

SERBIA AFTER MILOSEVIC: A PROGRESS REPORT



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Briefing of the
Commission on Security and Cooperation in Europe

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ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, 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, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general 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 OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

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COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The briefing was held at 2:00 p.m., in Room SDG-11, Dirksen Senate Office Building, Washington, DC., Ronald J. McNamara, Chief of Staff of the Commission on Security and Cooperation in Europe, moderating.

Mr. McNAMARA. Good afternoon. My name is Ron McNamara, and I am the Chief of Staff of the Commission on Security and Cooperation in Europe. I am very pleased to welcome you this afternoon to this our first event in the 107th Congress. There is a rotation of the chairmanship of the Commission with each Congress, and in the 107th Congress, our chairman is Senator Ben Nighthorse Campbell of Colorado.

The Commission has devoted considerable attention over the past decade to developments in the former Yugoslavia and in the Balkan region, in general. In that regard, we are pleased to host this afternoon's timely briefing on developments in Serbia in the past several months.

I will turn to my colleague, Bob Hand, to serve as the moderator, but I did want to acknowledge the presence of Ambassador Protic. I think this is his first appearance on Capitol Hill. We are very pleased he is here, and we certainly want to welcome him. We look forward to his testimony and to the statements and remarks of the experts assembled here.

We will have those materials posted on the Commission's new website, www.csce.gov. We hope you will visit that website often, and we are trying to make it as user-friendly as possible.

So at this point, I'll turn to my colleague, Bob Hand, who will introduce our expert panelists this afternoon.

Mr. HAND. I'd also like to welcome you here this afternoon. My name is Bob Hand, and I am the staff advisor at the Helsinki Commission responsible for all of the countries that have emerged from the former Yugoslavia as well as Albania.

Today's briefing will examine developments in Serbia in the months since Slobodan Milosevic was defeated in elections and blocked, by public outrage, from remaining in office, despite the election results.

About six months ago, a revolution did take place throughout Serbia which culminated in the highly welcomed events of early October in Belgrade. As with other revolutions in East Central Europe in the preceding decade, however, the drama of the streets usually marks only the beginning and not the end of a long and difficult period of reform and transition. This often seems obvious in retrospect, but many can lose sight of it early in the process.

For Serbia, perhaps more so than elsewhere, we need to understand the course the transition is taking and why that course has been chosen. At the same time, this understanding does not mean excusing a slow pace or continuing shortcomings in democratic develop-

ments. Instead, it means ways to overcome obstacles and to encourage progress to continue at a faster pace.

During this briefing, I am sure that the panelists and people in the audience will raise the issue of certifying whether conditions have been met for U.S. assistance to continue after March 31. We can, of course, discuss the wisdom of conditionality in promoting change and whether Belgrade's performance so far warrants certification in any event.

Part of the reason for scheduling this briefing at this time in early March, however, is to raise concerns now and then hopefully see them addressed, so that by month's end we could have a situation in which a debate over certification could become irrelevant. I do not necessarily predict that this will happen, but we've got to try.

Today, we will hear assessments of the progress achieved in Serbia so far from Dan Serwer who has done a lot to advance democracy in Serbia over the years at the U.S. Institute for Peace; from Sonja Biserko who has done incredible work in monitoring human rights as head of the Helsinki Committee for Serbia; from Nina Bang-Jensen, who has worked tirelessly at the Coalition for International Justice to garner support for holding those responsible for war crimes and crimes against humanity accountable; and from James Lyon, a true expert on Southeastern Europe for the International Crisis Group which has been a very useful organization in keeping everybody up to date on what is happening in the region.

Finally, we are honored to have with us Milan Protic who has recently become the Yugoslav Ambassador to the United States, but for a long time has been part of the struggle for a democratic Serbia. We look forward to his assessment of events as well.

Right now, we will turn and have each panelist from my right, working over toward the left, speak for about five minutes. After that, since they may be referring a little bit to their own remarks, I'll ask each of them if they want to give a one- or two-minute comment on what the others have said. Then we hope to open it up for questions from the floor.

I am sure this will be a lively discussion with many issues to be addressed, and hopefully we can get them all in within the time span we've allotted for this briefing.

So at this point I would turn to Dr. Serwer to make his statement.

Dan?

Mr. SERWER. My name is Daniel Serwer. I am Director of the Balkans Initiative at the U.S. Institute of Peace. These remarks represent my personal views, but they draw liberally on discussions within our Balkans Working Group.

Let me first make clear my enormous enthusiasm for what the Democratic opposition in Yugoslavia has achieved in the past six months. I've been in Belgrade twice since Milosevic's fall. Important and irreversible changes have occurred there. The citizens of Serbia have every reason to be proud of what they've done and to look forward to a better future.

That said, Yugoslavia today, less than a month before the March 31 deadline, fulfills none of the expectations the U.S. Congress established in the FY 2001 Appropriations legislation. Let me review them one by one.

Progress toward the rule of law has been slow, leaving intact large parts of the Milosevic regime as well as an economy regulated more by corruption, organized crime and its political cronies than by legitimate government institutions. The judicial system has barely begun the long road toward independence. An amnesty law has left several hundred Kosovo Albanians accused of terrorism still incarcerated. Commanders who led the police and army in ferocious, criminal crackdowns both on Serb dissidents and on the civilian population of Kosovo are still in office. There is no hope for the rule of law so long as these people remain in place.

In Bosnia, I see no improvement in Belgrade's performance. President Kostunica, who

long supported Bosnian Serb separatists, has done nothing visible to reduce political, military, intelligence and material support to extremist elements there. Belgrade continues to provide the Republika Srpska Army with officers. It lends political support to the party of indicted war criminal Radovan Karadzic, and it controls intelligence structures inside Bosnia. I would note that Belgrade also continues to support radical elements within the Serb community in Kosovo.

With respect to the Hague Tribunal, Belgrade intends to increase cooperation, especially in providing evidence of crimes against Serbs. The Tribunal has opened an office in Belgrade and President Kostunica begrudgingly received the Chief Prosecutor. High officials in Belgrade are telling foreign visitors that Milosevic will soon be placed under arrest, but again for crimes against Serbs or the Yugoslav state, not for the crimes for which The Hague Tribunal has indicted him. While there is growing public support for Milosevic's extradition to The Hague, President Kostunica has been adamantly and publicly opposed, leading Yugoslavia in the wrong direction.

Are there circumstances that make it difficult for Yugoslavia to meet U.S. expectations? The answer is yes. More than ten years of lawless dictatorship has left the country poor, demoralized and deprived of democratic institutions. Many Serbs are preoccupied with their own desperate situation and neither know nor care about the crimes the Milosevic regime committed against non-Serbs. Peaceful change has required that the new Governments of Yugoslavia and Serbia move deliberately and lawfully. Moreover, Yugoslavia faces an armed rebellion in southern Serbia that has preoccupied the government and shifted the political spectrum in the nationalist direction.

Is there time before March 31 for Belgrade to fulfill the expectations the U.S. Congress has expressed? I am not going to address the legal questions, but let me suggest steps that would convince me as an analyst that Yugoslavia is headed in the right direction.

President Kostunica could state that he accepts not only the legal authority of The Hague Tribunal, but also the responsibility of Yugoslavia to extradite indictees.

Milosevic and other Tribunal indictees in Yugoslavia could be arrested and extradition proceedings begun.

Yugoslavia could commit to matching Croatia's efforts to cut off support to separatists in Bosnia, making assistance public and phasing it out. A similar effort could be made in Kosovo, in addition to releasing the remaining Albanian political prisoners held in Serbia.

Yugoslavia and Serbia could announce major reforms to their police, army and judiciary, including retirement of Milosevic appointees, appointment of people not involved in Milosevic-era crimes, and retraining of lower-level officials.

If steps of this sort are not taken, U.S. policy options are limited. The previous administration provided an array of positive incentives intended to support the democratic transition. Yugoslavia has been welcomed back into the international community. Sanctions, except those targeted at remnants of the Milosevic regime, have been lifted. While many in Europe share American objectives, the European Union—the largest current source of aid to Yugoslavia—has refused to condition its assistance. U.S. aid at \$100 million dollars this fiscal year is relatively small and provides little leverage.

There are, nevertheless, steps the United States can take. It can shift assistance to democratization and humanitarian aid, funding exclusively non-governmental organizations and municipalities, many of which share U.S. objectives.

The United States could seek stronger support from European allies. Little visible effort of this sort has been made.

The U.S. could oppose World Bank membership for Yugoslavia.

The U.S. could move, through NATO and the civilian missions in Bosnia and Kosovo, to end Belgrade connections to extremists there.

The U.S. could clarify that NATO cooperation in ending the rebellion in southern Serbia entails Belgrade's assistance in areas of U.S. concern.

The U.S. could end its opposition to Montenegrin independence and shift support from the Yugoslav Government to the Serbian Government which more fully shares U.S. objectives.

Each of these steps has pros and cons. The U.S. Institute of Peace does not advocate specific policies, but in my personal view these options merit serious analysis and consideration over the next few weeks.

Mr. Chairman, Belgrade remains in many ways the key to stability in the Balkans. It is critical that the transition begun there progress toward a truly democratic conclusion, freeing Serbia of the burdens of the past and enabling the United States to be enthusiastic about supporting its more prosperous and secure future.

Thank you.

Mr. HAND. Thank you, Dr. Serwer. Before turning to Ms. Biserko, I had reserved a couple of seats up at the front for various embassies that were going to be coming in. I think they might have found their seats elsewhere, so I am going to lift the reserve on these seats. If anybody in the back wants to come forward and have a seat, feel free to do so.

I will turn to Ms. Biserko. Sonja?

Ms. BISERKO. Thank you, Mr. Chairman. I am grateful for being invited to take part in this important event for my country. I would like to stress how much I appreciate all the United States and European Union have done for our region, and how much effort has been and still is being made to establish peace in the Balkans. You have approached the new government with great trust by giving them a grace period of six months to show what they want and can do. However, it is important to provide basic conditions—obligations they have to fulfill. Strides have been made, but crucial issues have remained untackled.

March 31 is fast approaching, and President Bush has to make his decision on assistance to Serbia. His decision will be very important for further developments in Serbia, but it is also important to bear in mind that tomorrow a legal framework is imperative to enable Serbia to move forward.

Unfortunately, I believe that none of the three conditions required by Congress to merit certification have been met. Judging from the current trajectory of the Yugoslav federal government's policies, it is not apparent that they can be met by March 31.

I would like to make a few comments regarding the internal dynamics of Serbia and the legacy of the last 10 years.

The election of last September and December have opened up certain possibilities, although the legacy of the former regime will continue to weigh heavily. The new Belgrade government has made some encouraging moves but has also demonstrated pronounced reluctance to confront major issues such as war crimes responsibility and redefinition of the constitutional framework.

Avoiding cooperation with The Hague goes against the interests of Serbia, against stability in the region and in Europe. Lack of progress on this issue causes negative spillover on the domestic front and on the neighboring states at a time when they, Croatia and Bosnia, are struggling to stabilize democracy and rule of law. Transfer of Slobodan Milosevic and his

collaborators to The Hague would help the stability of the region—as pointed out by Madame Carla Del Ponte—and not hurt the stability of the region.

Cooperation with The Hague is not only a state obligation, but also a test of Serbia's credibility. The issue of war crimes is polarizing the society; however, facing the scope of crimes committed is a painful deed for all citizens. It is an issue of honor and dignity. It is the issue of future.

International support for the constitutional status quo in the FRY is the second major issue that will demonstrate the democratic substance and potential of the new authorities. I would like to quote a pertinent expression here. "I met history once, but he didn't recognize me." In a way, history in Yugoslavia is still happening, but many in the international community have not still been able to recognize it. In order to make this process peaceful, the United States and the European Union need to take certain steps. By not acknowledging this, the process of dissolution may bring the total collapse of Serbia and the region. We must never lose sight of the larger picture and the effects of development in Serbia on the evolving stabilization and reconciliation in southeast Europe.

Another serious concern is the new government's relations to the Republika Srpska. President Kostunica's statements are contrary to the Dayton Agreement and thus contrary to his international obligations. He says that "everything has to be done so that Republika Srpska, the state in the foreign state of Bosnia and Herzegovina, stays as independent as possible, and to preserve all its attributions of the independence, and normally to establish as close as possible relations between Republika Srpska and Serbia."

It is also worthwhile mentioning that Mladen Ivanic during his recent visit to Washington, made similar arguments: a joint army is not possible; The Hague Tribunal is anti-Serb; the borders should not be controlled; the U.S. Ambassador and the High Representative are preventing him from following the political will of his people. Two days ago, commenting on the new agreement between FRY and the Republika Srpska, he pointed out that "there are no reasons why should FRY not finance the Army of the Republika Srpska since the Croatia does the same with the army of the Federation."

This intransigence has directly emboldened separatist Bosnian Croats who push for a "Croat entity" in Bosnia. It also has placed a heavy burden on the new government in Zagreb. The new authorities not only have been postponing the extradition of the indicted war criminals, including Milosevic, but have also eagerly moved to cement their relationship with the Republika Srpska at the expense of the single, democratic, united future of Bosnia and Herzegovina and all its constituent peoples.

Serbia is still focusing on the state question without learning the lesson from the experience gained during the disintegration of Yugoslavia. The perpetuation of an exhausted model is not only pushing Montenegro away, but it is affecting future Serbian-Montenegrin relations. Relations with Vojvodina are also becoming strained. Vojvodina doesn't demand statute autonomy, but demands its identity. The same is the case with Sanjak.

Serbia's prospects depend on the constant widening of the existing small room for freedom. It also needs to focus on itself. There is no current program which attracts the citizens' attention. There is no common position of the new government on key issues. There is also lack of professionals. Additionally, the country has feudalized through the split of power among 18 parties of the DOS coalition. Society is deeply frustrated. Pro-fascist elements are gaining support; xenophobia, anti-Semitism and anti-Roma sentiments are growing.

The issue of minorities is being sidestepped. The aggressive ethnic nationalism of Serbs over the years has also radicalized the minorities. The best example is the situation in the south of Serbia. In this crisis of mutual distrust, it is difficult to negate collective rights

which have apparently been articulated in the case of Yugoslavia through the Council of Europe's Framework Convention on the Minorities. Minority law should be passed immediately, and confidence-building measures should be conducted under international organizations, including the Council of Europe and OSCE.

