the FRY and because UNHCR is unwilling to be responsible for non P-1 cases in Romania, potential priority three (P-3) cases (like P-2 cases) cannot gain access to the system. Furthermore, Beginning on April 1, 2000, Bosnians will no longer be eligible for P-3 processing. Because UNHCR considers those persons who arrive from Muslim or Croat-controlled regions of Bosnia and Croatia as prima facie refugees, its protection officers do not conduct individual refugee status determination interviews. However, if making a P-1 resettlement referral, they must do so. Before referring such cases to the INS in Romania, UNHCR must also be virtually certain that the INS will agree with its assessment and grant the case. Consequently, UNHCR has converted relatively few P-2 or P-3 refugee cases into P-1s.

PROSPECTS FOR LOCAL INTEGRATION

Assessing realistically their prospects for return or resettlement, many refugees are reconciled to staying in Serbia. Even so, they need help in integrating. A middle-aged refugee from Croatia in a collec-

tive center in Pancevo told me, "I won't return. My house was destroyed. It's not so much a safety issue. It would be difficult to start from scratch." He added that his son, who lost a leg in the war, would never go back. Despite severe unemployment among refugees in Serbia, he thought he had a better chance in Serbia than back in the Krajina. "I can get seasonal agricultural work, and some temporary construction work." He said, "I would prefer to be relocated somewhere else in Serbia where I could have land to build a house and farm." If he's lucky, he may get his wish. Some refugees have been able to build their own homes. I visited with a few of these families both in Montenegro and Vojvodina. In some cases, homes were well furnished with telephones, televisions, refrigerators, etc. In agriculturally rich Vojvodina, a region bordering Croatia and Hungary with a large concentration of refugees of Croatian origin, some municipalities are cooperating with international humanitarian organizations to provide building materials to refugees who have decided to integrate locally. The program is open to certain refugees who apply for Yugoslav citizenship. The municipality promises a job to one member of the family and the family members build a home on land provided by the municipality. After they build the house, they are required to turn in their refugee cards, rendering them ineligible for humanitarian assistance. After ten years' occupancy, they will be considered co-owners of the property with the municipality. Although this is still a modest program, the refugees who participate in it seem to be delighted with the chance to establish new roots, and it appears to provide a good model for others who see no prospects for return. "I am more than happy with this situation," a refugee from Banovici, Bosnia, who had been living with a family in Kula municipality since 1992, told me.

CONCLUSIONS

While the international community, including our own government, has good reason to isolate the Milosevic regime, it also needs to recognize that isolating the Serbian people hurts the most vulnerable elements of its society, including the elderly, people with disabilities, refugees, and displaced people. Weakening the weakest elements of this society does not necessarily weaken the regime. Paradoxically, it might even strengthen Milosevic's hand, giving him a convenient scapegoat for the many ills confronting Serbia. Humanitarian assistance, therefore, has both a direct benefit in keeping people from hunger, disease, and exposure, as well as an indirect political benefit in making the society more open. The contrast between Serbia and Montenegro helps to illustrate this. International NGOs play an active role in Montenegro, bringing direct benefits as the deliverers of humanitarian assistance. But they also bring that nettlesome, but oh-so-healthy trait peculiar to NGO's advocacy. Serbia is not monolithic. International NGOs will find local partners. Together, they might go a long way toward building a more tolerant and committed civil society. But NGOs will also need to tread carefully. There is a great deal of sensitivity right now in Serbia toward the international community. Serbs feel stigmatized, misunderstood, resentful. These are sentiments expressed among the refugees and the displaced, as well as in the local community. If NGOs do their job right, they will reduce xenophobia and establish inroads of dialogue and understanding. Although there are still groups and individuals in need of third

country resettlement from among both the "old caseload" of refugees from Bosnia and Croatia and the newly displaced from Kosovo, and although political changes in Croatia suggest that it is too early to give up on repatriation, nevertheless, the mostly likely outcome for the overwhelming majority of refugees and displaced people is not to return to Bosnia, Croatia, or Kosovo. International humanitarian agencies and NGOs should recognize that most refugees and displaced people will remain in Serbia and Montenegro, and should work to facilitate their local integration. Integrating refugees and displaced people assumes that there is an economy and a society capable of absorbing them. Given the international economic sanctions on Serbia, direct reconstruction and rehabilitation of the country's economic infrastructure appears not to be an option. However, at the micro-level, even at the municipal level, the limits of the sanctions should be tested. It is an ancient axiom of charitable giving that it is better to give a man a portion of a field to till himself than to give him food outright. Continuing to provide only basic humanitarian goods to refugees and displaced people might keep them from becoming cold, malnourished, and ill (all good things), but, after a time, it also breeds dependency, passivity, and hopelessness. The international community needs to think about, and work toward, real and sustainable solutions. With some important exceptions, focusing on local integration would be the most realistic, cost effective, and beneficial approach for most refugees and internally displaced people. If helping them to integrate in Serbia and Montenegro also helps the larger society there to heal, so be it.

RECOMMENDATIONS

I. HUMANITARIAN ASSISTANCE

1. The U.S. government and other donors should direct bilateral funding to international nongovernmental organizations to develop alternative networks to deliver humanitarian assistance in Serbia.

The U.S. government is already committed to this course of action. The U.S. government, ECHO, and other donors should, indeed, encourage NGOs to develop partnerships inside Serbia, as well as Montenegro. This will not only establish alternative networks for the delivery of humanitarian assistance, thus breaking the Yugoslav Red Cross's monopoly and introducing healthy competition that will hopefully make the YRC more accountable as well, but will also encourage the development of an active and vibrant local NGO sector in the FRY.

2. The U.S. government and ECHO should establish a set of conditions that the Serbian Commissioner for Refugees (the government entity) and the Yugoslav Red Cross need to meet in order for donors to restore, or continue, multilateral aid funding that involves the Yugoslav Red Cross.

These conditions (which have been agreed to in principle but have not been fully implemented) should include:

- 1) The successful completion of a full, independent audit by international auditors of the Yugoslav Red Cross, the Serbian Red Cross, and local Red Cross branch offices in the

- Serbian Republic. The audit should not be limited to specific allegations that have already been raised. The audit should include an examination of the beneficiary lists to ensure that the lists are accurate and that beneficiaries meet the stated criteria for receiving aid.
- 2) A full and complete registration of internally displaced persons and refugees. The registration exercise should be independently funded and conducted jointly by Red Cross and UNHCR field staff, supervised by UNHCR and monitored by the Swiss government.
 - 3) Ongoing access at all levels of the YRC of its operation for international monitors.
 - 4) Accurate and complete lists of registered refugees, internally displaced persons, and other aid beneficiaries to UNHCR, ICRC, IFRC, ECHO, and WFP, updated regularly.
 - 5) A legal framework for the work of international NGOs in FRY, allowing NGOs to import the finances, goods, and services needed to provide humanitarian assistance in FRY without interference.
 - 6) Direct access for international NGOs, operating as implementing partners of recognized donors and international humanitarian organizations, to beneficiary populations.
3. WFP and other international humanitarian agencies that use YRC warehouses and delivery systems should reassess the fees that YRC charges for distribution and warehousing on a quarterly basis, and seek to reduce these fees to the actual costs. WFP reports that the \$70 flat-rate fee per ton of humanitarian assistance charged by the YRC until recently has now been reduced to \$64, but that it could (and should) be reduced further. Economies of scale suggest that per ton rates should be reduced as the quantity increases.
 4. UNHCR should more strictly and systematically monitor the fee it pays to the Serbian Commissioner for Refugees for the cost of collective centers to ensure that payments made at the federal and republic level actually reflect real costs and that these fees are, in fact, being allocated fairly by the authorities to those who administer the collective centers locally. UNHCR should seek to minimize any funds that are not used for expressly humanitarian purposes directly related to the running costs of the collective centers themselves and basic assistance for collective center residents. Currently, payments are made on a formula of 70 cents per day per refugee or displaced person in a collective center, currently amounting to about \$10 million to support refugees and displaced persons in more than 600 collective centers. UNHCR field offices in Serbia need to monitor these payments carefully to ensure that collective center residents are, in fact, receiving a level of assistance consistent with this payment and that the central authorities allocate these payments on a regular and nondiscriminatory basis according to the actual number of residents in particular localities.

