

**Helsinki Commission Hearing:
The Future of Human Rights in Kosovo
May 26th, 2005**

Statement of Representative Christopher H. Smith, Co-Chairman

Today's hearing is very important, because the issues surrounding Kosovo are developing at a rapid pace. Having cooperated with him on a number of Helsinki Commission initiatives in the past, including efforts to combat trafficking in persons, I was pleased that Under Secretary of State Nicholas Burns appeared before the House International Relations Committee last week. I am confident that the high-level U.S. engagement on Kosovo his personal involvement represents will have positive effect.

Similarly, I want to thank our distinguished witnesses here today for their willingness as officials of the United Nations and the Department of State to discuss the situation in Kosovo. I enthusiastically welcome your participation at this public hearing, despite the sensitivities and emotions that obviously surround the debate on Kosovo's future.

While the question of Kosovo's status is important, we must encourage those most directly concerned to arrive at the answer through democratic processes and dialogue. Whatever determination is made regarding Kosovo's status, respect for internationally-agreed human rights is a prerequisite. Unfortunately, six years after the conflict, the human rights situation in Kosovo is still not a good one, particularly for minority communities who live in enclaves and for the displaced. We must condemn the sporadic acts of violence, the refusal to permit people to return or move about freely, and the destruction of homes and places of worship. The violence should not be allowed to happen, especially when a peacekeeping force and international police are on the ground.

Regardless of what status is being advocated – independence for Kosovo, autonomy, or something else – it is only reasonable to insist on the guarantee of basic rights and freedoms for all people of Kosovo.

Mr. Chairman, I am hopeful that the mid-year review of the implementation of standards will look closely at what is actually happening on the ground. The review should show the way toward improving the respect shown for human rights.

Over the years, the Helsinki Commission has held numerous hearings relating to Kosovo. At times, the focus was necessarily on the plight of Kosovar Albanians and the repression they endured during the years of the Milosevic regime. We also brought attention to those Albanians who were held in Serbian prisons after Milosevic was ousted. We pressed for their release! Later, it was necessary for us to focus on the plight of Serbs, Roma and others living in Kosovo as minority populations. We called upon Kosovo's Albanian majority to respect the rights of others – just as they themselves deserved. We've focused on the situation in Serb-controlled Mitrovica, as well as on finding out what happened to missing persons, regardless of their ethnicity. We've

called for the prosecution of those responsible for war crimes, also without regard to which side they represent. Last year, we condemned the outbreak of violence in March 2004 and the targeting of people's homes and their places of worship.

In examining these issues at hearings and in meetings, Members of the Helsinki Commission have listened to many different viewpoints and arguments. I believe we have a good idea what the problems are. Today, I hope we can get some sense of what can be concretely done about them, and whether the international community has the will to ensure that something is done, that the right thing is done.