Last, but not least, I would like to say a few words about Kosovo Albanian prisoners. Unfortunately, the new amnesty law just passed in the Federal Assembly applies to Serbian political prisoners and conscientious objectors. Only 108 Albanians are to be released, while 500 more are still in prisons. Even our Federal Minister of Justice, Mr. Momcilo Grubac, has said, "A number of ethnic Albanians have been charged with terrorism and tried. Even a cursory glance shows irregularities in the prosecution of a considerable number of cases." Their continued incarceration illustrates Belgrade's unwillingness to help reduce ethnic tension in Kosovo in one of the main ways available to Belgrade at this point.

Mr. Chairman, I would like to end my remarks by acknowledging the major role that the United States and this Congress played in bringing about the peace, and in preventing the war in Macedonia. Therefore, it is of utmost importance that the United States sustain its leadership role in the region. Your careful and wise calibrating and channeling of the international response and policy towards the FRY and the government in Belgrade makes a crucial and indispensable difference. I am sure you will continue your good and historic work in southeastern Europe for the benefit of peace and the primacy of fundamental human rights, the spread of democracy, and stability in the region and Europe as a whole.

Thank you.

Mr. HAND. Thank you. Ms. Bang-Jensen.

Ms. BANG-JENSEN. Good afternoon. Thank you for the opportunity to comment on progress made by this new government. It holds promise.

I am going to abandon my written statement in the interest of brevity, but probably not clarity, so bear with me.

Essentially, I'll address the level of cooperation on the Tribunal issue and we can comment in the question and answer period on other things.

Essentially, the new government in Belgrade has come nowhere close to complying with the Congressionally-imposed standard requiring cooperation with the ICTY. At least six, but as many as 15—perhaps even more—publicly-indicted persons are living comfortably in Serbia. Five months after they overthrew Milosevic, two months after the installment of a new government, Belgrade has yet to even detain any indictees, let alone transfer any to The Hague.

The recent opening of the office for the Tribunal in Belgrade is, of course, welcome, but it has been plagued with bureaucratic problems. It really doesn't represent progress. There was a Tribunal office in The Hague during the Milosevic regime. A high-level Tribunal source even told us today that cooperation now is no better than it was during the Milosevic regime, a period when the investigations were essentially limited only to crimes against Serbs and where the investigators could only proceed when Serb Government officials accompanied them.

Kostunica's visceral, anti-Tribunal nationalism has been demonstrated over and over. It's been well-chronicled in the visit of Del Ponte to Belgrade and in other statements he's made. He has explicitly, in fact, linked Tribunal cooperation to the Tribunal's deciding not to investigate further NATO war crimes for what he's called the senseless, unnecessary, irresponsible and largely criminal bombing of Belgrade.

The core belief of President Kostunica that Belgrade should not cooperate with an anti-Serb Tribunal has been cloaked in numerous other more reasonable-sounding excuses de-

signed to ease pressure from the West.

Indeed, some of these excuses have found resonance within the State Department, leading State Department officials to urge a lenient interpretation of the March 31 criteria. These excuses, like the contention of the Tribunal as anti-Serb, do not stand up to scrutiny.

There's a reasonable concern among many in Washington that applying too much pressure on Belgrade to fully comply with its Tribunal obligation could spark a nationalist backlash, but the evidence is to the contrary. Recent polls show support for a transfer of Milosevic to The Hague, high at 60 percent on Milosevic and 66 percent of the transfer of other indictees.

The Yugoslav Justice Minister and Deputy Prime Minister have in the past spoken of full compliance. I note that those statements are getting a little more nuanced as the date approaches, which is the opposite of what you would expect if the U.S. Government was actually making it clear what we require by March 31.

The argument has also been made in Belgrade that the constitution prevents extradition. This claim is utterly without merit. Serbian constitutional experts and the Justice Minister himself have pointed out that the constitution forbids extradition of Serb citizens, but not transfer to an international Tribunal.

Another excuse raised in Belgrade and in other capitals is that the new government has so many other pressing problems that it really can't treat compliance with the Tribunal as a priority. To the contrary, ridding Serbia of war criminals who are well-connected to organized crime can only aid political and economic development and strengthen the rule of law.

The new leadership enjoys widespread popularity. This issue will only get harder as time goes on and inevitably the economic problems are not going to improve as quickly as everyone hopes.

Many argue that Serbia itself should be able to try Milosevic or host a trial run by the International Tribunal. Contrary to suggestions otherwise by some U.S. Government officials, the Tribunal has stated unequivocally that it will not hold a trial in Belgrade and Milosevic must first face trial in The Hague. While the Tribunal's position is well-founded in international law and in Security Council resolution after Security Council resolution, really the fundamental reason for this is practical considerations. The conditions do not exist in Belgrade now for fair and safe trial. Even a domestic trial of Milosevic would be dangerous and difficult now. Judicial reform has only just begun. It is beginning, and we should give them credit for that, but this is a long process.

If there is a spurious certification by our Administration, based on, for example, just opening the office—something that's already been done before in the Milosevic regime—or even just holding Milosevic in custody, I am anticipating they will say that's a big victory.

Certifying on that basis alone would have tremendous negative ramifications for stability within Serbia itself and within the region. It would undermine the true reformers within the government, and there are true reformers in the government. It would undermine the new government in Croatia which is bravely tackling some of these same issues and has complied to date with all requests from the Tribunal. It would undermine efforts in Serbia to establish the rule of law generally, and it's clear that the obligation here is unambiguous. If the new Serbia feels it can skirt the obligation with a wink and a nod from the United States, it's just going to reinforce the nationalists and their intransigence.

Unearned certification would also undermine U.S. and other crucial missions in Bosnia and Kosovo. Bosnia Serb General Mladic is living in Serbia. Karadzic is apparently coming back and forth. Kostunica has even raised the prospect of granting political asylum to these Bosnian Serbs who are going back and forth over the border.

Until these people are arrested and transferred, it only lends hope and power to those ultra-nationalists in Bosnia.

Similarly, to continue freedom of Milosevic and the other top four only serves to feed the sort of extremism of the Kosovo Albanians. I should say we really owe a great deal of credit to Congress. It has absolutely provided a service to the people of FRY and the region and true reformers there. It has informed international debate, and I am quite convinced that we wouldn't be as far as we are, which is not very far, without this law.

Nevertheless, the language of the law is clear. People think it just says "cooperate." It doesn't just say cooperate. It requires that the President certify that the FRY is in cooperation with the ICTY, including access for investigators, the provision of documents and the surrender and transfer of indictees or assistance in their apprehension.

If Congress accepts a lesser standard, it's sending a troubling message to people in Belgrade, reformers within the government who understand this fundamental obligation, and most importantly to the hundreds of thousands of people in the region who lost relatives, lost their homes, and lost their livelihoods in the decade during this worst carnage on European soil since World War II.

The first Bush Administration stood up for these victims before by vigorously supporting the establishing of the Tribunal. Now is not the time to abandon them by interpreting this straightforward standard in anything less than a rigorous, commonsense way.

Cooperation cannot and should not be certified now because it simply does not exist.

Thank you.

Mr. HAND. Thank you. Dr. Lyon.

Mr. LYON. Thank you. I've been asked to address one of the three issues of conditionality in a rather more narrow sense, that issue being the issue of Yugoslav support for Republika Srpska and therefore, I am not going to dwell in depth on issues such as cooperation with the ICTY or human rights questions.

At the signing of the Dayton Peace Accords, November 1995, Republika Srpska leadership committed itself to following international human rights standards and to allowing all non-Serb refugees to return to their pre-war homes. This has not happened.

Since 1995, the SDS has consistently and openly violated, that is the SDS, the Serbian Democratic Party, has consistently and openly violated the letter and spirit of the Dayton Peace Accords while attempting to maintain an ethnically pure territory. Those few refugees who attempt to return are met with terror, bombings, shootings, arson, some of which is organized by the RS police and security forces. RS politicians have consistently and flagrantly obstructed most efforts at civilian implementation of the Dayton Peace Accords.

In their efforts, they have received financial and military and political support from Yugoslavia. This support continues to this day and the Kostunica government has not shown the willingness to begin to change the situation.

As a result, the Republika Srpska leadership continues to actively oppose the U.S. Government policy and international community policy in Bosnia. As a result, civilian implementation continues to go far slower than desired. As a result, the security situation throughout Republika Srpska continues to be highly unstable and dangerous for non-Serbs. Most importantly, because of continued Yugoslav support for Republika Srpska, the U.S. Government is forced to maintain a large and expensive troop presence in Bosnia.

Until the Yugoslav Government changes its policy of support for Republika Srpska and the SDS, the U.S. Government cannot even begin to contemplate troop reduction in Bosnia. Until Yugoslavia discontinues this aid and stops supporting the ultra nationalist

forces in Republika Srpska, the United States will be forced to maintain an expensive and substantial military presence in the region.

For this reason alone, the issue of Yugoslav support for Republika Srpska is of vital national interest to U.S. foreign policy. In other words, as long as Yugoslavia is funding the Republika Srpska Army, we can't bring the boys home.

The Federal Republic of Yugoslavia is funding Republika Srpska in three significant areas. First is the army. Second is the interior ministry and the third is the KOS, the counterintelligence service.

The first area of Yugoslav support and probably the largest for the RS is the army. All the officers in the Army of Republika Srpska at last count, approximately some 300-plus, and also the approximately 2,100 noncommissioned officers hold dual rank in the Yugoslav Army as well as the Republika Srpska Army. They receive their paychecks from Belgrade as well as their retirement pensions. The chain of command for the Republika Srpska Army does not stop in the RS capital of Banja Luka. It continues all the way up to the general staff in Belgrade.

All Republika Srpska Army officers receive free schooling at the Military Academy in Belgrade. Last year, military assistance simply for salaries and pensions to Republika Srpska from Yugoslavia may have totaled as much as \$8.8 million. Our ICGN lists have noted the free flow of Serbian—that is, Republika Srpska—and Yugoslav Army vehicles across the border between Bosnia and Yugoslavia with no impediment or border checks.

In short, the Republika Srpska Army acts as a branch of the Yugoslav Army. The Yugoslav Government continues to finance the Republika Srpska Army in a nontransparent manner. For example, in 1999, the Republika Srpska Army officially informed the OSCE that it had received \$13.3 million in military aid from Yugoslavia. Yet, at the same time the far smaller Bosnia Croat Army, the HVO, reported that it had received \$55.8 million in aid from Croatia. Now what is wrong with this picture? Is it possible that the far larger Army of Republika Srpska only received one quarter the amount of aid that the HVO did? The answer should obviously be no. The Army of Republika Srpska received and is receiving far greater amounts of aid from Yugoslavia than officially reported. Accurate financial estimates for 2000 and 2001 are not available, although some in the RS Government have reported that Yugoslav aid has dwindled to approximately \$8.5 million or if some sources in Belgrade are to be believed, \$15 million or if other sources in Belgrade are to be believed, substantially greater amounts, perhaps double to triple that.

In sharp contrast to Croatian President Stjepan Mesic, who openly stated that he would reduce and then altogether eliminate Croatian Government funding for Bosnia's Croats, Yugoslav President Kostunica has yet to make similar statements or undertake similar planning.

Besides funding the military, the Yugoslav Government is funding the KOS, the dreaded counterintelligence service which has set up espionage networks throughout Bosnia and the neighboring states and is actively involved in espionage activities against the international community in Bosnia. So too, Yugoslavia may be funding the interior ministry in Republika Srpska which controls police forces throughout that entity.

Currently, no accurate information exists regarding the levels of support for either of these two institutions.

In other more troublesome areas, Kostunica appears to actively oppose international community policy and efforts in Bosnia. Kostunica's current politics toward Bosnia have strengthened the ultra-nationalist SDS and the obstructionist forces in the Republika Srpska in open disregard of international community policy and efforts.

Although Kostunica has now officially reestablished diplomatic relations with Bosnia and visited the country twice, in many regards—three times as of yesterday—in many regards his policy toward Bosnia could be categorized as worse than Milosevic's. Kostunica's rise to power accompanied a significant increase in Yugoslav support for the ultra nationalist SDS. During the November 2000 general elections, officials in Bosnia, officials of Kostunica's Democratic Party of Serbia, DSS, openly campaigned for the SDS inside Bosnia and Herzegovina, though they were officials in a political party from the neighboring state of Serbia.

Kostunica's first visit to Bosnia was to attend an SDS campaign rally thinly disguised as the reburial of a prominent Serb poet, Jovan Duvic. Kostunica's support for the SDS has encouraged that party which continues to represent a significant and serious obstacle to the implementation of the Dayton Peace Accords.

Yesterday's signing of an agreement regulating special relations between Republika Srpska and Yugoslavia is simply a continuation of this policy. The date of the signing, on the most significant Muslim holiday of the year, Bairam, prevented Bosnia's foreign minister, Zlatko Lagumdzja, from attending the ceremonies and may have been chosen as a deliberate insult to Bosnia's largest ethnic group.

The agreement does nothing, incidentally, to reduce Yugoslav military or intelligence or police support for Republika Srpska.

Although FRY has now recognized Bosnia diplomatically, Kostunica has refused to issue an apology for war crimes committed by the FRY or the Serbs or reiterating what is no doubt his true belief: that all sides committed war crimes in equal numbers.

Kostunica has never spoken out openly against Republika Srpska joining Serbia as has Croatian President Stjepan Mesic regarding Bosnia Croat desires to join Croatia.

Another contrast to Mesic: Kostunica has not undertaken any actions to halt aid to the Bosnian Serb military and security forces and most troublesome, Kostunica is now attempting to link the final status question of Kosovo with the possibility of Republika Srpska secession from Bosnia-Herzegovina.

Kostunica's Bosnian policy will result in continued Western frustration with implementation of the Dayton Peace Accords and a strengthening of Serb separatist elements in Bosnia. It will also force the U.S. to maintain troops in the Balkans for an indefinite period of time.

In short, Kostunica's current policies toward Bosnia are in opposition to U.S. Government policy and international community efforts in Bosnia. In this regard, the FRY is not in compliance with this particular U.S. congressional requirement for certification.

Thank you.

Mr. HAND. Thank you. Ambassador Protic?

Amb. PROTIC. Thank you, Mr. Chairman. At the beginning, I couldn't but notice that the balance here of this panel was kept as before. There are four people critical of what we are doing back home and I am the only one trying to defend it, so I feel comfortable in this position because I've been used to it for a number of years.

That's point number one.

Point number two is that my impression is that some people here long for Milosevic's coming back to power and that the present government and Serbia and Yugoslavia are even worse than Milosevic was.