Ultimately, UNHCR has no choice but to work with the governing authorities in Serbia if it is to serve 40,000 of the most vulnerable refugees and displaced people who comprise the collective center population. UNHCR's involvement is essential to ensure that this vulnerable population is cared for appropriately, and not subject to manipulation. UNHCR's monitoring is critically important to holding the Serbian authorities accountable to maintain satisfactory standards of responsible treatment for these people.

5. UNHCR should earmark a portion of its fee to the Serbian government for collective center support to reflect the number of internally displaced Roma who live in "unofficial" collective centers.

With no support from Serbian authorities at the municipal, republic, or federal level, displaced Roma from Kosovo are squatting in abandoned buildings and other sites "unofficial" collective centers. After UNHCR conducts its census of the refugee and displaced population in Serbia, it should demand equal treatment for displaced Roma. The Roma cannot remain invisible and unassisted. They must be counted, acknowledged, and helped. UNHCR needs to use every carrot and stick at its disposal to pressure the authorities to assist them. International NGOs seeking to work in Serbia should also focus their attention on this vulnerable and needy population.

6. Donors should support local integration projects that work directly with local municipalities in Serbia.

Most refugees and displaced people will not return to their original homes in Bosnia, Croatia, and Kosovo. Local municipalities should be encouraged to integrate them and make them contributing members of their communities. UNHCR and NGOs, if adequately funded, have been able to enter into agreements with certain municipalities whereby the municipality provides land, primary infrastructure (such as roads, sewage and water lines), and a job to a refugee family. In return, UNHCR and its implementing NGO partners provide building materials for self-help construction of homes, secondary infrastructure, farming equipment, and other transitional assistance. Although initially expensive, such projects create self-sufficiency, productivity, and stability.

II. RESETTLEMENT

Among the hundreds of thousands of refugees and internally displaced persons in and around Serbia and Montenegro, there are smaller subgroups who cannot integrate locally in the area of first asylum and who cannot return to their places of origin on account of a well-founded fear of persecution. Ordinarily, such persons might be considered for resettlement to third countries. However, most of these people are displaced internally, and, thus far, UNHCR has not interpreted its guidelines on internally displaced people to include referring them to third countries for resettlement.

1. The United States should institute refugee processing out of Podgorica, Montenegro.

Prospective applicants from Serbia are able to cross into Montenegro without having to obtain a visa, since Montenegro is still officially part of the FRY. It would also be easy to transport recognized refugees in Montenegro via Croatia. A nongovernmental organization in Podgorica could prepare cases in the same way that IOM does in Belgrade (the Joint Voluntary Agency JVA model). INS officers could conduct circuit rides to Montenegro where they would conduct interviews. Montenegro would be safe and relatively friendly toward U.S. officials. There are precedents for this: in both Vietnam and Cuba, in the absence of diplomatic relations, the INS has conducted refugee status interviews. This would introduce much needed flexibility into the program. Not only would it enable UNHCR to refer cases, but it would also allow a JVA to generate cases by making an initial assessment that an applicant meets the U.S. government's P-2 or P-3 criteria.

The most important advantage of processing out of Montenegro is that the INS would have the flexibility to reject cases without creating a demand that UNHCR seek other countries to resettle rejected cases. This would give UNHCR greater latitude to refer cases that it is not absolutely convinced the INS will accept, avoiding the present problem in Romania where it is seeking a 100 percent approval rate (the approval rate currently stands at 98 percent).

2. President Clinton should issue a presidential determination permitting the United States to consider admitting certain categories of internally displaced persons in FRY as refugees for purposes of the U.S. resettlement program.

The Refugee Act of 1980 allows the United States to accept as refugees people departing directly from their country of origin. This requires a presidential determination a formal notice in the Federal Register and has been used to admit as refugees people arriving directly from Vietnam, Cuba, the former Soviet Union, and for a short time, Haiti and Romania.

In many respects, persons fleeing from Kosovo to Serbia proper appear more like refugees than internally displaced people. Kosovo is presently outside the control and jurisdiction of the central authorities in Belgrade. It is ruled by the international UNMIK (UN Mission in Kosovo) administration and de facto by ethnic Albanian authorities. Although in the abstract Kosovo is still under FRY's ultimate sovereignty, this distinction has no meaning on the ground for the foreseeable future. In effect, Serbia and Montenegro function very much like countries of first asylum for persons seeking refuge from Kosovo. If such asylum seekers are unwelcome in Serbia and Montenegro, few other options are currently available to them. Because of this reality, and because IDPs who have fled from Kosovo to Serbia proper or Montenegro would have a well-founded fear of persecution if returned to Kosovo, internally displaced people fleeing from Kosovo ought to be considered as refugees for purposes of the U.S. resettlement program.

3. To facilitate the processing of refugees of special humanitarian concern to the United States, the U.S. government ought to expand P-2 criteria to include refugees from Croatia who meet the same criteria that now apply for P-2 category refugees from Bosnia.
4. The United States should also provide P-3 processing for refugees from Croatia.
5. The U.S. government should consider creating a P-2 category for double refugees who had resided in collective centers in Kosovo in order to expedite their processing.
Many of the uprooted in Serbia have been displaced multiple times. Among the people recently displaced from Kosovo are thousands who were already refugees from Croatia or Bosnia, known locally as had been placed in collective centers in Kosovo, part of Belgrade's effort to alter Kosovo's ethnic demography. Ethnic Albanian nationalists saw the settlement of ethnic Serb refugees in Kosovo as a provocation; they became a target of ethnic Albanian anger. Often, Serbian police or military were quartered in these same collective centers, making the refugees living in them even more vulnerable to attack.
6. The P-2 criteria for double refugees should be limited to those who resided in collective centers in Kosovo. There are other refugees who chose to live in Kosovo, had good jobs there and nice houses. Such people have more resources and less need for resettlement.
7. The following vulnerable groups who are unable to integrate locally in the area of first asylum and who cannot return to their places of origin on account of a well-founded fear of persecution should be considered for the U.S. resettlement program:
 - a) Roma and Hashkalija (Gypsies) who fled from Kosovo to Serbia proper, Montenegro, or Macedonia who led a sedentary life in Kosovo prior to their departure, who are Albanian speaking, and who would have a well-founded fear of persecution if returned to Kosovo.
Roma, and other have been particularly scapegoated, accused by ethnic Albanian nationalists as having collaborated with the Serbian regime that controlled Kosovo until June 1999. In many cases, they have experienced severe persecution. Some do not speak Serbian, making their integration in Serbia or Montenegro all the more difficult, and making it impossible for their already disadvantaged children to go to school. Contrary to popular belief that all Roma are nomadic, most of the Roma living in Kosovo were homeowners.
 - b) Ethnic Albanians from Kosovo who have fled from Kosovo to Serbia proper or Montenegro who have a well-founded fear of persecution if returned to Kosovo.
A relatively small number of ethnic Albanians fled Kosovo because of threats or persecution at the hands of ethnic Albanian nationalists who accuse them of collaborating with

- the Serbian regime ruling Kosovo until June 1999. As ethnic Albanians, they are not welcome in Serbia or Montenegro, and have no opportunity for meaningful integration.
- c) Serbian draft evaders or deserters who had a conscientious objection to serving in Kosovo.
Thousands of Serbian draft evaders and deserters live in precarious conditions, mostly along the Hungarian border, as well as in Montenegro, Macedonia, and in other parts of Europe. There is no amnesty on their behalf, and some have been arrested, tried, and sentenced to five-year prison sentences, a very harsh penalty.
Although draft evaders are not normally recognized as refugees, the UN Handbook on Procedures and Criteria for Determining Refugee Status includes a section devoted to conscientious objectors (paragraphs 167-174), which concludes that one who with the individual does not wish to be associated, is condemned by the international community as contrary to basic rules of human conduct, punishment for desertion or draft evasion could, in the light of all other requirements of the definition, in itself be regarded as persecution. Condemned the Yugoslav army's actions in Kosovo, objectors to serving with that army in Kosovo appear to meet the criteria set forth in UNHCR's Handbook.
Special consideration for resettlement could be given to refugees from Croatia or Bosnia who refused to be conscripted into the Yugoslav army to fight in Kosovo.
- d) Gorani, Slavic Muslims who fled Kosovo into Serbia proper or Montenegro.
This group of about 20,000 are continuing to leave Kosovo today. They speak Serbian (or a Slavic dialect that is closely related), making them stand out in Albanian-speaking Kosovo. Gorani living outside areas of Gorani concentration have become internally displaced within Kosovo into the areas where they still represent a majority. It is not clear whether those who have fled to the Sandjak region of Serbia and Montenegro (which is predominantly Slavic Muslim) will be tolerated there.
- e) The refugees who continue to live in collective centers in Kosovo.
An estimated 600 refugees are believed still to reside in collective centers in Kosovo. Their safety, health, and welfare could be assessed, and those expressing an interest in resettlement could be evacuated from Kosovo and resettled to the United States or another third country.
- f) Members of Albanian-Serbian mixed marriages.
This is probably an extremely small minority. However, persons in such marriages would not be able to live in either Kosovo or Serbia proper.
- g) Ethnic Albanians from Serbia proper (mostly Presevo) who have fled into Macedonia.
These are classic refugees with a well-founded fear of persecution fleeing an international border who are not welcome in the country of first asylum.
- h) Other ethnic and religious minorities from Kosovo.

As stepped up repression of the Gorani indicates, even groups that are not accused of collaboration with the Serbs are now under threat in Kosovo. Jews, Turks, tians Egypt), and other small minority groups could be considered for resettlement.

WRITTEN SUBMISSION OF BISHOP ARTEMIJE

Mr. Chairman, respected members of Congress, ladies and gentlemen. It is my distinct pleasure and privilege to be here with you today and speak about the latest developments in Kosovo. The last time I spoke here was in February 1998, just before the war in Kosovo began and on that occasion I strongly condemned both Milosevic's regime and Albanian extremists for leading the country into the war. Unfortunately the war came and so many innocent Albanians and Serbs suffered in it. Many times we have strongly condemned the crimes of Milosevic's regime in Kosovo while our Church in Kosovo supported suffering Albanian civilians and saved some of them from the hands of Milosevic's paramilitaries.

After the end of Kosovo war and return of Albanian refugees the repression of Milosevic's undemocratic regime was supplanted by the repression of extremist Kosovo Albanians against Serbs and other non-Albanian communities in full view of international troops. Freedom in Kosovo has not come for all equally. Therefore Kosovo remains a troubled region even after 8 months of international peace.

Kosovo Serbs and other non-Albanian groups in Kosovo live in ghettos, without security; deprived of basic human rights—the rights of life, free movement and work. Their private property is being usurped; their homes burned and looted even 8 months after the deployment of KFOR. Although Kosovo remained more or less multiethnic during the ten years of Milosevic's repressive rule, today there is hardly any multiethnicity at all—in fact the reverse is true. Ethnic segregation is greater now than almost at any other time in Kosovo's turbulent history. Not only are Serbs being driven out from the Province but also the Romas, Slav Moslems, Croats, Serb-speaking Jews and Turks. More than 80 Orthodox churches have been either completely destroyed or severely damaged since the end of the war. The ancient churches, many of which had survived 500 years of Ottoman Moslem rule, could not survive 8 months of the internationally guaranteed peace. Regretfully, all this happens in the presence of KFOR and UN. Kosovo more and more becomes ethnically clean while organized crime and discrimination against the non-Albanians is epidemic.

Two thirds of the pre-war Serb population (200.000 people) fled the Province under Albanian pressure. In addition more than 50.000 Romas, Slav Moslems, Croat Catholics and others have also been cleansed from Kosovo. More than 400 Serbs have been killed and nearly 600 abducted by Albanian extremists during this same period of peace. Tragically, this suffering of Serbs and other non-Albanians proportionally (with respect to population) represents more extensive suffering in peacetime than the Albanian suffering during the war. This is a tragic record for any post war peace mission, especially for this mission in which the Western Governments and NATO have invested so much of their credibility and authority.

Despite the sympathy for all of the suffering of Kosovo Albanians during the war, retaliation against innocent civilians cannot be justified in any way. It is becoming more and more a well-orchestrated nationalist ideology directed towards achieving the complete ethnic cleansing of the Province. The extremists believe that without Serbs and their holy sites in Kosovo independence would then become a fait accompli. The present repression against non-Albanians is carried out with the full knowledge of the Albanian leaders. Sometimes these

leaders formally condemn repressive actions but in reality have not done anything to stop the ongoing ethnic violence and discrimination. Even more, some of them are instigating rage against Serbs developing the idea of collective Serb guilt and branding all remaining Serb civilians as criminals. There is much evidence that the KLA leaders bear direct responsibility for the most of the post-war crimes and acts of violence committed in Kosovo. As soon as KFOR entered the Province KLA gunmen took over the power in majority of cities and towns and immediately organized illegal detention centers for Serbs, Romas and Albanian ople listed as alleged criminals and seized a large amount of property previously owned by Serbs and other non-Albanians. KLA groups and their leaders are directly linked with Albanian mafia clans and have developed a very sophisticated network of organized crime, drug smuggling, prostitution, white slavery, and weapons trading. According to the international press Kosovo has become Columbia of Europe and a main heroin gateway for Western Europe. The strategy behind the KLA purge of Serbs was very simple —quarter by quarter of a city would be cleansed of Serbs and their property would be either burned or sold for a high price to Albanian refugees (including Albanians from Albania and Macedonia who flowed into the province through unprotected borders along with the hundreds of thousands of Kosovo refugees). The KLA, although officially disbanded is still active and their secret police are continuing their intimidation and executions. Now more and more of their victims are disobedient Kosovo Albanians who refuse to pay their son of Kosovo is proceeding in a way many ordinary Albanians did not want. The gangsters have stepped into the vacuum left by the slowness of the West to adequately instill full control over the Province. Kosovo is becoming more like Albania: corrupt, anarchic, and ruled by the gun and the gang.

Serbs and many non-Albanians still do not have access to hospitals, the University and public services, simply because they cannot even freely walk in the street. They are unemployed and confined to life in poverty of their rural enclaves out of which they can move only under the KFOR military escort. The Serbian language is completely banished from the public life. All Serb inscriptions, road signs and advertisements have been systematically removed and the usage of Serbian language in Albanian dominated areas is reason enough for anyone to be shot right on the spot. Thousands of Serb books in public libraries have been systematically burned while all unguarded Serb cultural monuments and statues have been torn down and destroyed.

The Serbs who remain in major cities are in the worst situation of all. Out of 40.000 pre-war Serb population in Pristina today there remain only 300 elderly people who live in a kind of house arrest. They cannot go into the street without military protection and only thanks to KFOR soldiers and humanitarian organizations do they receive food and medicines, which they are not allowed to buy in Albanian shops. Almost all Serb shops are now in Albanian hands. In other areas Albanians are greatly pressuring Serbs to sell their property under threats and extortion. Those who refuse usually have their houses torched or are killed as an example to other Serbs. Grenade attacks on Serb houses; on few remaining Serb shops and restau-

rants force more and more Serbs to leave Kosovo. If this repression and persecution is continued unabated it is likely that soon most of the remaining Serbs will also be forced to flee Kosovo.