Thirdly, I just happen to read the minutes from a previous similar meeting held in this same committee, a little more than a year ago where the panelists were similar to those

today and their predictions about what's going to happen with Milosevic and how efficient and capable the Serbian opposition is were so pessimistic that according to that a democratic change in Yugoslavia wouldn't happen for another 100 years.

So I just hope that these people are just as wrong as their predecessors were a year and a half ago.

But to try to explain the situation back home, I have to start from a couple of very simple facts. The first fact is that we did win federal elections and presidential elections since September, but that we were not able to keep all prerogatives of power and the country until December elections, so we went through an interim period of more than two months. It's really unfair to expect the new government to be able to deal with all those issues in only two months or less than that, being in power. Milosevic's heritage is so bad and so dangerous, potentially, that we have to be very careful in what we do.

At the same time, we have a tremendous political responsibility before our own voters. We were able to defeat Milosevic through a democratic procedure and we cannot do anything which would make our voters think again about what we promised in our electoral campaigns and through the years of fighting against Milosevic. Our major promise was that we are going to bring democracy, freedom to that country and that we are going to establish a government which is responsible, which abides by the law, and which does not do anything to make people think twice about whether we are acting democratically or not.

As an example, I'll try to explain how difficult and how delicate the issue of Milosevic's apprehension is. What we fear is that this problem could evolve into a political controversy. None of us in the Serbian or Yugoslav Government has any doubts about Milosevic's personal accountability for everything done so badly in the last 10 years. Nevertheless, the question is, could by our adversaries portray that back home as a way to misuse the judicial system to eliminate a dangerous political enemy? Milosevic, formally at least, won at least two million votes, unfortunately in September presidential elections. He is still viewed by some people back home as a political figure. To change public opinion and to make everyone understand that Milosevic is a criminal indeed requires some time. We do not want to use a judicial system that we now control to eliminate a political enemy, but to make it efficient so that it can deal with criminals all over, including those represented by Milosevic.

That's why we need some time. I don't understand why there is so much mistrust, so much disbelief in what we are doing. I strongly believe that after everything we've done through the years, we deserve some credit. We don't need that type of rhetoric. We don't need those harsh words. We don't need that ill-intentioned kind of wording.

None of what I heard about relations between Serbia and Yugoslavia and Republika Srpska is correct. Data that we heard are all from Milosevic's era. Relations between the Yugoslav military and the military under Republika Srpska is much less dangerous than it appears after what we heard today, one reason being that we are absolutely broke and that even if we wanted to help, we couldn't. We've got such tremendous financial and economic problems in Yugoslavia that the question is how long this government is going to survive. The last thing we are thinking about is helping someone's military, even in the Republika Srpska.

We face an economic danger of complete catastrophe in the country by June if we don't get substantial aid from the international financial institutions. We just passed a month ago a federal budget which to a large extent decreased the military budgeting, so the Yugoslav military is faced with tremendous financial problems. So if some people are being paid because they've got those double positions, that doesn't mean that the military of Repub-

lika Srpska is in our control, on the contrary. That's not the obligation that was imposed on us. The obligation imposed on us was to make those relations transparent. My feeling was that the international community was not even interested in absolutely cutting off the financial relations because then the military of Republika Srpska would be left on its own and could develop into something absolutely not controlled. So we cannot help them much. We do not have any intention of fighting another war, any place. Wars have been so bad to us in the last century that we, in Serbia, are the last ones who are thinking about something like that.

Let me just remind you that Belgrade was bombed five times in this century only. That's the oldest city on this entire globe being bombed five times: 1914 by the Austrians, 1915 by the Germans, 1941 again by the Germans, 1944 by the Allies and then in 1999 by NATO and that's enough.

I was asked once not that long ago by an American General is how do I describe a citizen of Belgrade? I said that's a person who was bombed at least once in his lifetime and those were the lucky ones. My father who is now 76 was bombed three times. We do have a tremendous problem in Presevo Valley. That problem in Presevo Valley is again a heritage of Milosevic and we are trying to do our best to solve that problem peacefully and democratically. We offer the plan which is really the maximum any government could offer to an ethnic minority. Nevertheless, unfortunately, negotiations are pretty slow due to the Albanian unreadiness to prepare a platform and open up negotiations and now we face a danger of a spillover in Macedonia which might very easily destabilize the entire region and bring us where we were. So the dangers from Serbia do not exist in terms of opening up another crisis, but I am not sure about Albanian extremists. It seems that problem does not have much to do with Serbian Governments, but with certain aspirations toward forming an ethnically clean greater Albania.

We must find ways to deal with that issue, with our neighbors and with the international community because that is a problem. No matter what you think about it, it is a problem. You'll see in the future, if we don't deal with that issue right now, that it is going to develop into a serious problem.

A lot of prejudice through among western observers is portraying the whole issue as something completely different from what it really is.

So we are ready to deal with Milosevic to get back to the most important question, with Milosevic's accountability. It's not an easy thing to do due to enormous problems we have within the judiciary which we inherited from Milosevic and which we cannot reform in a month. It's impossible to do. We also have a problem with testimonies of witnesses that we already apprehended. So it's going to take another 10 days before we in the country have enough evidence to put Milosevic under arrest, but that is our very firm commitment. Don't have any doubts about it: he is responsible and accountable for a number of crimes, not only one, and allow us to deal with that issue the way that we feel is suitable, including war crimes committed in several wars, but let us do the job. Don't undermine our attempts to deal with that issue, our efforts. I believe that we have a common goal, that we have been working on that common goal for quite a while, that we proved through the years that we are devout democrats and fighters against Milosevic's detrimental policies, that we are committed to democratic, tolerant, peaceful, European, internationally-accepted ways of dealing with things and problems. At the end I urge you to have a little more patience, a little more trust and a little more well-intentioned sentiments about what's going on back home.

Thank you.

Mr. HAND. Thank you very much, Ambassador.

As I said at the very beginning, I thought that before we'd open it up to the audience, I would just go down the row in case any panelist wanted to say anything further.

If you could just take no more than a minute in making your additional comments and then we'll open it up to the audience. You don't have to do it. It's only if you would like to make any additional comments.

Mr. SERWER. I might just first express my admiration for the Ambassador's cool and very effective response to his critics.

I wonder though, isn't there an argument here for letting The Hague do its job? They cannot reform the judicial system in Serbia overnight. That's true. It's going to take some time. You don't want to be charged with misusing it. You don't want to rouse a great deal of agitation from the remnants of the Milosevic regime that still exists in Belgrade. I can picture their doing a great deal of harm, not only through demonstrations, but possibly also through other means to disrupt the base of democratic change in Belgrade.

Isn't there an argument here for sending this problem to The Hague where the evidence has been compiled for years and allowing the trial to take place there which seems to be a solution that a large number, if not a majority, a large number of people in Serbia are coming to approve?

Ms. BISERKO. I would also thank you, Mr. Ambassador for your remarks, but I would like to emphasize the Republika Srpska is really the major threat, not only to Bosnia, but also Serbia itself, considering its internal problems which are not focused yet at this moment. I would primarily focus on the minority issues and then wording the statutes and struggle identify which really opens up Pandora's box. I think there is sort of open season for all these territorial requests. In this sense, I think the Serbian appropriate position of Republika Srpska would also have Serbia to stay together, although this is, I think in the interest of Serbia really to support Bosnia's unity.

Thank you.

Ms. BANG-JENSEN. Thank you. I don't want the Ambassador to leave with the impression that we are not all wishing the new government well. We are all thrilled by what happened in October. We just want the victory to live up to its promise.

With respect to the need for more time to change public opinion, I think really the people, as evidenced by polls, are ahead of the leadership on this issue. Sixty percent within the last month, 66 percent indicated in a poll this month that they favor transfer of the indictees to The Hague. Over 60 percent indicated they supported the transfer of Milosevic himself.

Also, there's really no evidence that the leadership has tried, as the leadership has done very successfully in Croatia to explain to the people, to lead the people even more and strengthen what is apparently support for that concept in the first place.

Thank you.

Mr. HAND. Dr. Lyon?

Mr. LYON. I would like to say I understand the plea for time and I think it's a very appropriate plea, but we should also keep in mind that the Kostunica government, at least, on the federal level has already been in power for more than 100 days and the republic government has yet to be power for 100 days and they do need time on the republic level. But we all know that within the first 100 days of any administration, whether it be in the United States or in any other country, one can get a good sense of the direction that particular administration or government is headed in. To date, as far as the first 100 days of the Kostunica administration are concerned, not the changes, but the Kostunica, signs are not encourag-

ing. I think it's particularly interesting that I can go to Bosnia and pick up a Bosnian Muslim newspaper and read an article written by a Bosnian Muslim reporter about war crimes committed by Bosnian Muslim military forces against Serbs and Croats. I can go to Zagreb and pick up a Croatian newspaper and read an article written by a Croatian reporter about Croatian war crimes committed against Muslims and Serbs. I can go to Serbia and pick up a Serbian newspaper and read an article written by a Serbian reporter about Croat and Muslim war crimes committed against Serbs, but nowhere can I find a single article discussing the Serbian war crime record against the other minority ethnic groups. Therefore, one should ask himself, what role is the government going to take in leading out, that attempting to reeducate the populace about the events that occurred and how can it lead out and as Nina said, get out in front of public opinion?

Mr. HAND. Ambassador?

Amb. PROTIC. Well, first, it seems to me that Mr. Lyon doesn't read much Serbian press but likes better Muslim and Croat press, so I urge you to read a little more of Serbian press. I just brought some, so I can give you a copy or two.

Another thing is, Kostunica government is a wrong expression. That does not exist in Serbia. There is a Bush government here in this country, but Kostunica's government does not exist in Yugoslavia. It's a parliamentary system in which there is a Prime Minister and where the President is only a symbolic figure and that government on the federal level is a coalition government between Montenegrin Socialists and the democratic opposition of Serbia, which in some ways is a really awkward combination that we were pushed into because our Montenegrin democratic friends decided to boycott the September elections. For that reason and for that reason only that government was on some issues very ineffective. Nevertheless, that's the situation we have.

The other possibility for us was to remain in the opposition and leave the federal government in Milosevic's hands. He could have formed a government with Montenegrin Socialists. It took us some effort to persuade Montenegrin Socialists to join with us in the federal government because we felt at that time—and we still do—that persuading them to join was a much shrewder thing to do, but that is in many ways a political problem. We cannot do everything we want in that government, and neither can President Kostunica. So I heard today much talk about Kostunica this, Kostunica that. The President of Federal Republic of Yugoslavia is not the President of the United States of America and his prerogatives of power are much more limited than in a pure presidential system as you guys have here in this country. So you should have that in mind.

Now the problem about The Hague, why don't we allow The Hague Tribunal and its officials to come and do our job back home? For a couple of reasons. The first one, because we don't feel that's something that a serious government does. We can cooperate with The Hague Tribunal. We can accept and respect their findings, their procedures, their existence, their importance and jurisdiction. Nevertheless, we cannot call someone from the outside and do something that we are responsible for. We want elections in Yugoslavia. Nobody else. Our promises are to our voters, not to the international community. It wasn't the international community who brought us to power, but our voters. That's our prime responsibility, and people in this country should understand that better than anybody else.

That 60 percent of the people who believe that Milosevic should be sent to The Hague that tells you something about the job we've been doing in the last few years. That's not something that came out of the blue. That's a result of an activity taken by the democratic opposition of Serbia and that's a result of media campaigning, of appearances and talks of the politicians, some of them, most of them, who talked about that.

So that tells you that we have done a great deal to prepare our domestic public for a move of that sort, but Milosevic has to be arrested by our police force, so that we can prove that we are in control of our law enforcement and that we are capable of dealing with an issue of such great importance.

I can tell you that no one in the international community will be very enthusiastic about taking him, sell the job of putting Milosevic under arrest because he's got his private guard which could be pretty dangerous. So even from that respect, it's up to us to do it and believe me, it's not going to be easy. But we are ready to do it. And we are doing everything to prepare that move. That is going to be done before March 31st, I can assure you about that too.

Thank you.

Mr. HAND. Thank you very much. At this stage I will open the floor to the audience for any questions that they have for anybody on the panel. If I call on you, if you could come up to the floor mike, this briefing is being transcribed and so we need to hear your voice in the microphone. If you could identify yourself, point out which of the panelists you are addressing your question and then just ask a brief question, as brief as possible so that we can get as many people in as we can in the time remaining.

So I'll now open up the floor and I'll start right here. I saw your hand first.

QUESTIONER. I am Susan Glasstein. I am a free-lancer here in Washington. My question is for the Ambassador.

Mr. Ambassador, you were one of the first in the wake of the Kosovo war to actually stand up and say that it was time for the Serbs to acknowledge the crimes that had been committed in their name. I think it was in July of 1999 and I think it was in Cacak. Forgive me if I misquote you.

I appreciate your bid for time and the need of the new government to consolidate its power and to the fact that it is going to take time, as you say, to reform the judiciary, etc. What I am wondering about, you speak about the rhetoric here and I also agree that the balance of power on this power looks very skewed.

Why is there so little or no rhetoric coming out of Belgrade? If President Kostunica's position is only that of a figurehead, if, as we understand it, he doesn't have that much power constitutionally, why is he not asserting the bully pulpit and saying that this is what needs to be done as opposed to the opposite? Reportedly, he said in his meeting with the prosecutor of the Tribunal that, in fact, the Serbs were largely the victims, that most of the crimes were committed against them. There was none of the courage that you exhibited then the end of the Kosovo war.

My second question relates to your statement in your last moment of testimony about your responsibility being to your voters rather than the international community. The international community rolled out the red carpet for the new leadership in Yugoslavia and has welcomed Yugoslavia back into many international institutions. I am wondering how obligated your government feels as a state to therefore abide by the rules of the club that you've been invited back into. That is, do you want to be able to pick and choose which U.N. Security Council resolutions you abide by? I am not speaking of you, I am speaking of the government—I mean 1244 is okay, but those authorizing the Tribunal are not okay? It seems to me that as a state—and you say this is not something a serious government would do, it is incumbent upon Belgrade to comply with these international obligations.

Amb. PROTIC. Yes, thank you for both questions.

Yes, I was the first one to talk about the atrocities committed in our name in Kosovo, but unfortunately, after that speech that I gave in Cacak, a lot of that stuff happened to Serbs in Kosovo. As you very well know, close to 200,000 Serbs were expelled from Ko-

sovo. We've got more than 2,000 missing people from 1998, 1999 that we don't know what happened to. So a lot of that stuff has been happening from the other side just as well. So if we now talk about responsibilities and guilt and what was done in whose name, things become much more relative than they were right after the end of NATO campaign. That's why I believe that many people back home, between politicians and statesmen, feel differently now than we did then because what happened in Kosovo after NATO entered the region, surpassed our nightmares. It was worse and even today it's not much better.