On one hand, KFOR's presence in Kosovo has given Albanian extremists free hands to do what they want because one of KFOR priorities has been so far to avoid direct confrontation with the extremists in order to escape possible casualties. On the other hand we cannot but say that if KFOR had not been in Kosovo during this rampage of hatred, not a single Serb or Serb church would have survived. We sincerely appreciate the efforts of many men and women from all over the world who are trying to bring peace to Kosovo even within a rather narrow political framework in which KFOR must act.

An especially volatile situation is in Kosovska Mitrovica the only major city where a substantial number of Serbs remain. During the most intensive wave of ethnic cleansing in June and July many Serb internally displaced persons from the south found refuge in the north of the province in the Mitrovica area. In order to survive they organized a kind of self-protection network and prevented the KLA and mafia to enter the northern fifth of the city together with civilian Albanian returnees. KFOR, aware that the free access of Albanian extremist groups to Mitrovica would cause a Serb exodus, blocked the bridge connecting the southern and northern part of the city. Albanian extremists have since then made many attempts to make their way into the northern part of Mitrovica saying that they wanted undivided and free city. Serbs on the other hand state that they are ready for a united city only if Serbs would be allowed to go back to their homes in the south and elsewhere in Kosovo. Serbs also hold that only Kosovo residents be allowed to return to their homes. A few weeks ago, after two terrorist attacks against a UNHCR bus and a Serb cafe, in which a number of Serbs were killed and injured, radicalized Serbs began retaliatory actions against Albanians in the northern part of the city causing the death of several Albanian innocent citizens and served to broaden the crisis.

The Mitrovica crisis is not playing out in a void by itself and must be approached only in the context of the overall Kosovo situation. The fact remains that after the war extremists Albanians have not been fully disarmed and have continued their repression and ethnic cleansing of Serbs and other non-Albanians wherever and whenever they have had opportunity to do so. Unfortunately, such a situation as we have now in Kosovo has opened a door for the Belgrade regime, which is now trying to profit from this situation and consolidate the division of Mitrovica for their own reasons. Each Serb victim in Kosovo strengthens Milosevic's position in Serbia. Albanian extremists on the other hand want to disrupt the only remaining Serb stronghold in the city in order to drive the Serbs completely out of Kosovo. Regretfully, the international community seems not to be fully aware of the complexity of the Mitrovica problem and has despite all Albanian crimes and terror in the last 8 months one-sidedly condemned Serbs for this violence.

This skewed view of the problem will only serve to encourage Albanian extremism, confirm Milosevic's theory of anti-Serb conspiracies that he uses to solidify his hold on power and will eventually lead to final exodus of the Serb community in Kosovo. Milosevic obviously

remains at the core of the problem but he is not the greatest cause of the current round of violence and purges—the international community must find ways for controlling Albanian extremists.

We maintain our belief that the present tragedy in Kosovo is not what Americans wanted when they supported the policy of the Administration to intervene on behalf of suffering Albanians. In fact international community now faces a serious failure in Kosovo because it has not managed to marginalize extremist Albanians while at the same time Milosevic has been politically strengthened by the bombing and sanctions (which ordinary Serbs understand as being directed against innocent civilians). Therefore we expect now from the international community and primarily from United States to show more determination in protecting and supporting Kosovo Serbs and other ethnic groups who suffer under ethnic Albanian extremists. A way must be found to fully implement UNSC Resolution 1244 in its whole.

We have a few practical proposals for improving the situation in Kosovo:

1. KFOR should be more robust in suppressing violence, organized crime and should more effectively protect the non-Albanian population from extremists. This is required by the UNSC Resolution.
2. More International Police should be deployed in Kosovo. Borders with Macedonia and Albania must be better secured, and UNMIK should establish local administration with Serbs in areas where they live as compact population. Judicial system must become operational as soon as possible. International judges must be recruited at this stage when Kosovo judges cannot act impartially due to political pressures.
3. International community must build a strategy to return displaced Kosovo Serbs and others to their homes soon while providing better security for them and their religious and cultural shrines. Post war ethnic cleansing must not be legalized nor accepted - private and Church property has to be restored to rightful owners. Law and order must be established and fully enforced. Without at least an initial repatriation of Serbs, Romas, Slav Moslems and others Kosovo elections would be unfair and unacceptable.
4. The International Community, especially US, should make clear to Kosovo Albanian leaders that they cannot continue with the ethnic cleansing under the protectorate of Western democratic governments. Investment policy and political support must be conditioned to full compliance by ethnic Albanian leaders with the UNSC Resolution 1244. KLA militants must be fully disarmed. The ICTY should launch impartial investigations on all criminal acts committed both by Serbs and Albanians.
5. The international community should also support moderate Serbs in regaining their leading role in the Kosovo Serb community and thus provide for the conditions for their participation in the Interim Administrative Kosovo Structure. Since the cooperation of moderate Serb leaders with KFOR and UNMIK has not brought visible improvement to the lives of Serbs in their remaining enclaves, Milosevic's supporters are gaining more confidence among besieged and frightened Serbs, which

can seriously obstruct the peace process. Moderate Serbs gathered around Serb National Council need their own independent media; better communication between enclaves and other forms of support to make their voice better heard and understood within their own community. International humanitarian aid distribution in Serb inhabited areas currently being distributed more or less through Milosevic's people who have used this to impose themselves as local leaders, has to be channeled through the Church and the Serb National Council humanitarian network.

6. The last but not least, the issue of status must remain frozen until there is genuine and stable progress in eliminating violence and introducing democratization not only in Kosovo but also in Serbia proper and the Federal Republic of Yugoslavia. It is our firm belief that the question of the future status of Kosovo must not be discussed between Kosovo's Albanians and Serbs only, but also with the participation of the international community and the future democratic governments of Serbia and FRY and in accordance with international law and the Helsinki Final Act.

We believe in God and in His providence but we hope that US Congress and Administration will support our suffering people, which want to remain where we have been living for centuries, in the land of our ancestors.

WRITTEN SUBMISSION OF ANDRZEJ MIRGA

THE OTHER KOSOVO DISASTER: THE PLIGHT OF THE ROMA

During a recent field trip of the Project on Ethnic Relations (PER) to Albania, Kosovo and Macedonia, I went to the Stankovec II refugee camp in Macedonia where there were nearly 3000 Roma from Kosovo. On that day, the Roma refugees started a hunger-strike in the camp. One of their demands was to have free access to the media. They built a pyramid of stoves in several places in the camp and hung up a sign with the hand-made inscription "NO COMMENT?" In that action there was something tragic and, at the same time, grotesque. Tragic, because they did it in desperation, and grotesque, because no media came to report it.

On their behalf, and on behalf of many others who had no chance to make their voice heard, I am bringing their grievances, their tragic experience and their claims to share with you at this hearing. Not having a political lobby, not having an influential Romani intellectual class who could make the case for the Roma, not having a state to stand by them, the Roma are at the mercy of others. Feeling abandoned by all, unable to attract public attention to their cause and fate, foreseeing no hope for the future, these are feelings as destructive as the Roma's war experience. Therefore, I am here to raise your awareness and concern, to lobby for subsequent action that will give the Roma of Kosovo hope and prospects for the future.

For the Roma of Kosovo, caught in the ethnic war between Serbs and Kosovo Albanians, there was no right choice to be made. Whatever choices they made were wrong. The position of the Roma reflects the dilemma of a minority that has no reason whatsoever to be involved in an open conflict but is used and forced into it by both sides. Either choice that is to be loyal to Serbs or to the Kosovo Albanians brought subsequent retaliations for the Roma. Serbs were using the Roma in Kosovo for their political objectives - to prove that Kosovo is multi-ethnic and to show that there are fewer Albanians, whereas Albanians tried to push the Roma to identify as Albanians and demanded loyalty to them and their cause.

In the context of the former Yugoslavia, the Serbs encouraged the cultural revival of the Roma in Kosovo starting in the 70s. Prizren and Pristina emerged as centers of cultural and political life of the Romani community, and some Romani activists became public and political figures. The majority of the Romani population remained however, politically unengaged. In fact it was not their alleged involvement in crimes and atrocities against ethnic Albanians, but rather the political standpoint of the Romani leaders concerning the status of Kosovo prior to the NATO attack on March 24, 1999 that contributed to the Kosovo Albanians retaliation against the Roma.

In 1989 some Roma in Belgrade demonstrated under a banner stating "We are behind you, Sloba" in support of abrogation of the autonomy of the Kosovo province. The Roma and other small Kosovar minorities like Turks, Gorani and "Egyptians" were involved in peace negotiations on the initiative of the Serbian government. The Temporary Executive Council for Kosovo and Metohija, founded by the Serbs on October 3, 1998 included a Romani Secretary for Information - Bajram Haljiti, editor of the Roma program on Radio-Television Pristina. The Draft of the Framework for Political Self-governance in

Kosovo prepared by the Serbian government instantly rejected by Kosovo Albanians has been supported, among others by the Roma in a declaration signed on November 25, 1998 in Pristina. One of the signatories was Koka Ljuan, representative of the National Community of Roma in Kosovo. Mr. Koka later attended the negotiations over the status of Kosovo in Rambouillet, France as a member of the Serbian delegation. These facts contributed to the building up of an image of the Roma as loyal to the Milosevic regime, therefore, to be regarded as enemies of the Albanians. Feeling of betrayal, accusation of collaboration and of large-scale involvement in Serbs atrocities against ethnic Albanians during the NATO bombing were the result of this image.

Basic work of documentation has to be done to reach a just assessment of the extent to which the Roma were involved voluntarily in atrocities against ethnic Albanians in Kosovo. While there is evidence that some of them were involved in such actions, there is also evidence that they were forced by the Serbian military and paramilitary forces to cooperate. Being citizens of the Federal Republic of Yugoslavia, the Roma did not have any choice in avoiding forced conscription into the army or the police forces. However, many tried to do so by simply escaping to neighboring republics or countries. I met a few men in the Stankovec II camp who bribed doctors and obtained medical certificates proving that they are unable to serve in the army. As those testimonies reveal, the Roma were used to bury the corpses of ethnic Albanians or were forced to burn and loot their property on behalf of the Serbs. With the withdrawal of the Serb forces, ethnic Albanians retaliated against the Roma. Their involvement was equated with that of the Serbs, irrespective of the fact, that the Roma were far fewer in inflicting atrocities against the Albanians, and in most cases, were forced to do so. The stand-point of the Roma on this issue is clear - those who did, or were involved in committing crimes and atrocities against Albanians of their own free will should be subjected to a fair trial and punishment. However the entire Romani community should not be held responsible and bear the stigma of collective guilt and thus be subjected to violence and expulsion.

The Kosovar Albanians retaliation against the Romani community is more a policy than the actions of vengeful neighbors. In a number of testimonies the Roma reported that those involved in committing atrocities against them were predominantly members of the KLA forces. Reported cases of killings of Romani men, rapes of Romani women, kidnapping, detention and torture confirm the same fact. Those detained by uniformed KLA members were forced by beating and torture to acknowledge what kind of atrocities they committed against the ethnic Albanians, whom they killed, whose houses they looted or burned. They were forced to confess that they took part in the ethnic cleansing of Serbs during the war, that they were part of Serbian forces and police units and even to provide the names of other Roma who took part in such actions. In several cases the detained Roma were questioned about the Romani political leaders, especially Mr Koka Luljan. Eventually they were liberated but also warned not to report to KFOR forces. Finally they were told that they should leave Kosovo.

That conduct aims at raising fear among the Roma to such a level, that they will see no alternative but to leave. Setting Romani houses

on fire, looting or expelling the Roma involves groups of young men motivated as much by vengeful feelings against the collaborators as by KLA extreme nationalists' instigation to force out those minorities who politically sided with the Serbs. This policy seems to work. In November 1999, the United Nations' special representative on human rights in the former Yugoslavia, Mr. Jiri Dienstbier reported that " the spring ethnic cleansing of ethnic Albanians accompanied by murders, torture, looting and burning of houses has been replaced by the fall ethnic cleansing of Serbs, Roma, Bosniaks and other non-Albanians accompanied by the same atrocities" (New York Times, Monday, November 22, 1999).

Contrary to the widespread belief that the Romani community began to flee Kosovo just after the NATO bombing halted and the ethnic Albanians returned in large numbers and therefore, they remained and sided with the Serbs, the evidence below proves otherwise. They fled Kosovo following the escalation of clashes in early June of 1998. As early as June 12, they were reported in central Serbia (ten families from Drenica and Decani), and in Novi Sad - at least 1,500. In Montenegro the local Red Cross organization reported 2,142 Romani refugees on July 21, 1998. In mid-August, in Podgorica there were around 1,700 Roma IDPs in the Romani neighborhoods of Konik and Rybnicka Vela. It can be estimated that at least some 6,000 Roma left Kosovo prior to March 24, 1999. The major influx of Romani refugees into Serbia proper occurred in late March and early April of 1999, that is the first phase of the NATO bombing campaign and by the end of May there were already around 20,000 Romani IDPs. In April, around 2,500 Roma were reported in Skopje, Macedonia. In the Republic of Montenegro, by June 1, 1999 - 7,800 Romani refugees were officially registered as IDPs. Some larger groups of Romani refugees appeared also in Banja Luka and Mostar (Bosnia) in April 1999. The early wave of Kosovo refugees to Albania included also 860 Roma.

The Romani community in Kosovo has been estimated up to 150,000 before the conflict erupted. According to current estimates there are up to 30,000 Roma left in Kosovo. From this figure those who are internally displaced are in a majority. Significantly, many of the Roma contest being categorized as being anything other than ethnic Albanian. A survival strategy for others is to claim an r ethnic Albanians they remain Maxhupet, that is - Gypsies. Both groups are Albanian speaking and of Islamic faith. Among those who remain in Kosovo the Ashkaelia are dominant. At the moment their survival depends on the protection of the KFOR forces. The Romani refugees and IDPs are located mainly in Serbia proper, at least 20,000; in Montenegro - up to 10,000; in Macedonia - at least 6,000 (in the Stankovec II camp alone there are around 3,000); Italy - several thousands. These data are far from complete. Out of fear of persecution many Romani refugees pass themselves off as Albanians and don't want to reveal their identity. Some did not register their status as displaced persons or refugees and stay among the Romani families, as for example in Serbia proper. How many of them reached Western countries is unknown, however, many of those who tried were unsuccessful since they were holding passports from the Federal Republic of Yugoslavia and they were refused entry visas.

What is the future for the Romani minority in and outside of Kosovo? To answer it first we have to know—what kind of Kosovo will there be in the future? Building a multi-ethnic society in Kosovo seems to be difficult and a long-term process. Taking into consideration the level of societal hatred, ethnic resentments, and attempts to cleanse out minorities by ethnic Albanians, one can wonder if it is possible at all. Bosnia serves here as an example; a multi-ethnic society seems non-existent on the ground and its prospect remains undetermined by the international institutions at this time. The ethnic Albanians aim at having their own nation-state so they will do everything to accomplish that goal. In such a Kosovo overtaken and run by extreme nationalism, the remaining Romani communities will be forced to hide their identity and to prove their loyalty to the Albanian cause. Those unwilling to do so will be threatened, expelled or persecuted. Since the majority of them are displaced and their houses and property burned out, destroyed or taken by Albanians, their reintegration in the original communities will be extremely difficult. The extent of the problems to be solved reveals, for example, the case Kosovska Mitrovica: out of 7,000 to 10,000 Roma, some 200 remained and, the entire settlement is burned out.