Just the other day, as you very well know, a terrorist put a bomb on a bus where 11 people were killed, civilians, Serbs that were going from Mitrovica to Gracanica. I mean, what are we talking about? That was right before the very eyes of KFOR. So whose responsibility is that? Are we going to talk about that? Are we going to mention it at all? Is there anybody responsible for that? Is that a collective responsibility of Kosovo Albanians or is it only the responsibility of some extremist leaders of Kosovo Albanians? Are those outlaws? Or is that the main line of Kosovo Albanian policies? What is it? I don't know. I frankly don't know but would like to hear an answer.

So if we talk about responsibility that we feel for something done by Milosevic and his government, that we've been fighting against for 10 years exactly because of those types of policies, then I believe that we have the right to talk about anybody else's responsibility just as well.

In answer to your second question, of course, we are ready and prepared to take every international obligation that is put to us, but what I talked about is political responsibility. Our political responsibility is to our people as is any other government in this world. International obligations go without saying.

As for any other government in this world, we haven't asked for anything or we haven't got anything more than anybody. That's all we ask for. A fair share, an equal position, a role as for any other government of this world. We are not responsible for what Milosevic did, and I can tell you something else. Our people are not responsible for what Milosevic did. What our people did in September elections and October revolution proves that better than my words. That's the only revolution in all of Eastern Europe which was done without an international agreement before it was done.

Let's not forget that in 1992, Milosevic was portrayed by the international community as—and I quote—"Butcher of the Balkans." In 1995, he became—and I quote again—the "major factor of peace and stability in the region" only to be indicted for war crimes in 1999. So if we talk about consistency, we can talk only about our consistency because we've been against—we've been fighting against him from 1990 on. Even in times when the international community was trying to find a compromise with him and was pampering him all over. Even in those days, we were against him. So we proved to be pretty consistent in what we believe in.

QUESTIONER. Wayne Merry with the American Foreign Policy Council, formerly on the staff of the Helsinki Commission.

My question is also to the Ambassador. Mr. Ambassador, I am afraid most of the questions probably will be to you. It's part of your welcome to Washington.

(Laughter.)

I would like you to expand on one remark that you made in your prepared statement in which, as I understood you, you said that the judicial proceedings that would be taken against Milosevic within Yugoslavia, within the FRY, would address not only his various crimes against people in Serbia, but also accusations of misdeeds throughout other parts of the former Yugoslavia.

My question is, given what you have acknowledged, or the deficiencies in the time required for complete reform of the judicial system in Serbia, how are people who have legitimate complaints in other parts of the former Yugoslavia to find justice? How would your authorities pursue such a judicial procedure in ways that legitimacy of justice could be achieved? Could the people who have charges to bring come to Belgrade and expect to find justice there? It seems to me the only way that those people could expect to find justice is if Milosevic and other individuals were to be handed over to the judicial systems in Sarajevo, in Pristina and in Zagreb.

For the same reason that the Croatian Government would not wish to surrender one of its own citizens to the judicial system in Belgrade, therefore it chooses to give them to the court in The Hague. Is it not ultimately a more practical option, even given the difficulties, for your government to make use of the existence of The Hague Tribunal as a way by which legitimacy of justice, in what has been called the wars of the Yugoslav succession, can be achieved, rather than trying to achieve that through those of Serbia?

Amb. PROTIC. I've tried to avoid those technical issues about how a judicial court functions, and which one is better, and what is necessary to prove someone's accountability. I am a lawyer, but I am trying to avoid those issues because they are too complicated and pretty boring in many ways.

I cannot really imagine Milosevic's trial where thousands and thousands of witnesses are going to come from all over, giving testimonies and asking for their own justice. Any criminal court in the world does not function that way.

So I don't believe that could be an obstacle, especially we talk about accountability for war crimes. So I don't believe that organizing a trial to Milosevic in Belgrade is something complicated or difficult to do, including all of his misdeeds. He should be taken accountable for everything he did, not only for one thing.

To me, it's pretty appealing that none of you guys are interested in other stuff that he did, but only for this. Like you're ready to forgive him for everything else bad that he did, and any serious and responsible judicial system and authority should have in mind every single crime or offense that was done by a certain individual, and if we talk about Milosevic, the list is pretty long.

We are now trying to apprehend him on the grounds that seem to be the easiest ones to prove and once we get hold of him, it is going to be much easier to open up a number of elements of his accountability.

I can only add to this that sometimes I admire the level of self-confidence of the officials of The Hague Tribunal and sometimes I am not so sure that the prospects of really proving Milosevic's guilt would be such an easy thing to do because he is well known for only giving verbal commands, so it's very difficult to find evidence for those types of things. Secondly, in general, commanding responsibilities is very difficult to prove, very difficult to prove. Ask any serious attorney and he'll tell you the same thing.

QUESTIONER. Yes, could I ask the Ambassador just as a follow-up on that particular question, me, personally, I'd like to see Milosevic go to The Hague as well. He needs to go there, but assuming the case that you had made regarding his status is correct, giving that benefit of the doubt, there are other indictees in Serbia, people who were on the ground when certain atrocities were committed. I would say, for example, those that were in Vukovar, which is well-documented crime. The evidence seems pretty clear regarding the crime and the people who were indicted were there on the ground, apparently giving orders at the time.

What is the prospect for the transfer of any of the other individuals indicted by the Tribunal?

Amb. PROTIC. I believe pretty good, but we now are concentrating on Milosevic as an issue because we understand that the international public opinion would not be satisfied with individuals that you mentioned and that's why the present policy of the Serbian Government is to get hold of Milosevic as soon as possible. Nevertheless, I believe these people that you mentioned whose accountability seems to be very clear that we won't have a problem with those people, but we are now trying to apprehend Milosevic as soon as possible and again prove to the international community that we are committed to deal with the most important people.

Mr. HAND. Thank you. Second row here and then in the back.

QUESTIONER. My name is Zoran Hojar, International Monetary Fund, retired. I have a question to Mr. Serwer, primarily, but not necessarily only to him.

The problems again, the one that I found, we have so much concern over here, with the exception of the Ambassador of just one issue. It's The Hague and Milosevic. I think the Ambassador implicitly mentioned this: especially with regard to Milosevic, we are overlooking the crimes which are committed in Serbia by Milosevic for 10 years, the crimes of corruption, issues of power, murders, a number of murders which were committed. These are crimes that are not under the jurisdiction of The Hague Tribunal. I am not a lawyer, so I cannot claim anything, but in my view the proper procedure would be that Milosevic is tried in Serbia, first for these crimes committed against the Serbian people and again in terms of misuse of power against the other countries in the region; that he be condemned, sentenced and then sent to The Hague to be tried for the crimes of international aspects. This would be much more important for the Serbian people to understand that these crimes, especially the crime of misuse of power, cannot be gotten past without taking steps against them, and this is very important for the future.

I think also this would also be very important for the international community. Thank you.

Mr. HAND. Dr. Serwer, would you like to respond?

Mr. SERWER. Well, I don't think I did focus exclusively on that point, but to respond, partly the answer has to be a legal one and I am not a lawyer, but my understanding is that The Hague Tribunal trumps national prosecutions if it wants to. Partly the answer is one of what's right in the eyes of different people. I mean it is true that most Serbs think he should be tried in Serbia for crimes against Serbs first. That's correct. But there are an awful lot of other people out there who suffered not only murder, but war crimes, crimes against humanity, even genocide still to be decided by a court. It seems to me pretty obvious that some of those charges should trump at least corruption charges inside Serbia. That's the way these things seem to me to work, but I am not a lawyer.

Ms. BANG-JENSEN. Yes, just to echo, clearly the Tribunal has primacy, but that's really not the answer. Logically and in theory, it makes perfect sense for Serbia to deal with this first itself, putting aside the international law issues. But unfortunately the judicial system is not going to be ready for a very long time so that a trial could be held that is not or will not be seen as just an effort to get a political enemy.

Anyone knows from societies that are in transition that it is a very long period for an independent judiciary to be created, rule of law to be established. So regrettably, in that long period, Milosevic and his network of cronies—and they have substantial political and financial power still, we all know that—will continue to exercise power and pose a threat to the new government, in much the same way that Karadzic continues to do. He's out of office, and still he is continuing to affect politics in the Republika Srpska. He's out there.

Ms. BISERKO. I would just like to remind you that Milosevic had very wide support in

our society. He was elected several times. I think this is something that we shouldn't forget, and I think this is making his case even more difficult for society. So for The Hague to deal with it rather than the society which is trying to scapegoat—he is the most responsible by all means, but there is also some sort of wider responsibility of all of us who have lived there, even those who were against him. It's a historical responsibility, and I think that we have to face that. It's not so simple just to point out Milosevic now which is necessary, but we should face ourselves. Thank you.

QUESTIONER. Obred Kesic, ICN Pharmaceuticals. A couple of questions. First of all, Jim, in addition to being wrong, I think you were also slightly disrespectful to one of your fellow panelists, Sonja Biserko, in terms of your statements of not being able to read any criticisms and accounts about what Serbs have done in the name of Serbdom to Bosnian Muslims, to Albanians, etc. She and a number of other people have spoken out, including Bishop Artemije, in Serbian publications. Radio-92 just rebroadcast in its entirety the Minnesota Public Radio program on atrocities in Kosovo. So I raise that because these broad sweeping statements are dangerous when you start making them, especially when you have someone on your panel who has spoken out as well—actually, two people have spoken out, but in particular, Ms. Biserko.

Two other things, Jim, and a particular question to you. The way you lay it out it would seem that all the problems in Bosnia stem from the Republika Srpska and this relationship with Belgrade. But it strikes me you left out one important fact about this agreement that was signed between Yugoslavia and the Republika Srpska, and that was that Wolfgang Petritsch was involved in the negotiations and was a witness to the signing. I recall he's the head person representing the international community's interest in Bosnia, and it seems that doesn't quite square with your dire accounts of what this means for Bosnia. Could it be that, in fact, this is what President Kostunica has been saying, a way of guaranteeing that Bosnia-Herzegovina remain a unitary state because it guarantees that there is a balance of interests between the neighboring states and a partnership with those neighboring states? I raise that just for your consideration.

The second issue is that it strikes me as a bit odd that here we are focusing all of our attention on whether or not Milosevic should be punished when there seems to be unanimity that he should be punished for something or another. Especially when we are looking at the issue of The Hague because we are sitting here and a body of government and the United States in which we, as a people, feel very strongly that our citizens shouldn't be extradited to these international institutions. In fact, our Congress is about to pass a series of Congressional resolutions saying that very thing, saying basically to the international community that President Clinton's signature on the Rome Treaty should be disregarded because we have no intention of honoring it. So I ask you, what's more important in this particular case, pressing Serbia, risking greater instability in the region over the issue of this international tribunal or trying to build a durable peace and stability in the region, knowing full well that a component of that is holding people like Milosevic accountable.

Mr. LYON. Thanks, Obred. First of all, I'd like to respond to the comments about the media. Quite frankly, I don't count the Helsinki publications among Serbia media because they are not daily media. I've read all of them. I've seen them all, but when I am talking about *Reporter*, *Blic*, *Danas*, *Glas*, *Nin*, *Politika Vreme*, just publications, I am sorry, I just don't see the evidence and I read those papers every single day.

I am sorry I missed a Radio B92 broadcast, but I also happened to notice on TV the other night Alexa Buka who was speaking at great length about a number of issues and he

certainly is not one of the forces for freedom and light in the Balkans.

So—

Amb. PROTIC. So he should be banned from speaking?

Mr. LYON. I didn't say he should be banned, but I think it's interesting that he and other such individuals are given a prominent amount of air time in the media.

Amb. PROTIC. Come on, what are you talking about?

Mr. LYON. Let me just finish. As far as the agreement with Republika Srpska, I've read the draft and I've read the final copy. It does call for more transparency. That is correct. However, what that is actually going to mean in practice—we have seen numerous agreements in the Balkans that have been signed on numerous occasions that at the end of the day mean absolutely nothing.

What will be interesting will be to see the text of the annex that will be negotiated to this agreement. As I said, that is going to be the true marrow of the agreement, to see what it really means, because right now the agreement that we have that was signed yesterday is simply a bunch of nice words on paper and means absolutely nothing. It has no concrete provisions whatsoever.

So until we see the annex that is negotiated as a follow-up document, all we have is a nice set of words.

I should also point out that the international community, Wolfgang Petritsch and the OHR, were not even paying attention to the creation of this agreement. This agreement in its initial draft form was snuck under the radar screen by, I believe, it was Mr. Cavic. It was only after some alert action by certain members of the international community that they forced the OHR to take action and go and force them to rewrite it, to become the agreement that it is today which is essentially a bland non-agreement, simply stating we like each other and we want to have special arrangements. Once again, we have to wait to see what it says in the annex to the agreement.

Mr. HAND. Did you want to make—

Amb. PROTIC. Let me just add a couple of words about this. It strikes me that no one here really mentioned that the Croats in Bosnia just the other day proclaimed their own autonomy, which is absolutely in discord with the Dayton Agreements, and we are talking about what's behind the Serbian intentions towards Republika Srpska and there we have a very clear cut example of how difficult and how complicated the situation in Bosnia all together is. That's something that we could have expected if we knew a little more about the—what is this, Serbian blackout? Okay.

About the history of Bosnia and Herzegovina. Another point. I don't like these implications about collective responsibility and historic responsibility of any nation, because those are very dangerous notions.

We in the Balkans have lived through the last few centuries in wars and bloodshed and crimes and hatred and intolerance. That's our destiny. There has been a lot of that going around. Every nation, and almost every individual, in the Balkans has something deep down that is making him feel as a victim. It's about time to end that period and to understand that what happened in the past was a part of our unwillingness to cope with European standards. Europe went through the same type of deal throughout the 18th century and 19th centuries. We in the Balkans are a little late and went through the same type of tragedy throughout the 20th century. Essentially, it's the European phenomenon, a little late and for that reason much bloodier than it was in Europe. Well, it's not fair to say much bloodier, a little bloodier than in Europe.

Nationalism is a European phenomenon, but we should learn our historical lesson. Let's not talk about nationalism and the Balkans as something special, something different, something that does not exist or did not exist anyplace else in the world.