The most devastating effect on minds and feelings of those belonging to minorities is the fact that the same atrocities which were associated with Serbs during the conflict are taking place now in the presence of international forces. Much effort and real commitment is needed to improve the situation there to change these feelings. Until civil society, rule of law, and moderation are achieved it is hard to believe that these minorities will feel secure. Even then however, without real investment in reconstruction that would animate the local economy and provide jobs, not much would change. To be in camps as displaced with limited freedom of movement, with no access to basic services like schooling, health, work, to be condemned to live on humanitarian aid is a devastating experience that can not be prolonged forever. Most of the Romani community that remains in Kosovo faces such a reality.

If the multiethnic society in Kosovo is the only prospect to be defended and accepted by the international institutions, then, the Romani community and other minorities should be encouraged to remain there. Much more concerted action, however, and pressure on ethnic Albanian leadership should be exerted to promote tolerance and peaceful coexistence rather than resting with or accepting its "politically correct" statements. The moderate forces within ethnic Albanian leadership should be strengthened and encouraged. At the same time, the impact of its extreme nationalists should be limited. Particular attention should be paid to forthcoming local elections; to enable those displaced to vote, to create an environment for participation of minorities and to counter the danger of ethnic violence that can evolve during the elections.

It seems unlikely that the Romani refugees and IDPs who are outside Kosovo province will voluntarily seek to return back soon. First, they have nothing to return to. Second, out of fear of persecution they would prefer to stay somewhere else, including even Serbia proper if the possibility for receiving asylum in the West will be closed. Third, they do not see any conditions for a safe and decent life in Kosovo. Those remaining in Montenegro and Macedonia as IDPs or refugees

strongly object to the prospect of being returned back to Kosovo out of a reasonable fear of persecution. Therefore, the international community should consider the possibility of their integration into those societies supposing that substantial financial support for such solution would follow. Otherwise, the possibility of their resettlement in the West or providing them with temporary refugee status, as it was during the Bosnian war, should be considered. For the largest group of Romani IDPs that stay in Serbia proper and who live there under precarious conditions the necessity of humanitarian aid reaching them should be examined.

**WRITTEN SUBMISSION OF SUSAN BLAUSTEIN,
SENIOR CONSULTANT, THE INTERNATIONAL CRISIS GROUP**

Mr. Chairman and Honored Members of the Commission:

I am honored to be here today to speak about a matter of such critical importance to the future stability of Kosovo and to the success of the international mission there as the fate of the thousands of missing and detained.

Today, Mr. Chairman, you have asked me to address the particular set of issues regarding the more than 1,600 Albanian prisoners who, a full eight months after the Kosovo conflict ended, remain in Serbian prisons, penitentiaries, and military detention centers, in clear violation of international humanitarian law.⁽¹⁾

This unfinished business of the Kosovo war rankles deeply within Kosovar society. The prisoners' continued detention, the risks taken and bribes paid simply to visit them, and the exorbitant ransoms demanded by Serb lawyers for their release, all have put a tremendous emotional and financial strain on one in 100 Albanian families. Moreover, the weak response thus far on the part of the international community has fostered a profound cynicism among Kosovars regarding the prospects for realizing other Western promises such as self-governance or real peace.

Who are these prisoners and how many are there?

The Albanian prisoners in Serbia fall into several categories. The overwhelming majority of them are men of fighting age -- that is, wage-earners who have much to contribute to the rebuilding and future governance of Kosovo. There are a number of women, as well (including the respected pediatrician and poet, Dr. Flora Brovina). All but 10 of the children are believed to have been among the 415 people released so far by the Serbian authorities.⁽²⁾

Hundreds of these men, women and children were arrested by Yugoslav Army personnel, Serbian police, paramilitary forces, and civilians in the course of last year's NATO air campaign. Most of *these* have yet to be formally charged with any crime. Their arrests or abductions, if explained at all, were justified by Serbian authorities as part of legitimate "sweeps," a term understood throughout the former Yugoslavia to connote ruthless, state-sponsored searches for weapons and/or "terrorists."

Some 2,200 prisoners were arrested *prior* to the internationalisation of the conflict, again, for alleged activities constituting terroristic or treasonous crimes against the state. Among these are an estimated 200 who had already been convicted of these crimes in Kosovo's Serbian-run courts and were serving sentences inside Kosovo; but most, like those picked up in the course of the NATO intervention, have yet to be charged or tried.⁽³⁾

All prisoners detained in Kosovo under Serbian custody were hastily trucked or bused out of Kosovo and into Serbia proper as soon as the so-called military-technical agreement was signed last June 10 and the withdrawal of Serb forces began.

How was this allowed to happen?

It was U.S. officials in Washington who allowed the issue of the Albanian prisoners to be dropped from the negotiating table. According to senior NATO and US government officials, a provision demanding the prisoners' release had been included in early drafts of the agreement, but the Yugoslav commanders negotiating the agreement

objected.⁽⁴⁾ NATO commanders consulted with Washington, where the Clinton administration's inter-agency team,⁽⁵⁾ eager to end the air campaign, fearful of casualties and of the collapse of the seriously fraying Atlantic alliance, readily acceded to Serb demands to remove this and other issues from the table and to limit negotiations to the immediate task of replacing one military force by another: getting the Serbs out and NATO in.⁽⁶⁾

Nevertheless, Mr. Chairman, it is my view, and, more to the point, it is the view of many experts in international humanitarian law, that the pragmatic omission of the prisoner issue from the military-technical agreement that brought the conflict to a much-desired close *does not in any way relieve the parties to that conflict of the obligation to release, immediately upon the cessation of hostilities, all prisoners of war (POWs) and civilians detained in the course of armed conflict.* This obligation is incumbent upon all signatories to the Third and Fourth Geneva Conventions of 1949 and the accompanying Protocol II of 1978, all of which were drafted expressly with an eye toward protecting combatant and civilian detainees in situations such as this one: where, for political or other reasons, the armistice or peace agreement drawn up between warring parties does *not* explicitly provide for the prisoners' release or general amnesty.

It follows, Mr. Chairman, that the government of the Federal Republic of Yugoslavia continues to hold those prisoners detained in the course of the international armed conflict in flagrant violation of well-established tenets of international humanitarian law. This finding does not apply to those apprehended prior to the internationalisation of the conflict,⁽⁷⁾ or to those already charged and tried, whom, as the Geneva Conventions make clear, states are well within their authority to hold until their sentences have been discharged. But it *does* apply, Mr. Chairman, to the conditions of detention and the conditions under which the prisoners' trials are conducted, both of which, in the Serbian case, are also believed to violate explicit provisions of international humanitarian law.

THE CONSEQUENCES

It is not surprising, Mr. Chairman, that a government which would forcibly expel close to a million of its own citizens by systematically burning their villages and massacring thousands of civilians would show as little regard for individual human rights in the manner in which it has apprehended, detained, maltreated, tried, and sentenced hundreds more. The conditions of detention are reprehensible. The released prisoners and prisoners' families I have interviewed all reported that they or their family member had been repeatedly tortured, beaten, starved, and kept in unheated cells without winter clothing. Summary trials are being held as we speak, resulting in speedy convictions won often on the basis of fabricated evidence or forced confessions obtained through intimidation and torture. Defendants are regularly assigned counsel who, in case after case, have not met with their clients or even reviewed their files prior to trial, have been observed holding *ex parte* hearings with judges, and, upon conviction, have quickly waived their clients' rights to appeal.⁽⁸⁾

However, the alacrity with which, since October, the Serbian authorities appear to have begun ratcheting up the wheels of Serbian-style justice by finally charging, trying, and sentencing prisoners sug-

gests the state's sensitivity, at least, to the argument that its prolonged detention of people who have yet to be charged is a violation of Serbia's own criminal code, which permits authorities to detain someone for up to six months without charging them with any crime.⁽⁹⁾ The recently accelerated sentencing rate also suggests that the Serbian justice ministry is well aware that the Geneva Conventions permit states to retain custody over convicted prisoners for the duration of their sentences. By imposing sentences of as long as 10 and 12 years, the regime in Belgrade can hope to destabilise Kosovo for some time to come.