Nineteenth century Europe was characterized by nationalism. Nation state was a major point, major idea of every European nation throughout the 18th and 20th century. The concept of the great whatever state is not a Balkan phenomenon, and for sure, it's not Serbia. It's Italian, German, Greek, you name it. The first concept of a greater state is an Italian one. Read Mazzini. But we in the Balkans came a hundred years later, and some of those concepts were exploited and abused by some of the dictators in the Balkans. Milosevic is the worst of all of them, but essentially he wasn't a true nationalist. He was the last communist dictator in Europe who used nationalism only to mobilize the population for something that he believed, that he started to believe in when he was 17. And one of the most serious misconceptions of the West was to portray Milosevic as a devout nationalist, and a number of mistakes were committed because they didn't understand his ideology or they did not want to understand his true ideology. Now that's another topic.

Mr. HAND. Sonja, you wanted to comment?

Ms. BISERKO. Again, I would like to emphasize it's not Milosevic's problem only, as he is the most responsible person by this selective sort of focusing on the issues of nationalism as a European problem, which it is, but we are talking about Serbia now. We are not talking about a European past. We are really faced with enormous problems in society, and we have to look how to get through til March 31, and not now recall all the histories in Europe. We are here to see how quickly we can proceed to fulfill some commitments that we have by the end of the month. I think it's not good for us to deny all the responsibilities which are not as we now belong to everybody around us in the world. This war was unique, by the way it was documented, the evidence that exists. I think we waste time by explaining that Milosevic is not a nationalist. He was the personification of the problem. Therefore, whether he was a nationalist is not relevant here. I would say that we really have to deal with the issue, which is much deeper. But he's first to go to The Hague and this is something that we should be focusing here.

Mr. HAND. Here in the third row.

QUESTIONER. Thank you very much. Mr. Hand, I want to compliment you on making it possible for the great first amendment rights of the United States of America to be expressed here and I must confess at the risk of going back to an era when some of you in this room weren't even born—

Mr. HAND. Could I ask you to identify yourself, please?

QUESTIONER. I am sorry, yes, that's a good question. Let me get my wallet out. My name is Birch Bayh.

In my first administration of the Indiana General Assembly many long years ago, there was one gentleman who, whenever a particularly contentious issue about which there were several inverse points of view was on the floor, told the same story every session for 8 years. Namely, he would say, "Ladies and gentlemen of the House, this reminds me what it's like when a blind man is asked to describe an elephant." We have heard from a number of very sincere, honest, well-intentioned individuals. They have different perspectives, and I think it's good to get all those on the table. I had the privilege of being asked by Milan Panic to be one of his advisors when he was asked by President Cosic to come over and serve as Prime Minister of Yugoslavia, and I think the record will show he did a pretty credible job. He found out that the power to do what he really needed to do existed only in the presidency of Serbia. So he embarked upon what many of us thought at the time was a

fool's errand, really, to try to run against Milosevic in that election for President. The polls showed that Panic had a wide lead over Milosevic—the polls that were taken among the public. But when the time came to count the votes, Panic went down to a rather inglorious defeat. But that was really the first concrete, although perhaps not effective, opposition. But having been there at the time, you could sense the support of the Yugoslav people for something different. They didn't get it then. They did get it this last year.

The second week in December, three or four of us who had a relationship to ICN Pharmaceutical, which is one of the largest manufacturing plants outside of Belgrade that had been confiscated by Milosevic, went over and we talked to a number of the newly-elected officials. Now this was just before the December election. Mr. Ambassador, you were very gracious and let us talk to you. But I came away with the impression that here were people who had been elected in their own capacities, and I was reminded of the response of Robert Redford in the last scene of that movie "The Candidate" where he had surprised everybody and won a seat in California in the U.S. Senate, and he turned to his campaign manager and he said, "what do we do now?" And it seemed to me that the Ambassador, the Mayor of Belgrade, and all of those who, through the democratic process, had suddenly put into effect an opposition to get Milosevic out of power, were struggling with the fact that it's a lot easier to win an election than it is to run a government.

Now I think they're trying to run a government. Former American Ambassador to Yugoslavia Scanlon was one of those who was with us. He held a rather significant panel seminar of the American-Yugoslav Business Council, and it's clear that there are three or four dozen American companies that are looking for the opportunity to come back in there and invest. I think it's important for us in the United States, if I may say, not to do anything that will lesson the opportunity to stimulate that economy. When you have hungry people, when you have wrinkles in your stomach, when your babies are cold, then a knight on the white horse looks a lot more interesting than a step-by-step democratic government.

So Mr. Ambassador, I would like to ask you one question. I frankly would like to see Milosevic go to some place that begins with H and it's not The Hague. When his time comes, I think that will be taken care of by a Greater Power. I don't want to see him made a martyr. I don't want to see the Seseljites come out from underneath the rock, as they have a great capacity to do, and make the democratic process take a back seat.

I would like to ask you, Mr. Ambassador, and I think you are an excellent choice to represent your country here, but what can we in the United States, what can our government do to help your government, Kostunica, Djindjic et al., what can we do to help you possess the tools to accomplish what everybody in this room would like to see you accomplish? There is no simple solution to this. This is a very complicated situation. Could you give us three or four steps of a positive nature that we can take? Milosevic is obviously going to be in the mix, but are there some other concrete steps we can take? Steps that have nothing immediately to do with Milosevic, but which can give Djindjic and his government the means to sustain power so that we don't have to worry about other political forces coming back and destroying the progress that you've made.

Mr. HAND. Ambassador?

Amb. PROTIC. Money. The answer is money. We are in a desperate economic situation back home, and our government, especially the Serbian Government, is very much concerned about its prospects of not only remaining in power, but dealing with problems that we have. Those are much worse than we expected. We knew that the economic situation in the country is terrible, but we couldn't imagine how bad it is.

Now that we have to comply with the standards of the International Monetary Fund, the situation is becoming even more dangerous, because at the same time we have to keep our currency stable. We have to limit our budget, and we have to double the price of electricity, which is going to put enormous pressure on the population. We are faced with the prospect of social unrest in the country.

If you have such a tremendously difficult situation in mind at the same time when we have to deal with those important issues of apprehension of Milosevic, the High Tribunal, negotiations with Montenegro, accusations of being involved in Republika Srpska internal affairs—you can only imagine how difficult our position is.

So we sort our priorities and try to solve some of those issues in order to be able to survive in power and continue with democratic reforms in the country, reforms which cannot be made in a month or so. It's a process. We lived 60 years under communism, 10 years under Milosevic's degenerated face of communism, so we have found a country virtually without any institutions that we can hold on to. We now have factual power, some kind of even virtual power in our hands, but no vehicle with which to act. And we are at the same time dealing with problems and building institutions. That's a tremendous endeavor where we need enormous assistance, financial and otherwise. That's our greatest challenge, because we are not going to get any place if, in a few months, the Serbian Government is forced to resign or even the federal government is forced to resign. Then we are going to ask ourselves what really happened, how did it happen and we are going to have panel after panel discussing and analyzing what really happened.

But we do have responsibilities, and we have to take care of that because that's what people expect from us. We won elections since September on a campaign that we promised better life in the country. We didn't win elections on The Hague Tribunal issue. I am sorry to say that, but that's the truth. With that type of agenda, we wouldn't stand a chance. That was what our American advisors were telling us to do, that type of campaign. That the new government is going to bring better life to our population. That's what governments are there for, are they not? And that's our major concern.

Forgive me for saying that, but the well-being of the population of Serbia for me is the first priority before anything else.

Mr. HAND. If I could ask just one quick question. Sonja had mentioned it in her presentation, but it's really for anybody on the panel who would like to discuss the issue a little bit further: that is the issue of the amnesty law and whom it has and has not affected. I think it's been welcomed by the fact that the amnesty law was passed and that it has allowed thousands upon thousands of young men who evaded the draft for not wanting to participate in what was happening in Kosovo to be able to return home. It also will allow approximately 100 additional Kosovo Albanians to be released from what I understand. I'd like to get some clarification of that. I think in terms of the Albanian prisoners, there's some that have been imprisoned for common offenses, but there's still several hundred that will be left in prison now for several years and are not covered by the amnesty law.

This is an issue that is very important here in the Congress and I'd like to have a little bit of a clarification of what the situation is for these prisoners not covered for the amnesty law. I think there's an acknowledgment that they were charged for crimes that they did not commit, that their trials were not fair by any stretch of the imagination and while there's a desire to try to have additional time to let things play out, these are people who are sitting in prison losing valuable years of their own lives and causing a lot of distress for their family members who there are reports that sometimes they are turned away from being able to see them, things of that sort.

So I was wondering if I could get some response, perhaps from the Ambassador and Sonja, I don't know if James or anybody else would also like to comment on this issue as to what is the status of these individuals? One, when will the ones who were amnestied be released? When will those who were wrongly charged be released and when can we get a resolution of this issue which seems to me to be a rather simple issue to resolve?

Amb. PROTIC. Well, it strikes me again that you talk only about Albanian prisoners in Serbia, but you haven't mentioned the missing Serbs in Kosovo, and the numbers are pretty balanced there. There are a couple of thousand Kosovo Albanian prisoners for whom we at least know that they're alive, that they're in prison, and how long they're going to stay there. We have at least 2,000 missing Serbs from Kosovo for whom we cannot get even information as to whether they're alive or not. And KFOR, UNMIK, nobody, Albanians, there is no one who can tell us if those people are alive at all. Most of them, as in the case of Kosovo Albanians imprisoned in Serbia, were not involved in any hostile activity in Kosovo, but were taken hostage and disappeared after the Kosovo Albanians reentered Kosovo, together with KFOR.

So my question is why, what is the reason that we cannot get that type of information? Does the Helsinki Committee have any more information about it than we do? Why is that such a big thing to do?

Mr. HAND. Can I just say for the record that the Helsinki Commission has had several hearings in the past on Kosovo where we have addressed these very same issues. We've had Bishop Artemije testify before. Our members have traveled over there. They've visited Gracanica and have heard directly about the situation for the Serbs there, and they also raised these very same questions with international officials.

The Helsinki Commission very much cares about this particular issue. At the same time, we don't believe in linking these issues. I think we could all agree that the people in Serbian prisons should not be held as hostages. It should be just the other way around. The Commission would reject that view, I believe and I would hope that everybody would feel the same way about it.

Amb. PROTIC. But no progress whatsoever.

Mr. HAND. Sonja?

Ms. BISERKO. Yes, I would like to also emphasize that Albanian persons are also missing, and I will say that my information regarding missing people is really the worse kind because all these families are the most affected and it's dramatic. We have been in touch with many families of the missing on all sides, and I think this is not really an issue to link with people who are in the prisons at that point, because missing people are obviously dead on all sides, including Albanian and Serbian. So I would say that would really be a gesture from our side to release these people as soon as possible, and that would also be progress toward our goal at the end of the month. I have heard this morning that there is sort of an effort from the Minister for Justice, Mr. Grobic, and also President Kostunica, to pardon some of these people. I think that should be done really quickly, because this is creating tension additionally in Kosovo. It would be a breakthrough to have some sort of real actions which will show that the two sides have changed position toward each other.

Thank you.

Mr. HAND. Right here and then right here.

QUESTIONER. Andy Lumas, Search for Common Ground. We clearly have a difficult dilemma in front of us. Either the U.S. Government releases the aid and sets a precedent of funding a government that may not have made as much progress as it should have, or it abides by U.S. law and we withhold the money and set the danger of a serious anti-West-

ern backlash in Serbia.

My question, Dan, is for you. I wonder if you could address that question. You mentioned a short litany of steps the U.S. Government could do. I'd like you to hone in on that and in terms of what the U.S. Government can do to possibly support the people of Serbia, but yet not set the dangerous precedent. I'd be interested in the Ambassador's response.

Mr. SERWER. I believe that the expectations that the Congress expressed in October have actually had quite a positive impact in Serbia. I had the privilege of being there speaking with the Forum on International Relations when those conditions first passed, and I spoke about them right there on the spot and there was a good deal of resistance to them. People were upset about it. But at the same time it's my reading that over the past few months, the clarity with which we stated our expectations up front was actually very helpful and I think it's clear from some of the Ambassador's remarks that it has made people think hard about what they can realistically do in this period. I want to make absolutely clear what my hope is.

My hope is that March 31st will bring a certification, but a certification on the basis of the facts, not just a waiver. I think I did outline a number of things that I think could be done. The Ambassador has, I note, already promised at least one of them. That is the arrest of Milosevic. It's my hope that will be followed by extradition proceedings. I think it will be followed by a request from the Tribunal to be considered in Yugoslav courts, and it's my understanding that President Kostunica said the other day that he would leave it up to the courts. That represents, in my reading, some progress, so I wish he'd be a bit more enthusiastic about it.

I think that it's extremely important to match what Croatia did with respect to Bosnia. Make the assistance public and phase it out. I think a major effort at reform inside Yugoslavia should be started. I've been hearing about movement in that direction now for months, since I was there in October, and I am enthusiastic for that idea, but the fact of the matter is you've had some appointments of people who were directly involved in repression in Kosovo and I don't see the massive effort at reform that is really required in Yugoslavia.

In any case, there are a few weeks left and it seems to me that those weeks should be well used, not just to cherry pick—"the international community wants this, we'll give it to them, we won't give them that"—but to develop a real strategy for meeting not just the requirements that the U.S. Congress has put forward, but for meeting a lot of expectations that there are in the international community for change—for more reform inside Yugoslavia.

I would also just comment since it may be my last chance to say a word that it's quite clear that the reason why the Panel is unbalanced is that it takes four of us to tackle you.

Amb. PROTIC. More, more, next time bring some more.

Mr. SERWER. I want to say I always knew you would be a fine Ambassador in Washington, but this inaugural, at least my hearing you is—makes it quite clear and you're most welcome to Washington.

Amb. PROTIC. Thank you. I believe that the American Government has two choices, generally speaking:

1) to work with the democratic Government of Yugoslavia to bring our country to where it belongs, to believe in us, to advise us, to cooperate with us, to teach us how to achieve what we all believe in.

Or 2) to continue to put various conditions to our government and act always as a kind of a final sort of a judge who decides whether we have accomplished conditions that were set up for us or we haven't, which is a different type of relationship, a different type of our future policies.