THE INTERNATIONAL COMMUNITY'S RESPONSE TO DATE

This issue, Mr. Chairman, as the UN's Special Representative to the Secretary-General, Dr. Bernard Kouchner recently put it, has become "an open wound" for Kosovo, a wound with enormous repercussions for the success or failure of the international mission there. In recent months Albanians have grown increasingly frustrated by the absence of productive advocacy on or involvement in this issue by international actors:

The International Committee for the Red Cross (ICRC) has consistently refused to advocate for the prisoners' release because its legal advisors maintain that for such advocacy to fall within the organisation's mandate, the issue ought to have been included in the peace agreement;

UNMIK head Bernard Kouchner says he has repeatedly called for the detainees' release "immediately and without conditions" and that he raises the missing persons issue with every foreign government he visits. But his initial response last July to the question of the detainees and the missing was merely to appoint a sub-commission of concerned Albanians, Serbs, and Roma, and chaired by the UN High Commissioner for Human Rights Special Envoy to the Balkans, Barbara Davis. But with no resources, no professional staff, no legal team, and no forensic experts, the UNMIK sub-commission's well-intentioned but highly inadequate efforts have finally led Kosovars to conclude that the international community has little interest in resolving this issue and that they should take matters into their own hands.

In recent months prisoners' families and their advocates have staged a series of hunger strikes and peaceful demonstrations calling upon the international community to mount a systematic campaign to achieve the prisoners' release. So far, these protests have yielded only promises.

WHAT THE U.S. CONGRESS CAN DO

Mr. Chairman, this situation is not news. It has been going on for some eight months now, with the international community admittedly able to do very little about it, given its lack of leverage or influence over Belgrade.⁽¹⁰⁾ However, there are a few things that Western nations should *not* do, and that the West, and the United States Congress in particular, *can* do to redress this egregious, outstanding humanitarian crisis left over from the Kosovo war.

First, the U.S. Congress should pass a resolution, as the European Parliament recently did, calling for the release of the Albanian prisoners in conformity with international law.⁽¹¹⁾ A House resolution to this effect has been drafted by Congressman Engel of New York that

Commission members might consider co-sponsoring, and the Commission is uniquely positioned to win passage of a joint resolution that would draw attention to this issue and reassure the Albanian community that these prisoners have not been completely abandoned or forgotten.

This resolution should urge that European nations which maintain ties with Belgrade, in consultation with the UN, the ICRC, and other appropriate international agencies, use their respective diplomatic channels to press the Belgrade authorities for the prisoners' release, and, pending release, for access to medical treatment, family visits, defence counsel of their own choosing, and for international monitoring of their trials. In addition, the resolution should urge NATO's Kosovo Force (KFOR) to assist in the releasees' timely return to Kosovo by preparing facilities in which the alleged criminals among them can be properly detained while their cases are reviewed by KFOR's legal advisors to ascertain whether or not prosecutions are warranted.⁽¹²⁾

Second, this Congress might urge its ambassador to the United Nations to introduce a UN Security Council resolution to the same effect.⁽¹³⁾

Lastly, there are things this Congress and other Western governments ought *not* to do: The sanctions against Serbia should not be lifted until such time as the Albanian prisoners detained during the Kosovo conflict are freed and returned home. The European Union's recent decision to lift the flight ban, ostensibly to make it easier for ordinary Serbs to travel, had the unfortunate side-effect of signaling to the indicted President Milosevic that if he only waits out the West, the remaining sanctions will be lifted, as well, without his having to turn himself over to The Hague as warranted, to leave office, or even to show the slightest inclination to abide by international law.

Finally, neither this Congress nor any other Western government should allow this issue to drop from public view. Without the carnage and destruction we all saw on our television screens last year this time, it is easy to understand that most Americans believe the Kosovo conflict has long since ended. It is important that U.S. citizens remember that the reasons American troops went to fight in Kosovo was to stop the Yugoslav government from committing gross human rights abuses there. Tragically, that same government continues, even to this day, to commit similar gross violations inside their own prisons, against at least 1,600 of those same Yugoslav citizens -- the Albanian citizens of Kosovo -- that our soldiers and those of 18 other nations intervened, almost a year ago now, to protect.

Once again, Mr. Chairman, I would like to thank you and the members of the Commission for this opportunity to speak today and to submit my testimony and supporting materials for the Congressional Record. I would be happy to answer any questions you may have.

ENDNOTES

¹ The International Committee for the Red Cross publication issued on 24 February 2000 reports that, as of 1 February 2000, of the 4,434 persons formerly listed as unaccounted, 102 have been confirmed dead, 1,345 confirmed alive, and 1,297 have been visited in prison. (This list includes not only Albanians but people of all ethnicities, under both Serbian and NATO detention.) Of the 2,987 who still remained unaccounted for, 1,875 persons were reportedly arrested by Yugoslav and Serbian authorities and civilians

in the course of the Kosovo conflict, and 346 were reportedly abducted by the Kosovo Liberation Army (KLA) or Kosovar civilians, which number that includes the alleged 39 Yugoslav army soldiers reported as missing in action. There was no information at all regarding 766 persons. The Serbian authorities have released 415 persons, for whom ICRC has provided transport to Kosovo.

I have submitted the ICRC's report of 24 February 2000 for the record. It is important to realise, when reading these figures from the ICRC, that their list has been derived from the list made available by the Serbian Ministry of Justice. Lists compiled by Albanian human rights monitoring groups arrive at far higher numbers of suspected prisoners, including many reported to be detained inside Serbia at military prisons about whom no one has any information. Many of these reports come from released prisoners and are believed to be credible; however, in the absence of confirmation from the Serbian authorities, visits by the ICRC, or other proof of prisoners' whereabouts, these higher numbers cannot be confirmed.

² International Committee for the Red Cross report, 24 February; the 415 prisoners have been released largely as the result of interventions made by Belgrade- and Pristina-based lawyers from the Humanitarian Law Center.

³ Still another category of prisoner consists of those Albanians who allegedly committed crimes inside Serbia proper, where they were arrested, charged, tried, and where they are serving their sentences. Some of these, presumably, are common criminals; it is believed that others have been arrested simply because they are Albanian. My testimony today does not address their plight, just as it refrains from considering that of all other unjustly detained persons inside Serbia, whether they be independent journalists, student activists, draft resisters, or non-Serbs.

⁴ According to Western officials present at the talks, the Yugoslav commanders insisted that they were authorised to negotiate only those items spelled out in the text of the 8 June "G-8 agreement," which became the basis two days later for the UN Security Council Resolution #1244, the authorising resolution that gave legal force to NATO's 12 June intervention to secure Kosovo and to the temporary, international administration of Kosovo by the United Nations.

⁵ Consisting of officials from the White House and Old Executive Office Building, the State Department, and the Pentagon.

⁶ Another issue dropped early on was the still unresolved question of how many uniformed Serbs would eventually be allowed back into Kosovo.

⁷ That is, to the time when the conflict was purely an internal one, not involving more than one state.

⁸ Still, the Serbian government has shown an attention to legalistic detail not typical of all authoritarian regimes. Belgrade took care to insure that not only the prisoners were transferred into Serbia in mid-June, when Yugoslav and Serbian forces pulled out, but the Serb prison wardens, and even the judges were transferred from their jurisdictions in Kosovo to designated spots inside Serbia proper, apparently in the interest of preserving intact jurisdictions so that convictions could not be challenged on that ground.