I believe that there shouldn't be any doubt about what the new Serbian and Yugoslav Government is committed to do, and that we have proved to be devout Democrats. There's no reason to set any type of conditions. We can work together and achieve what we both want without always having that type of attitude. Will you be able to fulfill those obligations by March 31st? What if we fulfill those obligations on April 1st? What's going to happen then? Or April 5th or May 1st?

Is that going to be done in vain just because March 31st is the deadline and if we don't comply with our obligations by then, then the hell with us? We are not worth it?

It's as tremendous a responsibility, I believe, on the American Government as it is on us. If we decide to work together, I believe that we are much closer to achieving what we want than if we continue to act on the basis of the attitude that the American Government had towards Milosevic. But it's up to the American Government and officials and administration and establishment to decide which way they want to go. Our only chance is to repeat over and over again that there's no reason for that. There's an alternative path towards the future which is much better for both sides than this type of condition-setting attitude.

Mr. HAND. Thank you. This will be the last question and then I think I'll ask each one of the panelists if they want to take just one quick minute to sum things up and then I'll close the briefing.

QUESTIONER. Thank you, Mr. Hand, very much. Good afternoon. I am Father Irinej Dobrijevic, Office of External Affairs of the Serbian Orthodox Church here in Washington, D.C. Several elements which have been brought out today from this panel keep recycling themselves in my mind. One is the issue of repatriation, which begs with it the issue of minority rights, human rights and so on. The other is the matter of time. Everything must be done expeditiously.

I come from a church which, contrary to what Dr. Lyon has said, has openly and officially as an institution condemned all atrocities on all sides regardless of perpetrator. As you will recall, during the expulsion of the Albanians from Kosovo, the Serbian Church openly, much to its unpopularity, condemned anybody who took part in that and, equally so, condemned the NATO bombing campaign. Crime is crime, regardless of perpetrator. These are crimes against humanity, regardless of who calls for them or how they are summoned. They are crimes.

That in mind, it seems on this panel—which lacks equity and our Church always strives for equity—Serbia is being portrayed as a pariah state, and I find that very difficult to accept. Ms. Biserko, you in your remarks mentioned the minority issue is being sidestepped. I find—correct me if I am incorrect—that Serbia is the only remnant state of the former Yugoslavia which is still multi-cultural, multi-ethnic, multi-religious. America, through NATO, went into its bombing campaign to save a multi-cultural, multi-ethnic situation in Kosovo and created a mono-ethnic state in which xenophobia is absolutely rampant, much more so than ever before. It has destroyed whatever semblance of peace could have been had.

We hear this mention of time: quickly, everything must be done quickly. We have a March 31 deadline. NATO, KFOR, UNMIK has had 20 months to bring peace to Kosovo and has thoroughly and completely failed to do so. The list of persons missing, the persons who have been murdered, the list of churches which have been destroyed, continue to grow, the violence escalates. It has not subsided. As a matter of fact, Bishop Artemije was mentioned. Every time he sits on a plane to come here and to testify and to speak and to address the situation at hand in his own diocese there, another church is brought down, another church is destroyed. Nobody condemns that, and I find that I am very resentful. I

must say that very honestly.

Dr. Lyon, you also spoke about the problem of repatriation in Republika Srpska. Does anybody mention repatriation in Croatia? I know that Ms. Bang-Jensen has written about this in the America media. My family comes from Croatia. My family is from the Krajina. All are gone. All of our houses are completely destroyed. The remnant of my family which is today in Zagreb cannot find a means of livelihood because they are so discriminated against that they must seek means by which they can move back to Belgrade. Recently, a bomb was detonated in the Serbian cathedral in Zagreb which also affected the Metropolitan's residence next door. Is this not xenophobia? Do you find examples of this in Serbia? Who has set off bombs in mosques in Serbia? Who has attacked Jewish synagogues? Quite the contrary. I have personally participated in inter-communion dialogue in Belgrade with the Chief Rabbi, with the Imam and so on and with Protestant leaders, and they seem to function openly and freely in that society, so I don't see the equity here. I don't understand this.

My question is very simply this: why the unnecessary constraints put upon Serbia, Yugoslavia, in order to meet artificially-set deadlines when time is needed, if the same is not going to be done with the UNMIK authorities who are not responsible for Kosovo? There is no sense of balance there whatsoever. Several months compared to 20 months do not make for an equal equation.

Then on the other hand, there was no international decrying of what happened in Krajina through Operation Storm. Try to repatriate those persons there and see how welcome they will be. See who can return besides those who are geriatrics and have no means of sustaining their lives except to return to die. I speak from first-hand experience. This is not some sort of fantasy or fabrication. So I would ask you when you would present in the future to look at that region in its totality and not to isolate and create an instance of one state being the pariah and everybody else being the fair-haired child or angelic children surrounding that pariah state. It simply doesn't make for an equitable situation.

Thank you.

Mr. HAND. James?

Mr. LYON. Yes, I'd just like to respond. I think you may have a few inaccuracies in your statement. I believe the successor states, the former Yugoslavia, Montenegro, Macedonia and Bosnia are still multi-cultural and multi-ethnic.

I don't believe I made any statements concerning the Church today. Have I said anything?

QUESTIONER. That's why I brought it up.

Mr. LYON. You had it as though I said something, okay. I wasn't discussing the Church, that's why I wasn't bringing it up. It wasn't part and parcel of what I was addressing today. That's a completely different topic.

Regarding repatriation, I think in Croatia and Krajina, I think this is a different topic. I have spoken out on numerous occasions. Today, we are focusing on a particular set of issues. We weren't focusing on the issue of Serb refugees returning to Croatia to the Krajina at all. If we were, I'd have a lot of interesting things to say about that too. We were focusing on a very discrete set of three particular questions, conditions that have created by the U.S. Congress, and I think we are trying to find out have these conditions been met or not.

The entire debate as to whether or not this conditionality issue should even be used in the first place, that's a completely different question. I am not even going to discuss now whether or not we should be putting conditions on Yugoslavia and whether or not we should be using this as leverage. That's an entirely different question. Today's purpose is, I believe, to answer the questions: Are these conditions being met, yes or no? Do we see

progress? Because of the three conditions, one of them, the question about conditionality of The Hague is very specific, listing three specific areas in which there must be progress. The other is simply stating there must be steps taken toward fulfillment of these conditions. I've tried to provide an answer in my particular area.

Regarding attacks in Serbia against ethnic groups, lately there have been attacks against ethnic groups, and I don't want to go into past history, but we soon forget that inside Serbia itself there was ethnic cleansing and destruction of a number of synagogues, excuse me, mosques, back in 1992, inside the Sanjak Region. I am not using that to justify anything, but I simply don't think we can say anyone is the good guy. Anyone who has listened to my statements in Bosnia knows the Croats think I am anti-Croat, and a leading Muslim on the front page of *Nevni Vas* said that I was anti-Muslim, and the Serbs have said I am anti-Serb, so I must be saying something right, that's all I can say if they all think that I am anti-them.

Amb. PROTIC. Maybe they're all right.

Mr. LYON. Maybe they are. But I think it was also an international outcry over the Croatian Operation Storm. I have heard quite a bit about it and there's still a great deal of international concern about their fate of the Croat refugees and I think we should also realize that the new government in Serbia is finally taking some positive steps to resolve the refugee issue. We shouldn't forget that. For some many years Milosevic used the refugees as political pawns, and it was in his interest to keep them in diplomatic and political limbo for his own purposes and only now are we seeing a government that is beginning to grant the refugees rights and begin to grant the refugees the opportunity explore the possibility of returning home. And I think the new government should be congratulated on that.

Mr. HAND. Sonja, you wanted to make a comment and then we'll go to the closing statements.

Ms. BISERKO. I would just like to make a few comments on minorities. Unfortunately, I have to say that minority issues have been neglected over the last 10 years and some of the minorities have been under special pressure like Muslims in Sanjak, like Croats, like Hungarians and Albanians, and many others have been neglected. This is the issue which is coming up slowly. Minorities have radicalized, as I mentioned, because of Serbian radicalism, and this is something that we have to look at before it really blows up. This is not to demonize the state, just to indicate, before it's too late, the problems which are realistic and which exist in the society. This also covers the rule of law and human rights issues. That's why I wrote it up, and not to demonize the country.

As my colleague has said, this is a place where we have to see how to help the country cope with the problems that are relevant for the international scrutiny of the situation in the country. And secondly, I must remind you that our organization has been working with refugees, and that apart from the Croatian problem, we have a problem with our government as well, because they were against it, especially in regards to Croatia. They wanted most of the Croats or citizens of Croatia to be in mixed communities, and this is also a problem. It generates problems between minorities and refugees, especially in Vojvodina. So these are all burning issues, and I really don't see why there are such sentiments against what we are saying because these are running problems and that's all.

Thank you.

Mr. HAND. Okay, we'll now go with some closing remarks. I am actually going to start with James Lyon because he has another commitment coming up pretty shortly, so I'll let him make his last remarks.

Mr. LYON. I'd just like to point out that the entire discussion on these issues of condition-

ality were actually quite productive. I think they've had a positive effect on the government, on the Yugoslav and the Serbian Republic Governments and I know it's putting a lot of pressure on them, but I think it also lets these governments understand that there are certain expectations from the international community.

Now as to whether the time framework that has been established is appropriate, as to whether or not there are better ways to deal with conditionality issues, I think that's a debate for a different time and place, but I think it's important that the Government of Yugoslavia and the Government of Serbia understand that the international community holds certain expectations for them.

Unfortunately, I think it's pretty clear if we look at the criteria that Yugoslavia is not yet in keeping with the three conditions. We see progress in some areas. There are other areas where we don't see progress. We would hope that the continued pressure would push the governments in a positive manner to somehow make progress in these areas because they're very critical and I think the long term health of Serbia, both psychologically and politically and economically is going to be in some regard connected to these conditionality issues whether we like to see them or not.

And once again, I'd just like to say it's been a pleasure to be here and I hope my comments have been thought provoking if nothing else.

Mr. HAND. Thank you. Ms. Bang-Jensen?

Ms. BANG-JENSEN. In summary, I want to respond to one of the questions earlier about the potential backlash if the United States does fail to certify. My response is that the new government in Belgrade has the power to prevent that from happening by making progress on each of these three conditions. As much as the new government in Belgrade has an obligation to meet its campaign promises to Serbia, so does the U.S. Congress have an obligation to its taxpayers to make sure that its assistance is going to the right purposes. Those purposes are to strengthen democracy, to strengthen the rule of law in a region that has seen very little of either. So I think, in fact, as James said, it is a very good thing for the debate within Serbia and certainly the debate within Congress and it's within the power of the new government to make sure there's a certification, a real certification.

Mr. HAND. Thank you. Ms. Biserko?

Ms. BISERKO. I would like to state that Congress conditionality really opened the issue of responsibility in our society. Otherwise it would be put aside and for 5 months it has been—the major issue which was discussed and Milosevic would not probably be so much in focus had we not had this conditionality, the only one which comes from international community. I think it immensely contributed to opening up this issue. I hope my government will be able to meet at least—or make progress in each of these fields which are required and be able to receive the help that is so much needed. This is all I can say. Thank you.

Mr. HAND. Dr. Serwer?

Mr. SERWER. Nine is right, the U.S. Congress has to be responsible to its voters and taxpayers just as the Serbian and Yugoslav Governments have to be responsible to its voters and taxpayers. I think the conditions are really imposed on us, not on Yugoslavia. That is, they have conditions that must be fulfilled if we are to spend our money. That's what it's all about.

My views that they've had the positive impact, I just hope that the next 4 weeks are used in this constructive a way as possible.

Mr. HAND. Last not but not least, Ambassador Protic.

Amb. PROTIC. I can only repeat the words that I said earlier when I was in this country in April of 2000. We had a panel at JFK School of Government at Harvard University, and one

of the panelists asked me how do I see the future of Serbia. I said we shall prevail. So I repeat that once again. We shall prevail.

Thank you.

Mr. HAND. And then of course, I always get the last comment as the moderator, and I want to first thank all of the panelists for the presentations that they have made. I would say yes, to some extent this panel is skewed. At almost every briefing and hearing of the Helsinki Commission, there is a certain skewing. I don't think we'd be human rights advocates if we did not skew towards criticism. I think undeniably the criticism that has been expressed has been credible criticism, constructive criticism and the whole purpose of this event was to bring forward some of these issues well in advance of any deadline in the hope that the concerns expressed could be considered, responded to and we are really appreciative that Ambassador Protic was able to come here and to respond to them almost immediately upon landing and I was really worried about all the weather reports, whether you'd actually be able to make it. But we don't always even invite the country of consideration to come and give a response, but we thought it was very important here and so I will take the comments that this was a skewed panel as a compliment of the Helsinki Commission and not a real criticism of it because that's what we do, we criticize in the hope that the criticism will indeed lead to the progress that we all want to see.

I would also say in conclusion, referring to the conditionality that has been put into U.S. law as somebody who didn't actively participate in all of that debate, but was inside and witnessed some of it, I would say generally speaking there's universal good will for Yugoslavia and for Serbia here in the U.S. Congress. That was part of the reason that appropriation of \$100 million was put in there and even those who had advocated these conditions want to see the conditions filled so that the assistance can continue. I don't think that there's any effort here to impose these conditions as a way of cutting off aid for Serbia, but several people, including the Ambassador commented on U.S. policies in the past that focused a lot on personalities, ones that are war criminals, but at one point were guarantors of peace, etc. I can't speak for my bosses. I have too many of them here in the Congress, even just on our Commission, but I do know that many of them were critical of those policies and the inconsistencies that it led to and the misperceptions that it led to in terms of whether or not the U.S. is supporting human rights or not.

A major effort or a major reason, I believe that this conditionality was put in place is because I think there is a desire not to focus on personalities, Kostunica or otherwise, but try to focus a little bit more on results and these were some of the areas where they would like to see results, so to conclude I would like to simply say that I hope that the criticisms that were raised today, whether it was from the audience and we've heard both sides on the audience or up here on the panel, are ones that we will all accept, but that will also be forwarded to Belgrade and that hopefully in the coming weeks we can see the progress that we are all asking for and that we can continue to work together towards restoring all the harm that has been done by Slobodan Milosevic in this last decade or even longer.

At this point I think I'll close the briefing and again, I'd like to thank the audience as well for their coming here and also participating in the discussion. Thank you.

[Whereupon, at 4:30 p.m., the briefing was concluded.]

PREPARED STATEMENT OF DANIEL SERWER

Thank you, Mr. Chairman. My name is Daniel Serwer. I am Director of the Balkans Initiative at the U.S. Institute of Peace, which has devoted an important slice of its resources to peaceful conflict resolution in Southeast Europe, including grants, training, fellowships, and research and educational activities. These remarks represent my personal views, but they draw liberally on discussions within our Balkans Working Group, which convenes from time to time experts from the Administration, the Congress, non-governmental organizations, academia, think-tanks, and international organizations.

It is a pleasure to be here today to discuss the progress of democratic change in Yugoslavia, the prospects for Belgrade meeting the objectives set forth by the U.S. Congress in the FY 2001 Appropriation, and the policy options available for continuing to encourage Yugoslavia to meet international community expectations.

Let me first make clear my enormous enthusiasm for what the democratic opposition in Yugoslavia has achieved in the past six months. Its electoral victory in September and the removal of Milosevic from office in October, followed by a stunning electoral victory in the Serbian Republic elections in December, clearly open the way for Belgrade to complete a democratic transition that had been stalled for more than ten years. I have been in Belgrade twice since Milosevic's fall. Important and irreversible changes have occurred there. The citizens of Serbia have every reason to be proud of what they have done and to look forward to a better future.

Yugoslavia today fulfills none of the U.S. expectations

That said, Yugoslavia today, less than a month before the March 31 deadline, fulfills none of the expectations the U.S. Congress established in the FY 2001 Appropriation. Let me review them one by one: establishment of the rule of law, cutting off assistance to separatists in Bosnia, and cooperation with The Hague Tribunal.

Progress towards the rule of law has been slow, leaving intact large parts of the Milosevic regime as well as an economy regulated more by corruption, organized crime and its political cronies than by legitimate government institutions. The judicial system has barely begun the long road towards independence. An Amnesty Law has left several hundred Kosovo Albanians accused of terrorism still incarcerated. Commanders who led the police and army in ferocious, criminal crackdowns both on Serb dissidents and on the civilian population of Kosovo are still in office. There is no hope for the rule of law so long as these people remain in place.

In Bosnia, I see no improvement in Belgrade's performance, even if it has made gestures intended to demonstrate respect for its neighbor's sovereignty. President Kostunica, who long supported Bosnian Serb separatists, has done nothing visible to reduce political, military, intelligence and material support to extremist elements there. Belgrade continues to provide the Republika Srpska Army with officers, it lends political support to the party of indicted war criminal Radovan Karadzic, and it controls intelligence structures inside Bosnia. I would note that Belgrade also continues to support radical elements within the Serb community in Kosovo.

With respect to The Hague Tribunal, Belgrade intends to increase cooperation, especially in providing evidence of crimes against Serbs. The Tribunal has opened an office in Belgrade and President Kostunica begrudgingly received the Chief Prosecutor. High officials in Belgrade are telling foreign visitors that Milosevic will soon be placed under arrest, but again for crimes against Serbs or the Yugoslav state, not for the crimes for which he has been indicted by The Hague Tribunal. While there is growing public support for Milosevic's extradition to The Hague, President Kostunica has been adamantly and publicly opposed, lead-

ing Yugoslavia in the wrong direction.

Are there circumstances, Mr. Chairman, that make it difficult for Yugoslavia to meet U.S. expectations? The answer is "yes." More than ten years of lawless dictatorship have left the country poor, demoralized and deprived of democratic institutions. Many Serbs are preoccupied with their own desperate situation and neither know nor care about the crimes the Milosevic regime committed against non-Serbs. Peaceful change has required that the new governments of Yugoslavia and Serbia move deliberately and lawfully. Moreover, Yugoslavia faces an armed rebellion in southern Serbia that has preoccupied the government and shifted the political spectrum in a nationalist direction.

Belgrade could still do a lot before March 31

Is there time before March 31 for Belgrade to fulfill the expectations the U.S. Congress has expressed? I will leave to others the legal interpretation of the Appropriation, but it is possible and desirable for Belgrade to move decisively before the end of the month to signal its intentions. Let me suggest steps that would convince me as an analyst that Yugoslavia is headed in the right direction:

- President Kostunica could state that he accepts not only the legal authority of the Hague Tribunal, but also the responsibility of Yugoslavia to extradite indictees.
- Milosevic and other Tribunal indictees in Yugoslavia could be arrested and extradition proceedings begun.
- Yugoslavia could commit to matching Croatia's efforts to cut off support to separatists in Bosnia, making assistance public and phasing it out.
- A similar effort could be made in Kosovo, in addition to releasing the remaining Albanian political prisoners held in Serbia.
- Yugoslavia and Serbia could announce major reforms to their police, army and judiciary, including retirement of Milosevic appointees, appointment of people not involved in Milosevic-era crimes, and retraining of lower-level officials.

The United States should weigh its limited policy options

If steps of this sort are not taken, U.S. policy options are limited. The previous Administration provided an array of positive incentives intended to support the democratic transition. Yugoslavia has been welcomed back into the international community, including the United Nations, the OSCE, the IMF and the Stability Pact. Sanctions, except those targeted at the remnants of the Milosevic regime, have been lifted. While many in Europe share American objectives, the European Union—the largest current source of aid to Yugoslavia—has refused to condition its assistance. U.S. aid, at \$100 million dollars this fiscal year, is relatively small and provides little leverage.

There are, nevertheless, steps the United States can take. It can:

- shift assistance to democratization and humanitarian aid, funding exclusively non-governmental organizations and municipalities, many of which share U.S. objectives.
- seek support from European allies—little visible effort of this sort has been made.
- oppose World Bank membership for Yugoslavia.
- move, through NATO and the civilian missions in Bosnia and Kosovo, to end Belgrade connections to extremists there.
- clarify that NATO cooperation in ending the rebellion in southern Serbia entails Belgrade's assistance in areas of U.S. concern.

- end opposition to Montenegrin independence and shift support from the Yugoslav government to the Serbian government, which more fully shares U.S. objectives.

Each of these steps has pros and cons. The U.S. Institute of Peace does not advocate specific policies. But in my personal view these options merit serious analysis and consideration over the next few weeks.

Mr. Chairman, Belgrade remains in many ways the key to stability in the Balkans. It is crucial that the transition begun there progress towards a truly democratic conclusion, freeing Serbia of the burdens of the past and enabling the United States to be enthusiastic about supporting its more prosperous and secure future.

PREPARED STATEMENT OF SONJA BISERKO

Thank you Mr. Chairman. My name is Sonja Biserko. I am the Chair of the Helsinki Committee for Human Rights in Serbia. I am grateful for being invited to take part in this important event for my country. I would like to stress how much I appreciate what the United States and European Union have done for our region and how much effort has been made to establish peace in the Balkans and still is being made. You have approached the new Yugoslav government with great trust by giving them a grace period of six months to show what they want and can do. However, it is important also to provide basic conditionalities/obligations they have to fulfill. Strides have been made, but crucial issues have remained untackled.

March 31 is fast approaching and President Bush has to make his decision on assistance to Serbia. His decision will be of crucial importance for further developments in Serbia. But it is also important to bear in mind that a moral and legal framework is imperative to enable Serbia move forward. The minimum criteria to be fulfilled are: cooperation with The Hague Tribunal on war crimes, full compliance with Dayton Agreement and substantial progress on establishing rule of law in Yugoslavia, are crucial for the democratic development of not only Serbia but the entire region. In short, I believe that none of the three conditions have been met to merit certification. Judging from the current trajectory of the Yugoslav federal government's policies, it is not apparent that they can be met by March 31.

I would like to make few comments regarding the internal dynamic in Serbia and legacy of the last ten years. The last September and December elections have opened up certain possibilities, though the legacy of the former regime will continue to weigh heavily. This legacy includes the fundamental issue confronting the issue of war crimes, a devastated economy, wrecked institutions, moral desolation. The new Belgrade government has made some encouraging moves, but has also demonstrated pronounced reluctance to confront major issues: war crimes responsibility and redefinition of the constitutional framework.

Avoiding cooperation with The Hague is against the interests of Serbia, against the stability in the region and in the Europe. Lack of progress on this issue has a negative spillover on the domestic front and on the neighboring states, at the time when they (Croatia and Bosnia) are struggling to stabilize democracy and rule of law. Transfer of Slobodan Milosevic and his collaborators to The Hague will help bring the stability to the region, as rightly pointed out by Madam Carla del Ponte, and not vice-a-versa.

The new government is under strong pressure to initiate substantive cooperation with The Hague. Cooperation with The Hague is the state obligation but also the test of its credibility. The issue of war crimes is polarizing the society. However, facing the scope of crimes committed is painful need for all citizens. It is an issue of honor and dignity. It is the issue of future.

International support for the constitutional status quo in the FRY is the second major issue that will demonstrate the democratic substance and potential of the new authorities. I would like to quote a pertinent expression here "I met History once but he ain't recognized me." In a way history in Yugoslavia is still happening but many in the international community have not still be able to recognize it. In order to make this process peaceful, efforts need to be taken by the United States and the European Union.

Not acknowledging these the process of dissolution may bring the total collapse of Serbia and the region. We must never lose sight of the larger picture and the effects of development in Serbia on the evolving stabilization and reconciliation in South-East Europe.

Another serious concern is also the new government's relations to Republika Srpska. President Kostunica statements are contrary to the Dayton Agreement and thus to his international obligations. He says that "everything has to be done so that Republika Srpska, the state in the foreign state of Bosnia and Herzegovina, stays as independent as possible, and to preserve all its attributions of the independence, and normally to establish as close as possible relations between RS and Serbia". It is also worthwhile mentioning that Mladen Ivanic during his recent visit to Washington, made similar arguments such as: a joint army is not possible, The Hague Tribunal is anti Serb, the borders should not be controlled, the US Ambassador and the High Representative are preventing him to follow the political will of his people. Two days ago commenting new Agreement between FRY and RS he pointed out that "there are no reasons why should FRY not finance the army of the RS, since the Croatia does the same with the army of the Federation"

This intransigence has directly emboldened separatist Bosnian Croats, who push for a "Croat entity" in Bosnia. It also has placed a heavy burden on the new government in Zagreb. The new authorities not only have been postponing the extradition of the indicted war criminals, including Milosevic, but have also been eagerly moved to cement their relationship with the RS at the expense of the single, democratic, united future of Bosnia and Herzegovina and all its constituent peoples.

Serbia is still focusing on the state question without learning the lesson from the experience gained during the disintegration of Yugoslavia. The perpetuation of an exhausted model is not only pushing Montenegro away but it is affecting future Serbian-Montenegrin relations. Relations with Vojvodina are also becoming irritated, it does not demand state autonomy but demands its identity. The same is with Sanjak.

Serbia's prospects depend on the constant widening of the existing small room for freedom. It also needs to focus on itself. There is no current program which attracts the citizens' attention. There is feel of despair, since the changes come slowly. There is no common position of the new government on the key issues. There is also lack of professionals. The country has additionally feudalized through split of power among the 18 parties of the DOS coalition. Society is undergoing deep frustration. Pro-fascist elements are gaining support, xenophobia, anti-Semitism and anti Roma sentiments are growing.

The issue of minorities is being sidestepped. The aggressive ethnic nationalism of Serbs over the years has also radicalized the minorities. The best example is the situation in the south of Serbia. In this crisis of mutual distrust it is difficult to negate collective rights which have apparently been articulated in the case of Yugoslavia through the Council of Europe Framework Convention on the Minorities. Minority law should be passed immediately and confidence- building measures should be conducted under international organizations, including the Council of Europe and OSCE.

Last but not least, I would like to say few words about Kosovo Albanian prisoners. Unfortunately new Amnesty Law just passed in the Federal Assembly applies to Serbian political prisoners and conscientious objectors. Only 108 Albanians are to be released, while 500 more are still in prisons. Even our federal Minister of Justice Mr. Momcilo Grubac has said that "A number of ethnic Albanians have been charged and tried for terrorism. Even a cursory glance shows irregularities in the prosecution of a considerable number of cases". Their continued incarceration illustrates a lack of will to help reduce ethnic tension in Kosovo which is one of the main ways available to Belgrade.

Mr. Chairman, I would like to end my remarks by acknowledging the major role of the United States, and this Congress, played in bringing about the peace, and in preventing the war in Macedonia. Therefore, it is of utmost importance that the US sustain its leadership

role in the region. Your careful and wise calibrating and channeling of the international response and policy towards the FRY and the Government in Belgrade makes a crucial and indispensable difference. I am sure you will continue your good and historic work in the South-Eastern Europe for the benefit of peace, the primacy of fundamental human rights, the spread of democracy and stability in the region and Europe as a whole.

PREPARED STATEMENT OF NINA BANG-JENSEN

With the Congressional deadline of March 31 looming, it is clear that the Serbian and Yugoslav governments have come nowhere close to complying with the Congressionally imposed standard requiring cooperation with the International Criminal Tribunal for the former Yugoslavia before substantial U.S. bilateral and multilateral economic assistance may be extended. There have been many excuses from Belgrade, but little action. A presidential certification of Serbian and Yugoslav compliance under Section 594 of the 2001 Foreign Operations Assistance Act, despite Belgrade's failure to make any serious efforts at cooperation with the tribunal, would have grave consequences for reform and stability in Serbia and throughout the region.

There are at least six, and as many as 15 publicly indicted war criminals in Serbia. Five months after Slobodan Milosevic was overthrown, and two months after the installment of a new government in Serbia, Belgrade has yet to detain any indictees, let alone transfer any to The Hague. The recent opening of a tribunal office in Belgrade is welcome, but it has been plagued with bureaucratic obstacles and does not represent significant progress. Indeed, a high-level tribunal source tells us that the level of cooperation from Serbia is the same now as when the office was open under Milosevic – a time when investigations were limited to crimes against Serbs and could generally proceed only when investigators were accompanied by Serbian officials.

The lack of concrete progress on tribunal cooperation is likely due to Yugoslav President Vojislav Kostunica's sincere nationalist convictions that the tribunal is anti-Serb and unjust because it has not investigated the 1999 NATO intervention, an action Kostunica has called "senseless, unnecessary, irresponsible and largely criminal." Kostunica has explicitly linked the tribunal's refusal to investigate alleged NATO war crimes to his refusal to transfer Slobodan Milosevic to The Hague.

This core belief of Kostunica's—that Belgrade should not cooperate with an "anti-Serb" tribunal—has been cloaked in numerous other, more reasonable-sounding excuses designed to ease pressure from the West. Indeed many of these excuses seem to have found resonance within the State Department, leading to public statements from State Department officials urging a lenient interpretation of the March 31 criteria. However, these excuses, like the contention that the tribunal is anti-Serb, do not stand up to scrutiny.