⁹ In their haste to dispose of so many un-adjudicated cases, the Serbian authorities have tried Albanian defendants in both small and large groups that correspond to the alleged crimes, with minors sometimes being tried with adults, in violation of the Serbian criminal code. The sentencing patterns would appear to have been somewhat capricious, as well: in the southern town of Leskovac, sentences for convictions on charges of "terrorism" have recently been imposed that range from 10 months to 15 years.

¹⁰ As deputy head of UNMIK Jock Covey recently told a visitor, "There is no issue about which we get more knocks on our door, and no issue about which we have so little influence."

¹¹ The European Parliament issued a strong resolution on 17 February 2000, calling upon the EU Council of Ministers to launch "a new initiative to put strong pressure on Belgrade and to obtain the release of the ethnic Albanian prisoners."

In addition to the resolution taken by the European Parliament, the EU has taken other actions. The Secretary-General of the Council of the European Union, Javier Solana, has repeatedly asked the FRY to guarantee the ICRC full access to the prisoners still in detention and for the immediate release of those prisoners held without charges. "There can be no normalisation of relations with the European Union or eventual lifting of sanctions before there is a return to democracy in Serbia, with all that that entails in terms of democratic freedoms and respect for the rights of minorities," Secretary-General Solana recently wrote, resolving to "remain engaged on this issue."

¹² KFOR commanders should also be urged to exploit their regular military-to-military contacts with Yugoslav commanders to obtain information as to the identity and whereabouts of those prisoners detained in military facilities and for access to those prisoners.

¹³ The Security Council has taken an interest in this issue, having heard UN Assistant-Secretary-General for peacekeeping operations Hedi Annani report to them on 17 February that there are "approximately 3,000 missing persons from the NATO bombing period and 400 to 500 persons missing since mid-June 1999," when KFOR entered Kosovo. Mr. Annani also told the Security Council that the UN high Commissioner for Human Rights was considering "the appointment of a special envoy to deal with the issue of detainees and the missing." Moreover, the U.S. ambassador, Richard C. Holbrooke, is extremely interested in this issue, according to his aides, arising as it does out of the Kosovo conflict, which, as U.S. Special Envoy to the Balkans, he attempted for so long to resolve through diplomatic means.

WRITTEN SUBMISSION OF YLBER BAJRAKTARI

Mr. Chairmen,
Distinguished Congressmen,

I would like to thank you and the Helsinki Committee for the opportunity to testify on the ongoing crisis of Albanian prisoners, considered to be one of the most serious threats to the peace process in Kosova.

- I would like to focus today on some specific cases of the Kosovars who are held hostage in Serbia,
- What the prisoners' issue means to the Kosovars and, especially,
- How this issue impacts Kosova's future.

The latest report of International Committee of Red Cross, that came out on February 24, confirms frightening figures of 4,400 missing persons from Kosova. According to The Red Cross only 1,400 are known to be held as prisoners in Serbia, while the destiny of the rest of 3,000 remains unknown.

But who are in fact these prisoners?

I would like to focus on some specific names and individuals, and hopefully you can have a better understanding of the importance and the urgency of their release.

I would like to start with Albin Kurti, a 24 year old Kosovar who was abducted during the NATO bombing campaign. Mr. Kurti was a former leader of the nonviolent student movement in October 1997; one of the most prominent political activists in Kosova; and most recently a spokesperson for the political representative of the KLA in Prishtina; Mr. Kurti was criminally involved and a terrorist as much as I am, testifying here in front of you today. There is no official confirmation by Belgrade that he is alive, but human rights organizations have traced him and have determined that he is being held in the prison in Nish, in Serbia. According to some reports, he has been savagely beaten, and as a result of the beatings has suffered extremely serious damage to his kidneys.

The second case that I would like to emphasize is the case of Flora Brovina; a prominent pediatrician and a human rights activist. Mrs. Brovina was actively involved in organizing Nongovernmental Organizations aimed on offering medical assistance to the displaced Kosovars during the conflict in 1998. She was also actively involved in helping Kosovars who were denied of rights to health care because of the discriminatory laws adopted by the Belgrade regime. Mrs. Brovina, who has a heart condition, has been sentenced to 12 years in prison, under charges of terrorism. The case of Mrs. Brovina shows that Serbia remains the only country in Europe that considers doctors to be terrorists and helping children as a threat to national security.

The third case is equally important as the first two.

Mr. Ukshin Hoti, one of the most prominent Albanian intellectuals, a Harvard graduate, was arrested in 1994 and sentenced to five years imprisonment on fabricated charges of conspiring against the

state. Although he was supposed to be released last summer his whereabouts remain unknown. Mr. Hoti is well respected in Kosova and he enjoys a great support among the Kosovar Albanians, [and was considered as a possible future leader of Kosova].

The last case that I would like to present to you today distinguished Congressmen, from the endless list of the Kosovar hostages kept in Serbia, includes Mr. Bardhyl Caushi, the dean of the School of Law at the University of Prishtina. There have been no reports confirming that Mr. Caushi is still alive, but his family has reported him being abducted by the Serbian troops during the bombing campaign. Mr. Caushi has been an active participant of the negotiation training program organized by the U.S. Institute of Peace.

This case is also important because of the fact that Mr. Caushi has been abducted in the town of Gjakova, in western Kosova, an area that has been one of the main targets of the abduction campaign conducted by Mr. Milosevic's troops.

Gjakova is a town with a 95 percent Albanian population and is home to a considerable number of Kosovar intellectuals and professionals.

This clearly shows that the apprehension of Albanians in Kosova was not random or unplanned; this was a well-prepared operation and was done as a matter of policy.

But what does all of this mean for the future of Kosova?

The issue of the Albanian prisoners in Serbia continues to keep tensions high in Kosova and to maintain a high level of radicalization. No Kosovar family can work on building a peaceful and democratic future while their family members are being held hostage in Serbia.

Therefore, this ongoing crisis is one of the most serious threats to the stability of Kosova.

It seriously undermines the process of democratic institution-building and makes the reconciliation between Albanians and Serbs practically impossible.

On the other hand, by keeping thousands of Albanians as prisoners, Mr. Milosevic retains another instrument that he can use to increase tensions. Mr. Milosevic should not be allowed to have in his hands another weapon with which he can destabilize the region.

In summary, the issue of Albanian prisoners held in Serbia is likely to jeopardize the mission of the international community in Kosova. It makes lasting peace impossible and shuts the door to any exit strategy for NATO allies.

This situation makes it extremely necessary for the international community, and the United States in particular, to take specific measures that will help resolve this issue.

There are several things that can be done.

- Although Serbia is facing international isolation, the United States should put pressure on Belgrade, by making the case of Albanian prisoners a precondition for any lifting of sanctions.
- The United States should lead the initiative in forming an International Commission for Missing Persons in Kosova, authorized by the UN Security Council, to conduct a thorough investigation of Albanian prisoners in Serbia.

- Some of the prisoners are being held in districts that are administered by the Serbian opposition, especially Nis municipality that is a recipient of the “Energy for Democracy” program. The Serbian opposition must be pressured to clearly state its position on the issue of Albanian political prisoners and denounce the Serb regime's policy of holding Albanians captive in Serbia.
- This policy should also be firmly denounced by the leaders of Kosova's Serbs.

This would be a first and important step towards confidence building, a crucial ingredient of reconciliation.

In the end, please let me emphasize that this crisis needs serious attention and should be a part of any future dealings with Belgrade. Albanians want their fathers, mothers, brothers, and prominent figures back, so they could move on with the reconciliation process, a critical element for Kosova's multiethnic future. A positive step in resolving this issue would also give momentum to the international presence in Kosova, and would make its long-term success more likely.

Thank you.