There is a reasonable concern among many in Washington that applying too much pressure on Belgrade to fully comply with its tribunal obligations could spark a nationalist backlash and undermine reformers—but the evidence is to the contrary. An opinion poll conducted in Serbia last month showed that 66 percent of respondents favored the transfer of indictees to The Hague, with 60.3 percent specifically supporting the transfer of Milosevic to The Hague. Over half (51 percent) of those polled thought their government would transfer Serbian indictees to the tribunal. The Serbian and Yugoslav justice ministers and the Yugoslav Deputy Prime Minister have in the past spoken in favor of full compliance with the tribunal. In short, there is a majority constituency in Serbia that supports full compliance with the tribunal, but compliance will only materialize if the March 31 deadline is publicly wielded as leverage to pressure hard-liners in the leadership.

President Kostunica, Serbian Prime Minister Zoran Djindjic, and others have claimed that the Serbian constitution forbids delivery of Milosevic and other Yugoslav nationals to The Hague. This assertion has been given credence by some western policymakers, but this assertion is false. Serbian constitutional experts, among them Yugoslav Justice Minister Momcilo Grubac, have pointed out that the constitution forbids extradition of Serbian

citizens to other states, but not their transfer to an international tribunal.

Another excuse raised in Belgrade and sometimes echoed here and in Europe, is that the new governments face daunting tasks—economic and political reform, the unrest in Southern Serbia, relations with Montenegro and the future of Kosovo—and that compliance with the tribunal, therefore, cannot be a priority. However, hard-liners in the new Serbian and Yugoslav leadership must be made to realize that fulfilling their commitments to the UN Tribunal is not inconsistent with addressing what they regard as more important priorities. In fact ridding Serbia of war criminals well connected with organized crime organizations will aid political and economic reform, and strengthen the rule of law. The new leadership in Serbia and Yugoslavia currently enjoys widespread popularity. If it can not deal with the war crimes issue now, then it will be all the more difficult down the road when the public becomes impatient with the pace of economic recovery, as has been the pattern in all Eastern European countries in transition.

Many have argued that Serbia should not be required to send Milosevic to The Hague, but should be allowed to try him itself on other charges, or host a trial in Serbia run by the international tribunal. Contrary to suggestions otherwise, the Chief Prosecutor at the tribunal, Carla Del Ponte, has stated unequivocally that the tribunal will not hold a Milosevic trial for war crimes outside of The Hague, and that Milosevic must first face trial there for war crimes before facing other charges in Belgrade. The Tribunal's position is well founded in law. Security Council resolutions established and then reinforced the tribunal's primacy of jurisdiction over domestic prosecutions for war crimes in the former Yugoslavia. Furthermore, conditions for a safe and fair trial in Belgrade are nowhere near adequate. Protection for witnesses, prosecutors and judges would not be guaranteed, especially given the level of nationalist vitriol directed at the tribunal by President Kostunica and others. Kosovo Albanian, Croatian, Bosnian Muslim, and even Serb prosecution witnesses would doubtless fear for their safety, especially since violent mafia organizations thought to have links to the accused continue to flourish in Serbia. Even a domestic trial of Milosevic on corruption charges held now would be dangerous and difficult, more so now than later because the long process of judicial reform has only just begun.

Furthermore, the same rules that apply to Zagreb and to Sarajevo should apply to Belgrade. Most prosecutions for war crimes in Croatia and Bosnia are being handled through their domestic systems. Where the Tribunal has exerted primacy, however, those governments have transferred indictees. In earlier years when Croatia did not do so, the international community—led by the United States—exerted strong conditionality on economic assistance.

If Belgrade does not fulfil the Congressional criteria for funding by March 31 and the Administration chooses to certify it anyway based on a weak standard of “progress” based principally in wishful thinking rather than facts, there will be serious negative ramifications for stability in Serbia and the Balkans, and for U.S. policy options there.

A spurious certification would undermine the real reformers in the ruling coalition—the same individuals who also have sought more aggressive reforms in other areas. By coddling Kostunica and other hard-liners at the expense of more pragmatic and less nationalist members of the ruling coalition, the mistake of U.S. policy toward Russia in the early 1990s is repeated. By putting support for individual leaders above support for policies, we are in danger of undermining true reformers who would otherwise rise to the top.

The current Croatian government has faced strong western pressure and taken genuine political risks to comply with the Hague tribunal. Creating a separate standard for Serbia will fuel nationalist anger within Croatia against the reformist government in Zagreb and

teach that obstructing tribunal compliance might have been a reasonable alternative to the reformist approach.

An unearned presidential certification of Serbia's compliance with the criteria crafted by Congress would undermine efforts in Serbia at establishing the rule of law. Serbia has an unambiguous legal obligation to fully comply with the tribunal. If it feels it can skirt the law with a wink and a nod from the United States, then the message will just be reinforced that it is acceptable for nationalist policy desires to take precedence over laws—a concept that Belgrade must overcome if it is to progress and become a stable democracy.

Finally, an unearned presidential certification of Belgrade's compliance with the tribunal would undermine the crucial NATO missions in Bosnia and Kosovo, prolonging the need for U.S. troops there. Not only has the new leadership in Belgrade failed to turn over any of the publicly indicted Bosnian Serb war criminals in Serbia, but in January Yugoslav President Vojislav Kostunica even went so far as to raise the prospect of granting them political asylum in a bid to protect them from prosecution. Among those Bosnian Serb indictees still in Serbia is wartime army commander Ratko Mladic, indicted for genocide for among other things, the Srebrenica massacre. NATO sources have also reported that the indicted wartime Bosnian Serb leader Radovan Karadzic also spends time in Serbia. Until these men are arrested and transferred to The Hague, they will lend hope and power to ultranationalist forces in Bosnia, destabilizing the country and delaying the day when U.S. troops can leave. Likewise, Belgrade's failure to transfer to The Hague the five leaders publicly indicted for war crimes in Kosovo—among them Slobodan Milosevic—only feeds acceptance among ethnic Albanians for the current wave of extremist acts in Kosovo, Southern Serbia, and Macedonia. Rewarding nationalist policies in Belgrade not only sidelines Serbian reformers, but also moderate forces in the Albanian community.

In adopting Section 594 as law, Congress has provided a service to the true reformers in the DOS coalition and to the citizens of the former Yugoslavia by explicitly setting forth the minimum standards for eligibility for U.S. bilateral and multilateral economic assistance. This law has impressively defined and guided the international debate about aid to the region. Without it, there is little doubt that the debate about progress by the new government, within and without Belgrade, would be even less rigorous than it now appears to be.

It would be a great mistake now for Congress to allow the Administration to define the law so loosely to deprive it of any meaning in the mistaken notion that now is the time for carrots instead of sticks. That tack has been tried in U.S. Balkans policy before and it does not work. Holding firmly and consistently to standards does.

The language of the law is clear. It requires that the President certify "that the Federal Republic of Yugoslavia is ... cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension." If Congress accepts a lesser standard for certification, it is sending a troubling message to the new Administration, to leaders in the Balkans who have met their obligations to the Tribunal, to reformers within Belgrade who understand this fundamental obligation and, most importantly, to the hundreds of thousands of people in the region who lost relatives, homes and livelihoods in the worst carnage on European soil since World War II. The first Bush Administration stood up for these victims before by vigorously supporting the establishment of the Tribunal. Now is not the time to abandon them by interpreting this straightforward standard in anything less than a rigorous, commonsense way.

Cooperation cannot be certified now because it does not exist.

PREPARED STATEMENT OF JAMES P. LYON

Probably the most overlooked of all the conditions created by the Congress for certification is that of Yugoslav aid to Republika Srpska. Republika Srpska is a political entity that covers approximately 49 per cent of the territory of Bosnia and Herzegovina. An ethnically clean mini-state, Republika Srpska was created in 1992 by indicted war criminal Radovan Karadzic and his political party, the Serbian Democratic Party, known as the SDS. Karadzic and his cohorts, working hand in glove with Slobodan Milosevic and Belgrade used genocide, organized rape camps, concentration camps, and ethnic cleansing and the mass destruction of civilian homes to create the forced resettlement of nearly one million people. Today's Republika Srpska is a state created by war criminals using war crimes.

At the signing of the Dayton Peace Accords in November 1995, the Republika Srpska leadership committed itself to adhering to international human rights standards and to allowing all non-Serb refugees to return to their pre-war homes. This has not happened. Since 1995, the SDS leadership has consistently and openly violated the letter and spirit of the Dayton Peace Accords, while attempting to maintain an ethnically pure territory. Those few refugees who attempt to return are met with terror, bombings, shootings, arson, some of which is organized by the RS police. RS politicians have consistently and flagrantly obstructed most efforts at civilian implementation of the Dayton Peace Accords. In their efforts they have received financial, military and political support from Yugoslavia. This support continues to this day, and the Kostunica government has not shown the willingness to begin to change the situation.

As a result, the Republika Srpska leadership continues to actively oppose U.S. government policy and international community policy in Bosnia. As a result, civilian implementation continues to go far slower than desired. As a result, the security situation throughout Republika Srpska continues to be highly unstable for non-Serbs. And most importantly, because of continued Yugoslav support for Republika Srpska, the U.S. government is forced to maintain a large and expensive troop presence in Bosnia. Until Yugoslavia changes its policy of support for Republika Srpska and the SDS, the U.S. government cannot even begin to contemplate troop reduction in Bosnia. Until Yugoslavia discontinues this aid and stops supporting the ultra-nationalist war criminals in Republika Srpska, the United States will be forced to maintain an expensive and substantial military presence in the region. For this reason alone, the issue of Yugoslav support for Republika Srpska is of vital national interest to U.S. foreign policy.

The FRY is funding RS in three significant areas: The Army of Republika Srpska, the Interior Ministry (police), and the Counterintelligence Service.

The single largest area of Yugoslav support for the RS is the Army. All the officers in the Army of Republika Srpska – at last count approximately 300 -- as well as the approximately 2,100 non-commissioned officers hold dual rank in the Yugoslav Army. They receive their paychecks from Belgrade, as well as their retirement pensions. The chain of command for the RS Army does not stop in the RS capital of Banja Luka. It continues all the way up to the General Staff in Belgrade. All RS Army officers receive free schooling at the Military Academy in Belgrade. Last year this form of aid alone may have amounted to as much as \$8,838,274. ICG analysts have noticed continued free and unimpeded movement of military vehicles across the Bosnia-Serbian border in both directions. As a result the RS Army acts as a branch of the Yugoslav Army.

The Yugoslav government continues to finance the RS Army, in a non-transparent manner. Interestingly enough, much of this aid does not appear in the official Yugoslav gov-

ernment budget, and appears to be transferred through “black” funds by the Yugoslav Army and Yugoslav security services. The 2000 budget for Yugoslavia does not mention aid to RS.

In 1999 the RS Army officially informed the OSCE that it had received \$13.3 million in military aid from Yugoslavia. Yet, at the same time the far smaller Bosnian Croat Army, the HVO, reported that it received \$ 55.8 million in aid from Croatia. What is wrong with this picture. Is it possible that the far larger Army of Republika Srpska received less than one quarter of the financial aid from Yugoslavia than did the much smaller HVO from Croatia. The answer should obviously be “NO.” The Army of Republika Srpska received and is receiving far greater amounts of aid from Yugoslavia than officially reported. Accurate financial estimates for 2000 and 2001 are not available, although some in the RS government have reported that Yugoslav aid has now dwindled to approximately \$8.5 million, or perhaps to \$15 million, depending on the source. In sharp contrast to Croatian President Stipe Mesic, who openly stated that he would reduce and then altogether eliminate Croatian government funding for Bosnia’s Croats, Yugoslav President Vojislav Kostunica has yet to make similar statements or undertake similar planning.

In addition to funding the military, the Yugoslav government is funding the KOS, the dreaded Counterintelligence Service, which has set up espionage networks through Bosnia and the neighboring states. So too, the FRY appears to be funding the Interior Ministry, which controls police forces throughout Bosnia. Currently no accurate information exists regarding the levels of support either of these two institutions receives from Yugoslavia.

In other, more troublesome areas, Vojislav Kostunica appears to actively oppose international community policy and efforts in Bosnia. Kostunica’s current policies towards Bosnia have strengthened the SDS and obstructionist forces in Bosnia, in open disregard of international community policy. Although Kostunica has now officially re-established diplomatic relations with Bosnia and visited the country three times, in many regards his policy towards Bosnia is worse than Milosevic’s. Kostunica’s rise to power accompanied a significant increase in FRY support for the ultra-nationalist Serbian Democratic Party (SDS) of indicted war criminal Radovan Karadzic. During the November 2000 general elections officials of Kostunica’s Democratic Party of Serbia (DSS) openly campaigned for the SDS inside of Bosnia, and Kostunica’s first visit to Bosnia was to attend an SDS campaign rally, thinly disguised as the reburial of a prominent Serb ultra-nationalist poet, Jovan Ducic. Kostunica’s support for the SDS has encouraged that party, which continues to represent a significant and serious obstacle to implementation of the Dayton Peace Accords.

Yesterday’s signing of an agreement regulating special relations between the RS and FRY is simply a continuation of this policy. The date of the signing—on the most significant Muslim holiday of the year, Bajram—prevented Bosnia’s Foreign Minister Zlatko Lagumdžija from attending the ceremonies, and may have been chosen as a deliberate insult to Bosnia’s largest ethnic group. The agreement does nothing to reduce FRY military support to RS.

Although FRY has now recognized Bosnia diplomatically, Kostunica has refused to issue an apology for war crimes committed by FRY and the Serbs, while reiterating what is no doubt his true belief—that all sides committed war crimes in equal numbers. Kostunica has never spoken out openly against Republika Srpska joining Serbia, as Croatian President Stipe Mesic has done regarding Bosnian Croat pretensions towards joining Croatia. In another contrast to Mesic, Kostunica has not undertaken any actions to halt FRY aid to the Bosnian Serb military and security forces. Most troublesome, Kostunica is attempting to link the final status of Kosovo to an RS secession from Bosnia.

Kostunica's Bosnia policy will result in continued western frustration with implementation of the Dayton Peace Accords in Republika Srpska, as well as a strengthening of separatist Serb elements in Bosnia. It will also force the United States to maintain troops in the Balkans for an indefinite period of time. In short, Kostunica's current policies towards Bosnia are in blatant opposition to U.S. Government policy and international community efforts in Bosnia. In this regard, the FRY is not in compliance with the U.S. Congress requirements for certification.

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